

A BILL

*i n t i t u l e d*

An Act to amend the Lotteries Act 1952.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title**

1. This Act may be cited as the Lotteries (Amendment) Act 2013.

**Amendment of section 9**

2. The Lotteries Act 1967 [*Act 288*], which is referred to as the “principal Act” in this Act, is amended in section 9 by substituting for the words “one thousand ringgit or four times” the words “two thousand ringgit or eight times”.

**Amendment of section 10**

3. Subsection 10(1) of the principal Act is amended by substituting for the words “three years, or to a fine not exceeding ten thousand” the words “six years or to a fine not exceeding twenty thousand”.

**Amendment of section 10A**

4. Section 10A of the principal Act is amended by substituting for the words “three years or to a fine not exceeding ten thousand” the words “six years or to a fine not exceeding twenty thousand”.

**New section 12A**

5. The principal Act is amended by inserting after section 12 the following section:

**“Sureties on second or subsequent conviction**

**12A.** (1) If a person who has been convicted of an offence specified in the Schedule is again convicted of the same offence or any other offence specified in the Schedule, the Magistrate may, in addition to the punishment provided for the offence, make an order requiring him to give security for a period not exceeding one year by one or more sureties that he will not offend against this Act.

(2) If a person who has been convicted for the second time of the same offence or any other offence specified in the Schedule, is subsequently convicted again of the same offence or any other offence specified in the Schedule, in addition to the punishment provided for the offence—

(a) he shall be liable to a further imprisonment of not less than two years but not exceeding five years; and

(b) the Magistrate shall make an order requiring him to give security for a period not exceeding one year by one or more sureties that he will not offend against this Act.

(3) An order to give security under subsection (1) or (2) shall be made as nearly as may be in the same manner and shall have the like effect and consequences as if the same were an order to give security for good behaviour under section 74 of the Criminal Procedure Code [*Act 593*].”.

**Substitution of section 13**

6. The principal Act is amended by substituting for section 13 the following section:

**“Forfeiture**

**13.** (1) Anything including any property which is proved to be the subject matter or was used in the commission of an offence under this Act shall be liable to forfeiture.

(2) Anything including any property forfeited under this section shall be presumed to be an illegal property under Chapter XLIA of the Criminal Procedure Code and shall be dealt with in accordance with that Chapter.

(3) The provisions of Chapter XLIA of the Criminal Procedure Code shall apply with necessary modifications for the purposes of seizure and forfeiture of property under this Act.”.

**New section 19**

7. The principal Act is amended by inserting after section 18 the following section:

**“Power to amend Schedule**

**19.** The Minister may, by order published in the *Gazette*, amend the Schedule.”.

**New Schedule**

8. The principal Act is amended by inserting after section 19 the following Schedule:

“SCHEDULE

1. Section 10
2. Section 10A”.

## EXPLANATORY STATEMENT

This Bill seeks to amend the Lotteries Act 1952 (“Act 288”).

2. *Clause 1* seeks to provide for the short title of the proposed Act.
3. *Clauses 2, 3 and 4* seek to increase the penalty of offences under sections 9, 10 and 10A of Act 288.
4. *Clause 5* seeks to introduce a new section 12A into Act 288 to provide for the punishment of imprisonment which shall be imposed by the Court to any person convicted for a second time for the same offence under Act 288 who is subsequently convicted again of the same offence.
5. *Clause 6* seeks to substitute the existing section 13 with a new section 13 in relation to a presumption of illegal property and the application of Chapter XLIA of the Criminal Procedure Code [Act 593] with regard to the procedure for forfeiture of property under Act 288.
6. *Clause 7* seeks to introduce a new section 19 into Act 288 to empower the Minister to amend the Schedule.
7. *Clause 8* seeks to introduce a new Schedule into Act 288 in line with the amendment proposed in *clause 5*.

*FINANCIAL IMPLICATIONS*

This Bill will not involve the Government in any extra financial expenditure.

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