

A BILL

i n t i t u l e d

An Act to amend the Pool Betting Act 1967.

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ENACTED by the Parliament of Malaysia as follows:

Short title

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

Amendment of section 18

2. The Pool Betting Act 1967 [*Act 384*], which is referred to as the “principal Act” in this Act, is amended in subsection 18(2) by substituting for the word “five” the word “ten”.

Amendment of section 21

3. Subsection 21(1) of the principal Act is amended by substituting for the words “one year or a fine not exceeding one thousand ringgit” the words “two years or a fine not exceeding two thousand ringgit”.

Amendment of section 22

4. Section 22 of the principal Act is amended by substituting for the word “one” the word “two”.

New section 22A

5. The principal Act is amended by inserting after section 22 the following section:

“Sureties on second or subsequent conviction

22A. (1) If a person who has been convicted of an offence specified in section 21 is again convicted of the same offence or any other offence specified in section 21, 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 section 21, is subsequently convicted again of the same offence or any other offence specified in section 21, 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].”.

New section 24A

6. The principal Act is amended by inserting after section 24 the following section:

“Forfeiture

24A. (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.”.

Amendment of section 30

7. Subsection 30(2) of the principal Act is amended by substituting for the words “one year or to a fine not exceeding one thousand ringgit” the words “two years or a fine not exceeding two thousand ringgit”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Pool Betting Act 1967 (“Act 384”).

2. *Clause 1* seeks to provide for the short title of the proposed Act.
3. *Clauses 2, 3, 4 and 7* seek to increase the penalty of offences under sections 18, 21, 22 and 30 of Act 384.
4. *Clause 5* seeks to introduce a new section 22A into Act 384 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 section 21 of Act 384 who is subsequently convicted again of the same offence under that section.

5. *Clause 6* seeks to introduce a new section 24A into Act 384 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 seized under Act 384.

FINANCIAL IMPLICATIONS

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

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