

A BILL

i n t i t u l e d

An Act to amend the Common Gaming Houses Act 1953.

[]

ENACTED by the Parliament of Malaysia as follows:

Short title

1. This Act may be cited as the Common Gaming Houses (Amendment) Act 2013.

Amendment of section 4

2. The Common Gaming Houses Act 1953 [*Act 289*], which is referred to as the “principal Act” in this Act, is amended in subsection 4(1)—

(a) by substituting for the words “five thousand ringgit and not more than fifty thousand ringgit” wherever appearing the words “ten thousand ringgit and not more than “one hundred thousand ringgit”; and

(b) by substituting for the words “three years” the words “six years”.

Amendment of section 4A

3. Section 4A of the principal Act is amended by substituting for the words “twenty thousand ringgit and not more than two hundred thousand ringgit” and “five years” the words “forty thousand ringgit” and “ten years” respectively.

Amendment of section 4B

4. Section 4B of the principal Act is amended by substituting for the words “ten thousand ringgit and not more than one hundred thousand ringgit” and “five years” the words “twenty thousand ringgit and not more than two hundred thousand ringgit” and “ten years” respectively.

Amendment of section 5

5. Section 5 of the principal Act is amended by substituting for the words “five thousand ringgit and not more than fifty thousand ringgit” and “three years” the words “ten thousand ringgit and not more than one hundred thousand ringgit” and “six years” respectively.

Amendment of section 6

6. Subsection 6(1) of the principal Act is amended by substituting for the words “five thousand ringgit” and “six months” the words “ten thousand ringgit” and “twelve months” respectively.

Amendment of section 7

7. Subsection 7(2) of the principal Act is amended by substituting for the words “five thousand ringgit” and “six months” the words “ten thousand ringgit” and “twelve months” respectively.

Amendment of section 8

8. Subsection 8(1) of the principal Act is amended by substituting for the words “twenty thousand ringgit and not more than two hundred thousand ringgit” and “five years” the words “forty thousand ringgit and not more than four hundred thousand ringgit” and “ten years” respectively.

Amendment of section 9

9. Subsection 9(1) of the principal Act is amended by substituting for the words “five thousand ringgit” and “six months” the words “ten thousand ringgit” and “twelve months” respectively.

Amendment of section 13

10. Section 13 of the principal Act is amended—

- (a) in subsection (1), by substituting for the words “three months” and “one thousand ringgit” the words “six months” and “two thousand ringgit” respectively; and
- (b) in subsection (2), by substituting for the words “three months” and “one thousand ringgit” the words “six months” and “two thousand ringgit” respectively.

New section 15B

11. The principal Act is amended by inserting after section 15A the following section:

“Seizure of closed premises

15B. Any premises closed under section 15A may be seized.”.

Substitution of section 16A

12. The principal Act is amended by substituting for section 16A the following section:

“Forfeiture of seized premises and gaming machines

16A. (1) Any premises, and without prejudice to subsection 16(2), all instruments or appliances for gaming, money, securities for money, and other articles seized in the exercise of any power conferred under this Act shall be liable to forfeiture.

(2) Any premises and all instruments or appliances for gaming, money, securities for money, and other articles forfeited under this Act 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 18

13. Subsection 18(2) of the principal Act is amended by substituting for the words “twelve months” the words “twenty four months”.

Amendment of section 20

14. Subsection 20(3) of the principal Act is amended by substituting for the words “five hundred ringgit” the words “one thousand ringgit”.

Substitution of section 25

15. The principal Act is amended by substituting for section 25 the following section:

“Sureties on second or subsequent conviction

25. (1) If a person who has been convicted of an offence specified in the Fourth Schedule is again convicted of the same offence or any other offence specified in the Fourth 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 Fourth Schedule, is subsequently convicted again of the same offence or any other offence specified in the Fourth 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*].

(4) The Minister may, by order published in the *Gazette*, amend the Fourth Schedule.”.

Amendment of section 27A

16. Subsection 27A(3) of the principal Act is amended by substituting for the words “fifty thousand ringgit or imprisonment for a term not exceeding seven years” the words “one hundred thousand ringgit or imprisonment for a term not exceeding fourteen years”.

New Fourth Schedule

17. The principal Act is amended by inserting after the Third Schedule the following Schedule:

“FOURTH SCHEDULE

1. Section 4
2. Section 4B”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Common Gaming Houses Act 1953 (“Act 289”).

2. *Clause 1* seeks to provide for the short title of the proposed Act.
3. *Clauses 2 to 10, and 13, 14 and 16* seek to increase the penalty of offences under sections 4, 4A, 4B, 5, 6, 7, 8, 9, 13, 18, 28 and subsection 27A(3) of Act 289.
4. *Clause 11* seeks to introduce a provision in relation to the seizure of premises closed under section 15A of Act 289.
5. *Clause 12* seeks to amend the existing section 16A with a new section 16A 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 premises and gaming machines seized under Act 289.
6. *Clause 15* seeks to substitute the existing section 25 with a new section 25 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 the Fourth Schedule to Act 289 who is subsequently convicted again of the same offence.
7. *Clause 17* seeks to introduce a new Fourth Schedule into Act 289 in line with the amendment proposed in *clause 15*.

FINANCIAL IMPLICATIONS

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

[PN(U2)2903H/K]