



THE STATUTES OF THE REPUBLIC OF SINGAPORE

COMMON GAMING HOUSES ACT

(CHAPTER 49)

(Original Enactment: Ordinance 2 of 1961)

REVISED EDITION 1985

(30th March 1987)

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)

Informal Consolidation – version in force from 2/2/2015

Common Gaming Houses Act

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
- 2A. Act not applicable to remote gambling
3. Gaming houses declared public nuisances
4. Offences
5. Assisting in carrying on a public lottery, etc.
6. Advancing or furnishing money for establishing or conducting
7. Gaming in a common gaming house
8. Gaming in public
9. Buying a ticket
10. Money paid recoverable
11. Presumptions
12. Sale of lottery tickets to be void
13. Search warrants against premises
14. Search warrants against persons
15. Arrest without warrant
16. Police officer not below the rank of assistant superintendent may himself enter and search
17. Presumptions
18. Obstruction of police officers
19. Protection of informers from discovery
20. Examination of offenders
21. Professional gamblers not being citizens of Singapore may be banished by order of Minister
22. Jurisdiction of courts
23. Binding over on second conviction
24. Exemption

An Act relating to the suppression of common gaming houses, public gaming and public lotteries.

[3rd March 1961]

Short title

1. This Act may be cited as the Common Gaming Houses Act.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“common gaming house” includes any place kept or used for gaming to which the public or any class of the public has or may have access, and any place kept for habitual gaming, whether the public or any class of the public has or may have access thereto or not, and any place kept or used for the purpose of a public lottery whether the public has access thereto or not;

“gaming”, with its grammatical variations and cognate expressions, means the playing of any game of chance or of mixed chance and skill for money or money’s worth;

“instruments or appliances for gaming” includes all articles declared under subsection (4) to be instruments or appliances for gaming and all articles which are used in or for the purpose of gaming or a lottery.

“lottery” includes any game, method, device, scheme or competition whereby money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot, whether the same is held, drawn, exercised or managed within or without Singapore;

“lottery ticket” includes any paper or figure or writing or symbol or other article whatsoever which either expressly or tacitly entitles or purports to entitle the holder or any other person to receive any money or money’s worth on the happening of any event or contingency connected with any public lottery;

“place” means any house, office, room or building and any place or spot, whether open or enclosed, and includes a ship, boat or other vessel, whether afloat or not, and any vehicle;

“public lottery” means a lottery to which the public or any class of the public has or may have access, and every lottery shall, until the contrary is proved, be deemed to be a public lottery;

“public place” means any place to which the public has or may have access and includes any estate, factory or place in which 10 or more persons are employed.

- (2) For the purposes of this Act —
- (a) a place in which lottery tickets are offered for sale, sold or distributed shall be deemed to be used for the purpose of a public lottery;
 - (b) a place shall be deemed to be used for a purpose if it is used for that purpose even on one occasion only;
 - (c) every person who demises or lets for hire a place shall be deemed the owner thereof.
- (3) The Minister may from time to time by notification in the *Gazette* —
- (a) declare any game, method, device, scheme or competition specified or described in the notification to be a lottery for the purposes of this Act and thereupon it shall be an irrebuttable presumption of law that that game, method, device, scheme or competition is a lottery for the purposes of this Act;
 - (b) declare any game, method, device, scheme or competition specified or described in the notification to be a game of chance or a mixed game of chance and skill for the purposes of this Act and thereupon it shall be an irrebuttable presumption of law that that game, method, device, scheme or competition is a game of chance or a mixed game of chance and skill, as the case may be, for the purposes of this Act.
- (4) The Minister may from time to time by notification in the *Gazette* declare articles specified or described in the notification to be instruments or appliances for gaming.

Act not applicable to remote gambling

2A. The provisions of this Act do not apply to or in relation to any remote gambling within the meaning of the Remote Gambling Act 2014.

[Act 34 of 2014 wef 02/02/2015]

Gaming houses declared public nuisances

3. Every common gaming house is hereby declared to be a common and public nuisance contrary to law.

Offences

4.—(1) Any person who —

- (a) being the owner or occupier or having the use temporarily or otherwise thereof keeps or uses a place as a common gaming house;
- (b) permits a place of which he is the owner or occupier or of which he has the use temporarily or otherwise to be kept or used by another person as a common gaming house;
- (c) has the care or management of or in any manner assists in the management of a place kept or used as a common gaming house;
- (d) announces or publishes or causes to be announced or published, either orally or by means of any print, writing, design, sign or otherwise, that any place is opened, kept or used as a common gaming house, or in any other manner invites or solicits any person to commit a breach of section 7, 8 or 9; or
- (e) conducts in or through any newspaper or any other periodical publication, or in connection with any trade or business or the sale of any article to the public —
 - (i) any competition in which prizes are offered for forecasts of the results either of a future event or of a past event the result of which is not yet ascertained or not yet generally known; or

- (ii) any other competition success in which does not depend to a substantial degree upon the exercise of skill,

shall be guilty of an offence and shall be liable on conviction to a fine of not less than \$5,000 and not more than \$50,000 and shall also be punished with imprisonment for a term not exceeding 3 years.

[25/71]

[9/86]

(1A) Subsection (1)(d) shall not apply to —

- (a) the Singapore Totalisator Board;
- (b) any totalisator agency appointed by the Singapore Totalisator Board; and
- (c) any agent appointed by the Singapore Totalisator Board to operate or conduct any totalisator, lottery, betting or gaming activity.

[12/2008 wef 27/12/2010]

(2) Any person who occupies or has the use temporarily of a place which is kept or used by another person as a common gaming house shall unless that person proves that he has no knowledge that the place is kept or used as a common gaming house be deemed to have permitted the place to be so kept or used.

Assisting in carrying on a public lottery, etc.

5. Any person who —

- (a) assists in the carrying on of a public lottery;
- (b) receives, directly or indirectly, any money or money's worth for or in respect of any chance in any event or contingency connected with a public lottery or sells or offers for sale or gives or delivers or collects any lottery ticket;
- (c) draws, throws, declares or exhibits, expressly or otherwise, the winner or winning number, ticket, lot, figure, design, symbol or other result of any public lottery; or

(d) writes, prints or publishes or causes to be written, printed or published any lottery ticket or list of prizes or any announcement of the result of a public lottery or any announcement or riddle relating to a public lottery,

shall be guilty of an offence and shall be liable on conviction to a fine of not less than \$20,000 and not more than \$200,000 and shall also be punished with imprisonment for a term not exceeding 5 years.

[4A
[25/71]
[9/86]

Advancing or furnishing money for establishing or conducting

6. Any person who advances or furnishes money for the purpose of establishing or conducting the business of a common gaming house or for the purpose of a public lottery or who profits from the establishment or conduct of that business shall be guilty of an offence and shall be liable on conviction to a fine of not less than \$5,000 and not more than \$50,000 and shall also be punished with imprisonment for a term not exceeding 3 years.

[5
[9/86]

Gaming in a common gaming house

7. Any person who games in a common gaming house shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[6
[9/86]

Gaming in public

8.—(1) A police officer may arrest without warrant any person found gaming in a public place and may seize all instruments or appliances for gaming found in that public place or on the persons of those arrested under this section.

[9/86]

(2) Any person gaming in any public place shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

\$5,000 or to imprisonment for a term not exceeding 6 months or to both; and all instruments or appliances for gaming seized under this section may be declared by the court before which the conviction is had to be forfeited to the Government and shall be dealt with accordingly.

(3) Any person who is the tenant, lessee, occupier or person in charge of any public place which is used for gaming shall, unless the person proves that he has no knowledge that the premises are used for gaming, be guilty of an offence and shall be liable on conviction to a fine of not less than \$20,000 and not more than \$200,000 and shall also be punished with imprisonment for a term not exceeding 5 years.

(4) Any person who instigates, promotes or intentionally facilitates the commission of an offence punishable under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine of not less than \$20,000 and not more than \$200,000 and shall also be punished with imprisonment for a term not exceeding 5 years.

(5) Any person who —

- (a) erects, maintains or controls, or assists to erect, maintain or control, any hut, shed, tent or other building or shelter whatsoever wherein an offence punishable under subsection (2) is committed;
- (b) brings to, or has in his possession at or near, a place where an offence punishable under subsection (2) is committed any instruments or appliances for gaming; or
- (c) keeps watch in order to warn or warns persons committing an offence punishable under subsection (2) of risk of detection,

shall be presumed until the contrary is proved to have promoted the commission of an offence punishable under subsection (4).

(6) A person shall not by reason only of the fact that he has committed an offence punishable under subsection (2) be liable to be convicted of an offence under subsection (3) or (4).

(7) Where it is shown that any person has been found to be playing any game of chance or any mixed game of chance and skill in a public

place, it shall be presumed until the contrary is proved that the person was gaming in that public place.

(8) Where evidence is given by a police officer that any article found in a public place is an instrument or appliance for gaming, it shall be presumed until the contrary is proved —

- (a) that gaming took place at that public place;
- (b) that the person having possession, custody or control of such article was gaming at that public place; and
- (c) that the public place was used for gaming.

[7]

Buying a ticket

9.—(1) Any person who, either personally or by an agent, pays or deposits any money or money's worth to or with any person concerned in the business of a common gaming house as a stake or for or in respect of any event or contingency connected with a public lottery or buys a lottery ticket shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[9/86]

(2) A person in whose possession a lottery ticket is found shall be presumed until the contrary is proved to have bought the ticket.

(3) Every lottery ticket brought or introduced into or being within Singapore shall be forfeited to the Government, and it shall be the duty of every police officer or other public servant to seize every such ticket wherever found.

[8]

Money paid recoverable

10. Any money or money's worth paid or deposited for or in respect of any such event or contingency as aforesaid or for or in respect of the purchase of a lottery ticket shall be recoverable as money had and received to or for the use of the person from whom the same was received.

[9]

Presumptions

11.—(1) A person selling, offering for sale, giving, delivering or collecting lottery tickets or found in possession of 10 or more lottery tickets or counterfoils or duplicates of lottery tickets or of any account, memorandum, riddle or record of stakes or wagers in or relating to a lottery shall be presumed until the contrary is proved to be assisting in a public lottery then in progress.

(2) Where evidence is given by a police officer that any document produced before the court is a lottery ticket of a public lottery or is an account, memorandum, riddle or record of stakes or wagers in or relating to any public lottery, the court shall presume that the document is a lottery ticket of that public lottery or an account, memorandum, riddle or record of stakes or wagers in or relating to that public lottery, as the case may be.

[25/71]

(3) Where evidence is given by a police officer that any article is an instrument or appliance for gaming the court shall presume that the article is an instrument or appliance for gaming.

[10]

Sale of lottery tickets to be void

12. Every sale or contract for sale of a lottery ticket is hereby declared to be void, and no action shall be maintainable by any person in respect of any such sale or contract, except by the purchaser for the return of the money or other consideration (if any) paid thereon.

[11]

Search warrants against premises

13.—(1) A police officer not below the rank of assistant superintendent, on being satisfied upon written information and after any further inquiry which he thinks necessary that there is good reason to believe that a place is kept or used as a common gaming house, may by warrant or writing under his hand authorise any person therein named or any police officer, with such assistance and by such force as is necessary, by night or by day, to enter or go to the place and to search the place and all persons found therein, and to seize all instruments or appliances for gaming and all money, securities for

money and other articles reasonably supposed to have been used or intended to be used for any game or lottery which are found in the place or on any such persons, and also to detain all such persons until they and the place have been searched.

(2) If any of the things or circumstances which are made by this Act presumptive evidence of guilt are found in such place or on any person therein, every person found therein shall be taken before a Magistrate's Court to be dealt with according to law.

(3) All instruments or appliances for gaming, money, securities for money and other articles found in a common gaming house or on any persons found therein or escaping therefrom, and which the court is of opinion were used or intended to be used for any game or lottery, shall be declared to be forfeited to the Government and shall be dealt with accordingly.

[12]

Search warrants against persons

14. A police officer not below the rank of assistant superintendent, on being satisfied upon written information and after any further inquiry which he thinks necessary that there is good reason to believe that any instruments or appliances for gaming are likely to be found on a person, may by warrant or writing under his hand order any police officer to arrest and search the person, or may by warrant or writing under his hand order any person therein named to arrest the person and to take him forthwith before any police officer not below the rank of assistant superintendent who shall thereupon cause the person to be searched in his presence and if any such instrument or appliance is found upon his person he shall be taken before a Magistrate's Court to be dealt with according to law.

[13]

Arrest without warrant

15. Notwithstanding section 14 any police officer having reasonable grounds to believe that such instruments or appliances as are mentioned in that section may be found on any person may arrest and search that person and if any such instrument or appliance

is found upon him he shall be taken before a Magistrate's Court to be dealt with according to law.

[13A
[25/71]

Police officer not below the rank of assistant superintendent may himself enter and search

16.—(1) A police officer not below the rank of assistant superintendent may himself do what he may under sections 13 and 14 authorise a police officer to do whenever the police officer not below the rank of assistant superintendent is competent to issue a warrant or authorisation or order in writing under those sections respectively; and also in any of the following cases:

- (a) if any person has within the preceding 6 months been convicted of having kept or used as a common gaming house the place proposed to be entered;
- (b) if the place proposed to be entered is occupied by a club or society and he has reason to believe that habitual gaming is carried on there;
- (c) if he has personal knowledge of such facts and circumstances as satisfy him that there are sufficient grounds for a search under those sections respectively; or
- (d) if he receives the required information orally under such circumstances that the object of a search would in his opinion be defeated by the delay necessary for reducing the information to writing:

Provided that the name and address of the person giving the information are known to or ascertained by the police officer not below the rank of assistant superintendent before he acts upon the information.

(2) Any person who in giving such oral information makes a statement which he knows or believes to be false or does not believe to be true shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 12 months.

[14

Presumptions

17. Where in any proceedings under this Act any instruments or appliances for gaming are found in any place entered under this Act or upon any person found in such place, it shall be presumed, until the contrary is proved, that the place is a common gaming house and that it is so kept, used or permitted to be used by the owner or occupier thereof and that any other person found in such place or escaping from it is gaming therein.

[15
[9/86]

Obstruction of police officers

18. Any person who obstructs any police officer in the exercise of any powers under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

[16
[9/86]

Protection of informers from discovery

19.—(1) Subject to this Act, no information laid under this Act shall be admitted in evidence in any civil or criminal proceedings whatsoever and no witness shall be obliged or permitted to disclose the name or address of any informer under this Act or to state any matter which might lead to his discovery.

(2) If any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceedings whatsoever contain any entry in which any informer is named or described or which might lead to his discovery, the court shall cause all such passages to be concealed from view or to be obliterated so far as is necessary to protect the informer from discovery, but no further.

(3) If on the trial of any offence under this Act the court, after full inquiry into the case, believes that the informer wilfully made in his information a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceedings the court is of opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, the court may

require the production of the original information and permit inquiry and require full disclosure concerning the informer.

[18]

Examination of offenders

20.—(1) Whenever two or more persons are charged with any offence under this Act the court may require one or more of them to give evidence as a witness or witnesses for the prosecution.

(2) Any such person who refuses to be sworn or to answer any lawful question shall be dealt with in the same manner as witnesses so refusing may by law be dealt with by a Magistrate.

(3) Every person so required to give evidence, who in the opinion of the court makes true and full discovery of all things as to which he is lawfully examined, shall be entitled to receive a certificate of indemnity under the hand of the Magistrate stating that he has, in the opinion of the Magistrate, made a true and full discovery of all things as to which he was examined, and that certificate shall be a bar to all legal proceedings against him in respect of all such things.

[19]

Professional gamblers not being citizens of Singapore may be banished by order of Minister

21. If at any time it appears to the Minister that any person not being a citizen of Singapore is a professional gambler or is engaged in the promotion of public gaming, he may issue an order banishing that person from Singapore for such period and generally in such manner as to the Minister seems expedient, and upon the issuing of the order the like consequences shall ensue in all respects as though the order had been issued under the powers conferred by the Banishment Act [Cap. 18].

[20]

[7/97 wef 01/10/1997]

Jurisdiction of courts

22. A District Court or a Magistrate's Court shall have jurisdiction to hear and determine all proceedings under this Act and, notwithstanding anything to the contrary in the Criminal Procedure

Code [Cap. 68], shall have power to impose the full penalty or punishment in respect of any offence under this Act.

[21
[9/86]

Binding over on second conviction

23. If a person who has been convicted of an offence under section 4 is again convicted of the same or any other offence under that section, the court may, in addition to the punishment provided by that section, make an order requiring him to give security for a period not exceeding 3 years by one or more sureties that he will not offend against this Act, and every such order shall be made as nearly as may be in the same manner and shall have the like effect and consequences as if the order were made under Divisions 1 and 2 of Part V of the Criminal Procedure Code 2010.

[22
[15/2010 wef 02/01/2011]

Exemption

24.—(1) The Minister may, by notification in the *Gazette*, either generally or in any particular case and subject to such conditions as he may impose, exempt from all or any of the provisions of this Act any person or organisation in respect of any public lottery or gaming conducted under the control or supervision of such person or organisation.

[9/86]

(2) It shall be lawful for any person to participate in any public lottery or gaming exempted under subsection (1).

[23

LEGISLATIVE HISTORY
COMMON GAMING HOUSES ACT
(CHAPTER 49)

This Legislative History is provided for the convenience of users of the Common Gaming Houses Act. It is not part of the Act.

1. Act 2 of 1961 — Common Gaming Houses Act 1961

Date of First, Second and Third Readings : Date not available

Date of commencement : 3 March 1961

2. 1970 Revised Edition — Common Gaming Houses Act (Chapter 96)

Date of operation : 15 April 1971

3. Act 25 of 1971 — Common Gaming Houses (Amendment) Act 1971

Date of First Reading : 19 October 1971
(Bill No. 22/1971 published on
22 October 1971)

Date of Second and Third Readings : 2 December 1971

Date of commencement : 1 January 1972

4. Act 21 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act 1973

Date of First Reading : 7 March 1973
(Bill No. 16/1973 published on
9 March 1973)

Date of Second and Third Readings : 20 March 1973

Date of commencement : 21 April 1973

5. Act 9 of 1986 — Common Gaming Houses (Amendment) Act 1986

Date of First Reading : 31 October 1985
(Bill No. 16/1985 published on
8 November 1985)

Date of Second and Third Readings : 10 January 1986

Date of commencement : 25 February 1986

6. 1985 Revised Edition — Common Gaming Houses Act

Date of operation : 30 March 1987

7. Act 7 of 1997 — Statutes (Miscellaneous Amendments) Act 1997

Date of First Reading : 11 July 1997
(Bill No. 6/1997 published on
12 July 1997)

Date of Second and Third Readings : 25 August 1997

Date of commencement : 1 October 1997

8. Act 12 of 2008 — Singapore Totalisator Board (Amendment) Act 2008

Date of First Reading : 26 May 2008
(Bill No. 7/2008 published on
26 May 2008)

Date of Second and Third Readings : 21 July 2008

Date of commencement : 27 December 2010

9. Act 15 of 2010 — Criminal Procedure Code 2010

Date of First Reading : 26 April 2010
(Bill No. 11/2010 published on
26 April 2010)

Date of Second and Third Readings : 19 May 2010

Date of commencement : 2 January 2011

10. Act 34 of 2014 — Remote Gambling Act 2014

Date of First Reading : 8 September 2014 (Bill No.
23/2014 published on
8 September 2014)

Date of Second and Third Readings : 7 October 2014

Date of commencement : 2 February 2015