

SAORSTÁT EIREANN.

BILLE UM GHEALL-CHUR, 1930. BETTING BILL, 1930.

*Mar do leasúiodh i gCoiste.
As amended in Committee.*

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[No. 23a of 1930.]

SAORSTÁT EIREANN.

BILLE UM GHEALL-CHUR, 1930.
BETTING BILL, 1930.

BILL

entitled

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AN ACT TO MAKE PROVISION FOR THE BETTER REGULATION AND CONTROL OF PERSONS ENGAGED IN THE BUSINESS OF BOOKMAKING, AND FOR THAT AND OTHER PURPOSES TO AMEND THE LAW RELATING TO BETTING AND BETTING-HOUSES.

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BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

Definitions.

1.—In this Act—

the expression “ the Minister ” means the Minister for Finance;

the expression “ licensed bookmaker ” means a person (not being a body corporate or an unincorporated body of persons) who is the holder of a bookmaker’s licence issued or deemed to have been issued to him under this Act and for the time being in force; 15

the word “ premises ” means any house or other building and includes a defined part of a house or other building; 20

the expression “ registered premises ” means premises for the time being registered in the register of bookmaking offices kept by the Revenue Commissioners under this Act;

the word “ proprietor ” means the person entitled to the exclusive occupation of the premises in relation to which the word is used, and, where the context so admits, includes a number of persons jointly so entitled; 25

the expression “ registered proprietor ” means a person who is for the time being entered in the said register of bookmaking offices as the proprietor of premises registered in that register, and, where the context so admits, the said expression includes a number of persons entered in the said register as joint proprietors of premises so registered; 30

the word “ bet ” includes wager, and cognate words shall be construed accordingly; 35

the word “ prescribed ” when used in relation to the District Court, a member of the *Gárda Síochána*, or the Minister for Justice means prescribed by regulations made under this Act by the Minister for Justice and in every other case means prescribed by regulations made under this Act by the Minister for Finance. 40

Prohibition of acting as bookmaker without licence.

2.—(1) No person shall carry on business or act as a bookmaker or hold himself out or represent himself to be a bookmaker or a licensed bookmaker unless he holds a bookmaker’s licence issued or deemed to have been issued to him under this Act and for the time being in force. 45

(2) Every person who carries on business or acts as a bookmaker in contravention of this section and every person who holds himself out or represents himself to be a bookmaker or a licensed bookmaker in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to an excise penalty of five hundred pounds. 50

3.—(1) Every licence issued under the Betting Act, 1926, authorising a person to act and carry on business as a bookmaker which is in force at the commencement of this Act shall be deemed to be a bookmaker's licence issued under this Act and the provisions of this Act (other than the provisions relating to the duration of a bookmaker's licence) shall apply accordingly.

Continuance of
existing licences.

(2) Every licence deemed by this section to be a bookmaker's licence issued under this Act shall, unless and until revoked under this Act, continue in force during the period specified in that behalf in such licence and no longer, save that, where such period expires during or at the end of the month of October or during the month of November next after the commencement of this Act, such licence shall continue in force until midnight on the 30th day of November next after such commencement.

4.—(1) Any person (other than a body corporate or an unincorporated body of persons) who is ordinarily resident in Saorstát Eireann and desires to obtain a bookmaker's licence may, after publishing the notice hereinafter mentioned, apply in accordance with this section to the superintendent of the Garda Síochána for the district in which he has or proposes to have an office registered under this Act or, if he has not and does not propose to have any such office, to the superintendent of the Garda Síochána for the district in which he ordinarily resides for a certificate (in this Act referred to as a certificate of personal fitness) that he is a fit and proper person to hold a bookmaker's licence.

Certificate of
personal fitness
of resident in
Saorstát
Eireann.

(2) Every person intending to apply under this section for a certificate of personal fitness shall, not less than one fortnight nor more than one month before making such application, publish notice of his intention to make such application at least once in each of two newspapers circulating in the district of the superintendent to whom he intends to make such application.

(3) Every application under this section for a certificate of personal fitness shall be made in the prescribed manner and on the prescribed form and shall be approved of and signed by two Peace Commissioners in the district of the superintendent to whom the application is made.

(4) A superintendent of the Garda Síochána to whom an application for a certificate of personal fitness is duly made under this section shall, within fourteen days after the receipt of such application, do one or other as he in his discretion shall think proper of the following things, that is to say, either give to the applicant a certificate in the prescribed form that he is a fit and proper person to hold a bookmaker's licence or on any one or more of the grounds hereinafter authorised refuse to give such certificate.

5.—(1) Any person (other than a body corporate or an unincorporated body of persons) who is ordinarily resident outside Saorstát Eireann and desires to obtain a bookmaker's licence may, after publishing the notice hereinafter mentioned, apply in the prescribed manner and form to the Minister for Justice for a certificate (included in the references in this Act to a certificate of personal fitness) that he is a fit and proper person to hold a bookmaker's licence.

Certificate of
personal fitness
of resident out-
side Saorstát
Eireann.

(2) Every person intending to apply under this section for a certificate of personal fitness shall, not less than one fortnight nor more than one month before making such application, publish notice of his intention to make such application at least once in a daily newspaper published and circulating in the City of Dublin.

(3) On receiving an application under this section for a certificate of fitness the Minister for Justice may in his absolute discretion either give to the applicant a certificate in the prescribed form that such applicant is a fit and proper person to hold a bookmaker's licence or may on any ground and without stating the ground refuse to give such certificate.

Grounds for refusal of certificate of personal fitness.

6.—A superintendent of the *Gárda Síochána* may refuse an application for a certificate of personal fitness on any one or more of the following grounds and on no other ground whatsoever, that is to say:—

- (a) that at the time of the application for the certificate arrears of any duty for the time being payable on or in respect of bets are due and owing by the applicant; 5
- (b) that the applicant had been previously convicted of a crime or of an offence under this Act or under the Betting Act, 1926, or of an offence in relation to the duty on bets or has since the commencement of the Betting Act, 1926, been convicted of an offence under any Act relating to gaming or gaming houses; 10
- (c) that a bookmaker's licence held by the applicant under this Act or the Betting Act, 1926, was revoked; 15
- (d) that a previous refusal by a superintendent of the *Gárda Síochána* to give a certificate of personal fitness under this Act or under the Betting Act, 1926, had been confirmed on appeal to the District Court;
- (e) that the applicant is by reason of his general character or his known habits not a fit person to hold a bookmaker's licence; 20
- (f) that the financial circumstances of the applicant are not such as to render him a fit person to hold a bookmaker's licence; 25
- (g) in the case of an applicant who had previously held a bookmaker's licence under this Act or the Betting Act, 1926, that he had without reasonable cause failed or refused to pay sums payable to persons who had won bets made with him; 30
- (h) that the applicant had ordinarily resided in *Saorstát Éireann* for less than twelve months before making the application;
- (i) that, in the case of an applicant who previously held a bookmaker's licence under this Act or the Betting Act, 1926, the business of bookmaking had been conducted by him in a disorderly manner or in such a manner as to cause or encourage persons to congregate and loiter in or outside the premises where such business was conducted; 35 40
- (j) that the applicant is acting as agent for a person whose application would be refused on one or other of the grounds set out in paragraphs (a), (b), (c) and (d) of this section.

Issue of bookmakers' licences.

7.—(1) Any person to whom a certificate of personal fitness has been given may, within twenty-one days after the issue of such certificate, apply to the Revenue Commissioners in writing in the prescribed form for a bookmaker's licence commencing on such date (being either the next following 1st day of December or a day not more than fourteen days after the date of the application) as he shall specify in the application. 45 50

(2) Every application under this section for a bookmaker's licence shall be accompanied by a photograph of the applicant of the prescribed character and size and taken not more than one year before the date of the application. 55

(3) Upon delivery to the Revenue Commissioners of an application under this section for a bookmaker's licence and payment to the Revenue Commissioners by the applicant of the excise duty required by law to be paid by persons taking out such licence as is specified in such application, the Revenue Commissioners shall issue to the applicant a bookmaker's licence in accordance with this section. 60

(4) Every bookmaker's licence shall be in the prescribed form and shall state the name and place of residence of the person to whom it is issued and shall have affixed thereto by adhesion the photograph of such person required by 65

this section to be sent by him with the application for such licence, and shall operate and be expressed to authorise such person to act and carry on business as a bookmaker during the period commencing on the date specified therein (which shall be the date specified in that behalf in the application for such licence) and ending at midnight on the next following 30th day of November, but subject and without prejudice to all restrictions and prohibitions for the time being imposed by law in respect of the places in which the business of bookmaking may be carried on.

8.—(1) The Revenue Commissioners shall continue to keep in the prescribed form the register (in this Act referred to as the register of bookmaking offices) established and heretofore kept by them under the Betting Act, 1926, of premises in which the business of bookmaking is carried on and shall register therein all such premises as they are by virtue of this Act required to register therein.

The register of bookmaking offices.

(2) There shall be entered in the register of bookmaking offices in respect of all premises registered therein the name of the proprietor thereof, a precise description of the premises, and such other particulars as shall be prescribed.

9.—(1) All premises which immediately before the commencement of this Act are registered in the register of bookmaking offices kept under the Betting Act, 1926, shall from and after such commencement continue for the period hereinafter mentioned to be registered in that register and shall be deemed to be so registered under this Act and this Act shall apply accordingly.

Continuance of existing registrations of premises.

(2) Premises continued in the register of bookmaking offices under this section shall, unless and until removed from the said register under this Act, continue to be so registered until midnight on the 30th day of November next after the commencement of this Act and shall then (unless such registration has been renewed under this Act) be removed from the said register.

10.—(1) Any person desiring to register or renew the registration of any premises of which he is the proprietor in the register of bookmaking offices may, after publishing the notice hereinafter mentioned, apply in accordance with this section to the superintendent of the Garda Síochána for the district in which such premises are situate for a certificate (in this Act referred to as a certificate of suitability of premises) that such premises are suitable for registration in the register of bookmaking offices.

Certificate of suitability of premises.

(2) Every person intending to apply under this section for a certificate of suitability of premises shall, not less than one fortnight nor more than one month before making such application, publish notice of his intention to make such application at least once in each of two newspapers circulating in the district in which the premises to which such intended application relates are situate.

(3) Every application under this section for a certificate of suitability of premises shall be made in the prescribed manner and on the prescribed form and shall be approved of and signed by two Peace Commissioners for the district in which the premises to which the application relates are situate.

(4) A superintendent of the Garda Síochána to whom an application for a certificate of suitability of premises is duly made under this section shall, if he is satisfied that the applicant is either a licensed bookmaker or the holder of a certificate of personal fitness issued after or not more than seven days before the date of the application, do one or other as he in his discretion shall think proper of the following things within fourteen days after the receipt by him of such application, that is to say, either give to the applicant a certificate in the prescribed form that the premises the subject of the application are suitable for registration in the register of bookmaking offices or on any one or more of the grounds hereinafter authorised refuse to give such certificate.

Grounds for refusal of certificate of suitability of premises.

11.—A certificate of suitability of premises may be refused on any one or more of the following grounds and on no other ground whatsoever, that is to say:—

- (a) that the applicant is neither a licensed bookmaker nor the holder of a certificate of personal fitness; 5
- (b) that the applicant is not the proprietor of the premises;
- (c) that the premises are in close proximity to a place of worship, a religious institution, a school, an employment exchange, a factory or works, or other similar place in or near which large numbers of persons 10
congregate, or are situate in a residential area;
- (d) that the premises are in close proximity to premises known to be resorted to habitually by evilly-disposed persons;
- (e) that the premises communicate internally with other 15
premises;
- (f) that the premises had previously been registered in the register of bookmaking offices kept under this Act or under the Betting Act, 1926, and had been removed from that register pursuant to an order of the court; 20
- (g) that the premises are registered in the register of bookmaking offices and during such registration or during the registration of such premises in the register of bookmaking offices kept under the Betting Act, 1926, irregularities had occurred owing to the close proximity 25
of the premises to premises licensed for the sale of intoxicating liquor;
- (h) that the applicant had previously been convicted of an offence under this Act, the Betting Act, 1926, or any other Act in relation to the premises or in relation to 30
any other registered premises of which he was the registered proprietor at the time the offence was committed;
- (i) if the premises are or had been previously registered in the register of bookmaking offices kept under this Act, or under the Betting Act, 1926, that at some time 35
while the applicant was the registered proprietor thereof the business of bookmaking had been conducted therein in a disorderly manner or in such manner as to permit to loiter in cause or encourage persons to congregate and loiter in or outside the premises; 40
- (j) that the applicant is or had previously been the registered proprietor of other registered premises and that the business of bookmaking is being or had while the applicant was such registered proprietor been conducted in such premises in a disorderly manner or in 45
such manner as to cause or encourage persons to congregate and loiter in or outside the premises;
- (k) if the application is in respect of premises which are not registered premises at the time the application is made, 50
that there are already an excessive number of registered premises in the district in which the premises to which the application relates are situate;
- (l) when the application is in respect of premises which did not before the 28th day of July, 1926, form part of 55
premises licensed for the sale of intoxicating liquor, that the applicant is the holder of a licence for the sale of intoxicating liquor.

Registration in register of bookmaking offices.

12.—(1) Any licensed bookmaker to whom a certificate of suitability of premises has been given in respect of any premises of 60
which he is the proprietor may, within twenty-one days after the issue of such certificate and (in the case of an application for a renewal of registration) within the period hereinafter mentioned, apply to the Revenue Commissioners in writing in the prescribed form to register or renew the registration of the premises mentioned in such certificate in the register of bookmaking offices 65

and upon delivery of such application to the Revenue Commissioners and payment to the Revenue Commissioners by the applicant of the excise duty for the time being required by law to be paid on the registration or the renewal of the registration of premises in the register of bookmaking offices, the Revenue Commissioners shall register or renew the registration of the said premises in the register of bookmaking offices and shall issue to the applicant a certificate in the prescribed form of such registration or renewal of registration.

10 (2) Unless and until removed from the register under or by virtue of this Act, any premises registered in the register of bookmaking offices shall continue to be so registered until midnight on the 30th day of November next after the registration thereof and shall then (unless the registration has been renewed
15 under this Act) be removed from the said register.

(3) Every renewal of the registration of any premises in the register of bookmaking offices shall commence and take effect as from the expiration of the registration or the last renewal of the registration (as the case may require) of the said premises
20 in the said register, and unless and until removed from the register under or by virtue of this Act such premises shall continue so registered until midnight on the 30th day of November next after the commencement of such renewal and shall then (unless the registration is renewed under this Act (be removed from the
25 said register.

(4) An application for the renewal of the registration of any premises in the register of bookmaking offices shall be made before but not more than fourteen days before the expiration of the registration or the last renewal of the registration of such
30 premises in the said register.

13.—(1) Whenever a superintendent of the *Gárda Síochána* refuses to give a certificate of personal fitness or a certificate of suitability of premises, he shall, on demand made by the applicant for the certificate within six days after the refusal, give to such
35 applicant a statement in writing in the prescribed form of the grounds on which he refused to give the certificate.

Appeal from
refusal of
certificate.

(2) Any person to whom a certificate of personal fitness or a certificate of suitability of premises has been refused by a superintendent of the *Gárda Síochána* may, within fourteen days after
40 receiving from such superintendent a statement in writing of the grounds of such refusal, appeal in the prescribed manner from such refusal to the District Court.

(3) Every person who appeals to the District Court under this section shall in the prescribed manner and within the prescribed
45 time give notice of such appeal to the said superintendent of the *Gárda Síochána* and also to the Revenue Commissioners.

(4) On the hearing of any such appeal the District Court may either confirm or disallow the refusal of the certificate, and, whenever the District Court so disallows a refusal of the certificate, the said superintendent of the *Gárda Síochána* shall within
50 three days after such disallowance give to the appellant a certificate of personal fitness or a certificate of suitability of premises, as the case may require.

(5) The following provisions shall apply to every appeal under
55 this section, that is to say:—

- (a) the superintendent of the *Gárda Síochána* and the Revenue Commissioners and no other person shall be entitled to be heard and to adduce evidence in opposition to the appeal;
- 60 (b) section 27 of the Inland Revenue Regulation Act, 1890, shall apply to the appeal in like manner as it applies to proceedings relating to inland revenue;
- (c) any ground of refusal mentioned in the written statement of grounds of refusal and no other ground may be advanced in opposition to the appeal;
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(d) whenever the refusal is confirmed the court may order the appellant to pay the costs of the superintendent of the *Gárda Síochána* and may measure the amount of such costs;

(e) no appeal shall lie to the Circuit Court under section 5 84 of the Courts of Justice Act, 1924 (No. 10 of 1924).

Temporary
licence and
registration
pending appeal.

14.—(1) Whenever an application for a certificate of personal fitness is refused by a superintendent of the *Gárda Síochána* and an appeal from such refusal to the District Court is lodged, then if the applicant was at the time of making the application a licensed bookmaker, the Revenue Commissioners may, without payment of any duty but subject to such conditions as they may think fit to impose, issue to such applicant a temporary bookmaker's licence for such period not extending beyond the expiration of seven days after the decision of such appeal as they may think fit, and every such temporary bookmaker's licence shall while it remains in force be a bookmaker's licence within the meaning of this Act. 10 15

(2) Whenever an application for a certificate of suitability of premises in respect of premises which are registered premises at the date of such application is refused by the superintendent of the *Gárda Síochána* and an appeal from such refusal to the District Court is lodged, the Revenue Commissioners may, without the payment of any duty but subject to such conditions as they may think fit to impose, retain such premises on the register of bookmaking offices pending the decision of such appeal. 20 25

Revocation of
licence or
registration by
court.

15.—(1) Whenever a licensed bookmaker is convicted of any crime or of any offence under this or any other Act and the court by or before whom such bookmaker is so convicted is of opinion that such crime or offence was of such nature or character or was committed in such circumstances that the commission thereof rendered such bookmaker unfit to continue to hold a bookmaker's licence, such court may when imposing sentence revoke the bookmaker's licence held by such bookmaker. 30 35

(2) Whenever the registered proprietor of any registered premises is convicted of an offence under any section of this Act in relation to such or any other premises and the court by or before whom such proprietor is so convicted is of opinion that, having regard to the nature and character of the offence and the circumstances in which it was committed, it is not expedient that such premises should continue to be registered in the register of bookmaking offices, such court may, when imposing sentence and with or without revoking the bookmaker's licence held by such proprietor, direct that such premises be removed from the register of bookmaking offices. 40 45

(3) Whenever a bookmaker's licence is revoked by a court under this section or a court directs under this section any registered premises to be removed from the register of bookmaking offices, the registrar, clerk, or other principal officer of such court shall communicate the fact of such revocation or such direction (as the case may be) to the Revenue Commissioners and the Revenue Commissioners shall thereupon record such revocation or remove such premises from the register of bookmaking offices, as the case may require. 50 55

(4) Whenever a bookmaker's licence is revoked under this section, the bookmaker or other person who has possession or custody of such licence at the time of such revocation shall within seven days after such revocation deliver such licence to an officer of customs and excise and such officer shall forthwith cancel such licence, and every such bookmaker or other person who fails so to deliver such licence shall be guilty of an offence under this section and shall be liable on summary conviction thereof to an excise penalty of ten pounds. 60 65

Removal of
premises from
register of book-
making offices.

16.—(1) Whenever the sole registered proprietor of any registered premises ceases to be a licensed bookmaker or ceases to be the proprietor of such premises, the Revenue Commissioners

shall, immediately upon such cesser coming to their knowledge, remove the said premises from the register of bookmaking offices.

5 (2) Whenever a number of persons are registered in the register of bookmaking offices as joint registered proprietors of any registered premises and all such persons cease to be proprietors of such premises, the Revenue Commissioners shall, immediately upon such cesser coming to their knowledge, remove the said premises from the register of bookmaking offices.

10 (3) Whenever a number of persons are registered in the register of bookmaking offices as joint registered proprietors of any registered premises and all or any one or more of such persons cease or ceases to be licensed bookmakers or a licensed bookmaker, the Revenue Commissioners shall, immediately upon such cesser coming to their knowledge, remove the said premises from the register of bookmaking offices.

20 (4) Whenever any registered premises are removed from the register of bookmaking offices by the Revenue Commissioners under this section or pursuant to a direction of the court, the person who was the registered proprietor of such premises immediately before such removal shall on demand in writing delivered at or sent by post to such premises deliver or send to the Revenue Commissioners the latest certificate of the registration or renewal of registration of such premises, and every such person who fails so to deliver or send such certificate within seven days after such demand shall be guilty of an offence under this section and shall be liable on summary conviction thereof to an excise penalty of twenty pounds.

30 17.—(1) Two or more licensed bookmakers may be registered in the register of bookmaking offices as joint proprietors of any premises registered in that register. Provisions as to joint registered proprietors.

35 (2) Whenever a licensed bookmaker becomes a proprietor jointly with the registered proprietor or proprietors of any registered premises, the Revenue Commissioners shall, on proof to their satisfaction of the facts and of the consent of the registered proprietor or proprietors, enter such licensed bookmaker in the register of bookmaking offices as a registered proprietor of the said premises jointly with the person or persons already registered as such proprietor or proprietors.

40 (3) Whenever one of the several joint registered proprietors of any registered premises ceases to be one of the proprietors of such premises the Revenue Commissioners shall, on proof to their satisfaction of the facts and of the consent of the other registered proprietors or proprietor, remove the name of the first-mentioned registered proprietor from the portion of the register of bookmaking offices which relates to such premises.

18.—(1) It shall be lawful for the registered proprietor of registered premises, so long as he continues to be a licensed bookmaker, to carry on in such premises the business of bookmaking subject to the provisions of this Act. permitted in registered premises.

50 (2) No person except the registered proprietor of the premises shall carry on any trade, profession, or business whatsoever in any registered premises.

55 (3) The registered proprietor of registered premises shall not carry on nor permit to be carried on in such premises nor permit such premises to be used for the purpose of carrying on any trade, profession or business whatsoever save and except only the business of bookmaking carried on by the registered proprietor.

60 (4) The Betting Houses Act, 1872, shall not apply to registered premises.

(5) Every person who carries on or permits to be carried on in any registered premises or permits any registered premises to be used for carrying on any trade, profession, or business in

contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to an excise penalty of one hundred pounds.

Certain restrictions on the use of registered premises.

19.—(1) The registered proprietor of registered premises shall not set up or maintain in or outside such premises any attraction (other than the mere carrying on of his business of bookmaking) which causes or encourages or is likely to cause or encourage persons to congregate in or outside such premises. 5

(2) The registered proprietor of registered premises shall not permit overcrowding or loitering in such premises. 10

(3) The registered proprietor of registered premises shall not proclaim or announce or permit any other person to proclaim or announce in such premises to the persons there present the terms or odds on or at which he is willing to take bets in relation to any particular race, match, or other contest, or in respect of any competitor in any such contest. 15

(4) The registered proprietor of registered premises shall not exhibit or permit to be exhibited in or outside such premises so as to be seen from the street any lists or statements of the terms or odds on or at which he is willing to take bets in relation to any particular race, match, or other contest, or in respect of any competitor in any such contest, or lists or statements of the competitors entered for or withdrawn from or taking or likely to take part in any such contest, or statements of facts, news, or forecasts in respect of any such contest, or any other incitement or inducement to bet. 20 25

(5) On any day on which a horse race-meeting is held in Saorstát Eireann, Northern Ireland, or Great Britain, the registered proprietor of registered premises shall not, during the period between the time fixed for the starting of the first race at such race-meeting and the expiration of one-quarter of an hour after the time fixed for the starting of the last race at such race-meeting, make or permit to be made in such premises any payment in respect of moneys won on any bet made with such registered proprietor whether in relation to a race at such race-meeting or in relation to any other race, match, or other contest. 30 35

(6) Every registered proprietor who does any act (whether of commission or omission) which is a contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds. 40

Hours of business in registered premises.

20.—(1) Registered premises shall not be opened or kept open for the transaction of business at any time on any Sunday, Christmas Day, or Good Friday, nor before the hour of nine o'clock in the morning nor after the hour of six o'clock in the afternoon on any other day. 45

(2) If and whenever any registered premises are opened or kept open in contravention of this section the registered proprietor of such premises shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds. 50

Prohibition of bets under one shilling.

21.—(1) It shall not be lawful for a licensed bookmaker to make, take, or enter into a bet of a lesser amount than one shilling.

(2) Every licensed bookmaker who makes, takes, or enters into a bet in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds. 55

(3) For the purposes of this section the amount of a bet shall be taken to be the sum of money which by the terms of the bet the licensed bookmaker will be entitled to receive, retain, or take credit for if the event the subject of the bet is determined in his favour. 60

22.—(1) No licensed bookmaker shall make a bet or engage in a betting transaction with a person under the age of eighteen years whether such person is acting on his own behalf or as agent for another person.

Prohibition of betting with persons under the age of eighteen.

5 (2) No registered proprietor of registered premises shall permit any person under the age of eighteen years (other than persons ordinarily resident on such premises and officers of the Minister for Posts and Telegraphs entering such premises in the course of their duty as such officers) to enter or be on such
10 premises.

(3) Every person who does any act (whether of commission or omission) which is a contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

15 (4) Where a person is charged with having committed an offence under this section it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have been committed was of or over the
20 age of eighteen years.

23.—(1) Every registered proprietor of registered premises shall cause the certificate of registration or, where such registration has been renewed, the latest certificate of renewal of registration of those premises to be displayed prominently in the said
25 premises at all times during which such premises are open for the transaction of business.

Display of certificate of registration.

(2) Every registered proprietor who fails to comply with this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to an excise penalty of
30 ten pounds together with, in the case of a continuing offence, a further excise penalty of ten pounds for every day during which the offence continues.

24.—(1) Any officer of customs and excise or any member of the Garda Síochána may demand of any person whom he observes
35 to be engaged in or carrying on the business of bookmaking the production of his bookmaker's licence, and if such person refuses or fails to produce such licence or produces such licence but refuses or fails to permit such officer or member to read and examine such licence he shall be guilty of an offence under this
40 section.

Production of bookmaker's licences on demand.

(2) Whenever any person of whom the production of his bookmaker's licence is lawfully demanded under this section refuses or fails to produce such licence or produces such licence but fails or refuses to permit the officer of customs and excise
45 or the member of the Garda Síochána making the demand to read and examine such licence, such officer or member may demand of such person his name and address and if such person refuses or fails to give his name or fails or refuses to give his address or gives a name or an address which is false or misleading he
50 shall be guilty of an offence under this section.

(3) Any member of the Garda Síochána may arrest without warrant—

(a) any person who, when the production of his bookmaker's licence is lawfully demanded of him under this section,
55 refuses or fails to produce such licence or produces such licence but refuses or fails to permit the officer of customs and excise or the member of the Garda Síochána making the demand to read and examine such licence, or

60 (b) any person who, when his name and address is lawfully demanded of him under this section, refuses or fails to give his name or refuses or fails to give his address or gives a name or an address which is known to the officer of customs and excise or the member of the

Gárda Síochána making the demand to be false or misleading.

(4) Any person guilty of an offence under this section shall be liable on summary conviction thereof to an excise penalty of twenty pounds.

(5) A person who, when the production of his bookmaker's licence is lawfully demanded of him under this section, does not produce such licence because he is not a licensed bookmaker shall be deemed to fail to produce his bookmaker's licence within the meaning of this section.

Powers of entry and investigation.

25.—(1) Any officer of customs and excise or any member of the Gárda Síochána may enter any registered premises at any time during which such premises are or are suspected by such officer or member of being open for the transaction of any business, and may there make such searches and investigations as such officer or member shall think proper and may ask of any person found in such premises such questions in relation to the said premises and the business carried on therein as such officer or member shall think proper.

(2) Any officer of customs and excise or any member of the Gárda Síochána may at any time enter any premises (not being registered premises) in which the business of bookmaking is being carried on, or in which such officer or member of the Gárda Síochána suspects that such business is being carried on and may there make such searches and investigations as such officer or member shall think proper and may demand of any person found in such premises his name and address and may ask of any such person such questions in relation to such premises and the business carried on therein as such officer or member shall think proper.

(3) Every person who shall do any of the following things, that is to say:—

- (a) obstruct or impede any officer of customs and excise or any member of the Gárda Síochána in the exercise of any of the powers conferred on such officer or member by this section; or
- (b) fail or refuse to answer to the best of his knowledge and ability any question asked of him by any such officer or member in exercise of a power in that behalf conferred by this section; or
- (c) give an answer to any such question which is to his knowledge false or misleading; or
- (d) when his name or his address is demanded of him by any such officer or member in exercise of a power in that behalf conferred by this section fail or refuse to give his name, or fail or refuse to give his address, or give a name or an address which is false or misleading,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to an excise penalty of twenty pounds.

(4) Any member of the Gárda Síochána may arrest without warrant any person who does in his presence any act (whether of commission or omission) the doing of which is declared by this section to be an offence under this section.

Saving for bookmakers' assistants.

26.—(1) In addition and without prejudice to any provision of this Act permitting the registered proprietor of registered premises to employ clerks and assistants, it shall be lawful for a licensed bookmaker to employ any person as his assistant provided the following provisions are complied with, that is to say,

- (a) the person so employed is of or over the age of eighteen years, and

- (b) such person acts as assistant to such licensed bookmaker only in either the personal presence of such licensed bookmaker or in registered premises of which such licensed bookmaker is the registered proprietor, and
- 5 (c) the remuneration of such person is not wholly or partly dependent on or calculated by reference to the amount of business done or profits made by such licensed bookmaker, and
- 10 (d) such person does not do for or on behalf of or as assistant to such licensed bookmaker any act the doing of which would render such person liable under this section to be deemed to be himself acting as a bookmaker within the meaning of this Act.

(2) A person who does any of the following acts for or on
15 behalf of or as assistant to or clerk of a licensed bookmaker, that is to say:—

- (a) invites or solicits persons to make bets with himself or with such licensed bookmaker, or
- 20 (b) announces the terms or odds on or at which he himself or such licensed bookmaker is willing to take bets in relation to any race, match, or other contest or in relation to any competitor in any such contest, or
- (c) takes, makes, or negotiates any bet whether he purports so to do on his own behalf or on behalf of such licensed
25 bookmaker,

shall, if such act is done elsewhere than on registered premises of which such licensed bookmaker is the registered proprietor, be deemed to be acting himself as a bookmaker within the meaning of this Act.

30 (3) A person who is employed by a licensed bookmaker as his assistant and whose employment is lawful by virtue of this section shall not be deemed to act or carry on business as a bookmaker within the meaning of this Act merely by reason of his being employed and acting as such assistant.

35 **27.**—(1) In addition and without prejudice to any provision of this Act permitting a licensed bookmaker to employ an assistant, it shall be lawful for the registered proprietor of registered premises to employ in those premises such clerks and assistants of or over the age of eighteen years as shall be reasonably necessary for the carrying on of his business of bookmaking
40 in the said premises provided the amount of the respective remunerations of such clerks and assistants is not wholly or partly dependent on or calculated by reference to the amount of business done or profits made by such registered proprietor.

Saving for clerks and assistants in registered premises.

45 (2) A person who is employed by the registered proprietor of registered premises as a clerk or assistant in those premises and whose employment as such clerk or assistant is lawful by virtue of this section shall not be deemed to act or carry on business as a bookmaker within the meaning of this Act merely by reason of
50 his acting as such clerk or assistant.

28.—(1) It shall not be lawful for any person to send or bring into any registered premises any person under the age of eighteen years other than persons ordinarily resident in such premises and officers of the Minister for Posts and Telegraphs entering such
55 premises in the course of their duty as such officers.

Persons under eighteen years in betting offices.

(2) Every person (other than the registered proprietor of the registered premises concerned) who sends or brings any person into registered premises in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not
60 exceeding fifty pounds or, in the case of a second or any subsequent offence, to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for any term not

exceeding three months or to both such fine and such imprisonment.

Loitering near registered premises.

29.—(1) Every person who stands or loiters outside or near any registered premises after he has been requested by a member of the *Gárda Síochána* to move on shall (whether such standing or loitering is or is not an obstruction to traffic) be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding twenty pounds or, at the discretion of the court, to imprisonment for any term not exceeding two months. 5

(2) A member of the *Gárda Síochána* may arrest without warrant a person who fails or refuses to move on when requested under this section by such member so to do. 10

Penalty for false statement of age.

30. Every person who by falsely representing himself to be of or over the age of eighteen years either induces a licensed book-maker to make a bet or enter into a betting transaction with him or induces the registered proprietor of registered premises to permit him to enter or remain in such premises shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds. 15

Prohibition of betting with persons outside *Saorstát Éireann*.

31.—(1) It shall not be lawful for any person while in *Saorstát Éireann* to make or enter into or attempt to make or enter into a bet with a person who is then outside *Saorstát Éireann* or to employ, commission, or instruct or attempt to employ, commission, or instruct any person who is for the time being outside *Saorstát Éireann* to make or enter into a bet for him or on his behalf. 20 25

(2) Every person who makes or enters into or attempts to make or enter into a bet in contravention of this section or who employs, commissions, or instructs any person to make or enter into a bet in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to an excise penalty of one hundred pounds. 30

Powers of the Minister for Posts and Telegraphs.

32.—(1) The Minister for Posts and Telegraphs may detain any postal packet suspected of containing a communication to which this section applies and shall forward every postal packet so detained to the Revenue Commissioners and those Commissioners may open and examine the packet, and if they find therein any communication to which this section applies may detain the packet and its contents for the purpose of prosecution, and if they find no such communication therein shall close the packet and return the same to the Minister for Posts and Telegraphs who shall forward the packet and its contents by post to the person to whom it was addressed. 35 40

(2) Whenever the Minister for Posts and Telegraphs receives for transmission by telegraph a message which appears to be a communication to which this section applies, he may send to the Revenue Commissioners a copy of such message and such information in regard thereto as he shall think fit to send or the Revenue Commissioners may ask for. 45

(3) The Minister for Posts and Telegraphs may after consultation with the Revenue Commissioners make regulations for the exercise of the powers and the performance of the duties conferred or imposed on him by this section. 50

(4) This section applies to every communication from a person in *Saorstát Éireann* (hereinafter called the sender) to a person outside *Saorstát Éireann* (hereinafter called the addressee) by which the sender purports either on his own behalf or on behalf of another person to make or enter into a bet with the addressee or by which the sender purports to employ, commission, or instruct the addressee to make or enter into a bet for or on behalf of the sender or any other person. 55 60

(5) This section in so far as it relates to postal packets shall be read and construed together with the Post Office Acts, 1908 to

1920, and in so far as it relates to telegrams shall be read and construed as one with the Telegraph Acts, 1863 to 1928.

33.—(1) The Minister for Justice may by order make regulations prescribing any matter or thing relating to the District Court, members of the *Gárda Síochána*, or the Minister for Justice which is in this Act referred to as prescribed or to be prescribed. Regulations.

(2) The Minister for Finance may by order make regulations prescribing any matter or thing which is in this Act referred to as prescribed or to be prescribed and is not authorised by this Act to be prescribed by regulations made by the Minister for Justice. Expenses.

34.—All expenses incurred in carrying this Act into execution shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the *Oireachtas*.

35.—The several enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of the said Schedule. Repeals.

36.—(1) This Act may be cited as the Betting Act 1930.

(2) This Act shall come into operation on such day as the Minister shall by order appoint. Short title and commencement

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
10 & 11 Geo. V., c. 52.	Ready Money Football Betting Act, 1920.	The whole Act.
No. 38 of 1926 ..	Betting Act, 1926 ..	The whole Act so far as unrepealed.

BILLE UM GHEALL-CHUR, 1930.

BETTING BILL, 1930.

BILLE

(mar do leasúiodh i gCoiste)

dá ngairmtear

Acht chun soerú do dhéanamh chun gur fearrde a rialálfar agus a srianfar daoine dar gnó geallta do ghlaca, agus chun leasú do dhéanamh, chun na críche sin agus chun crícheanna eile, ar an dlí bhaineas le geallchur agus le tithe geall.

An tAire Airgid do thug isteach.

*Do hordúiodh ag Dáil Éireann, do chlóbhuála,
25adh Feabhra, 1931.*

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach é Oifig Díolta Foillseacháin Rialtais, 5, Sráid Thobair Phádraig, Baile Atha Cliath, C.2.

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BILL

(as amended in Committee)

entitled

An Act to make provision for the better regulation and control of persons engaged in the business of book-making, and for that and other purposes to amend the law relating to betting and betting houses.

Introduced by the Minister for Finance.

*Ordered, by Dáil Éireann, to be printed,
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