

GAZETTE EXTRAORDINARY

**The Malawi Gazette Supplement, dated 27th December,
1996, containing
an Act** (No. 9C)

MALAWI GOVERNMENT

(Published 27th December, 1996)

**Act
No. 26 of 1996**

I assent

**BAKILI MULUZI
PRESIDENT
19th December, 1996**

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An Act to provide for the regulation of gaming; for the control and licensing of gaming premises; for the imposition and recovery of a tax on gaming; and for matters connected with or incidental to the foregoing

ENACTED by the Parliament of Malawi as follows:-

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Gaming Act, 1996, and shall come into operation on a date to be appointed by the Minister by notice published in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires-

“Board” means the Gaming Board established under section 3 (1);

“Chairman” means the person designated as such under section 3 (2);

“Commissioner” means the Commissioner of Taxes established under Cap. 41:01 section 3 (1) of the Taxation Act;

“game of chance” includes a game of chance and skill combined or a pretended game of chance, but does not include an athletic game or sport;

“gaming” means the playing of a game of chance for winnings in money or money’s worth;

“gaming machine” means a machine for playing a game of chance, being a game which requires no action by a player other than the actuation or manipulation of the machine;

“gaming premises” means premises which are kept or used (whether on one occasion or more) for gaming, and to which the public has access for the playing therein of a game of chance, whether the game of chance be an unlawful game or not;

“instruments of gaming” includes cards, dice, counters, coins, tickets, gaming tables, boards, boxes, birds and animals, used for the purpose of gaming;

(“licensed gaming premises” means premises licensed under section 14 as premises which the public may use for the purpose of gaming;

“licensee” means a person issued with a licence under section 14;

“money” includes a cheque, bank note, postal order or money order;

“newspaper” includes a journal, magazine or other periodical publication;

“permit-holder” means the holder of permit issued under section 5;

“Secretary” means the Secretary for Tourism;

“tax” means the tax payable under section 17;

“unlawful game” means a game of chance the chances of which are not alike to all players, including the banker or other person or persons by whom the game is managed, or against whom the other players stake or play;

“winning” includes winnings of any kind and a reference to the amount or to the payment of winnings shall be construed accordingly.

PART II - GAMING BOARD

3.- (1) There shall be a board to be known as the Gaming Board (in this Act otherwise referred to as the “Board”), which shall consist of not more than fifteen and not less than nine members, to be appointed by the Minister.

Establishment
of Board

(2) The Minister shall designate one of the members appointed under subsection (1) as Chairman.

(3) In making an appointment under this section, the Minister may require the person to be appointed to declare whether he has

any, and if so what, financial interest in any gaming undertaking operating in Malawi.

(4) The members of the Board shall be paid such remuneration and allowances as the Minister may determine.

(5) The members of the Board shall hold office for a period of three years but shall be eligible for re-appointment.

(6) In the event of the Chairman being absent from any meeting of the Board, the members present shall elect from among themselves a person to act as chairman for that meeting.

(7) At all meetings of the Board, seven members shall form a quorum.

(8) Meetings of the Board shall be held at least once in every three months and at such other times and at such places as the Chairman may determine.

(9) The Chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(10) The Board may invite, for such length of time as it thinks fit, any person whose knowledge or advice it may require, but a person so invited shall not be entitled to vote at any meeting of the Board or be counted as a member for the purpose of forming a quorum.

(11) There may be seconded to the service of the Board such number of public officers as the Board may request and a public officer so seconded shall perform his duties solely under the directions of the Board.

(12) All permits and licenses issued under this Act, and all communications from the Board, shall be under the hand of the Chairman or of some person duly authorized by him, and shall be published in the *Gazette*.

(13) The Chairman shall submit to the Minister for publication an annual report of the proceedings of the Board containing particulars with respect to such matters as the Minister may direct.

Powers of
the Board

4.-(1) The Board shall have power-

(a) to issue licenses and permits in accordance with this Act and any regulations made thereunder

(b) during the subsistence of a licence or permit, to vary, or, for good cause, to suspend or cancel it:

Provided that the Board shall not suspend a licence or permit for more than fourteen days and shall not vary or cancel a licence or permit without giving the licensee or permit-holder an opportunity to show cause against the variation or cancellation; and

(c) to inquire into complaints against licensees or permit-holders.

(2) Subject to any general or special direction by the Minister, the Board shall regulate its own procedure.

(3) The Board may authorize the officers seconded from the civil service under section 3 (11) to exercise on its behalf, at any time when it is not meeting, such powers as it may specify:

Provided that the exercise of those powers shall, to the extent required by the Board, be reported by the Chairman, without unreasonable delay, at the next meeting of the Board.

PART III—CONTROL AND LICENCING OF GAMING

5. - (1) Any person who desires to obtain, renew or vary a licence or permit under this Act shall make an application to the Board in the form and manner prescribed.

Application
for licences

(2) On receipt of an application under subsection (1), the Board may make such investigations or require the submission of such declaration or further information as it may deem necessary to enable it examine the application.

(3) After making the investigations and considering any information or declaration as may have been required in terms of sub section (2), the Board may grant, renew or, with reasons, vary a licence or permit, or refuse a licence or permit or renewal or variation thereof:

Provided that no licence or permit shall be issued under this act unless:-

(a) the Board has satisfied itself that the applicant is a fit and proper person to hold the licence or permit and, that the premises in respect of which the application is made are suitable for the purpose;

(b) the Board has sent a copy of the application for the licence to the local authority within whose area of jurisdiction the applicant proposes to conduct his business and, has given the local authority reasonable opportunity to make representations with respect to the application, and such representations shall be submitted within 21 days from the date of the application from the Board; and

(c) the applicant has furnished the Board with security by means of a deposit, or such other security as the Board may approve, of a sum not exceeding one hundred and fifty thousand Kwacha:

Provided that the security shall be refunded or cancelled on the expiration or cancellation of the licence in respect of which it has been deposited or given unless it is forfeited under section 27.

(4) Any person who knowingly makes a false statement or declaration in an application for or a renewal or variation of, a licence or permit shall be guilty of an offence and liable to a fine not exceeding ten thousand Kwacha or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(5) In the case of a partnership, only one security, in respect of the partnership shall be required.

(6) In determining the amount of security, the Board shall take into account the known business of the applicant and the amount, if any, by which that business may reasonably be expected to increase in the ensuing year.

Provision of
licences and
permits

6.- (1) Every licence or permit issued under this Act shall state the precise location and extent of the premises, if any, to which it relates and shall be endorsed with every condition imposed by the Board under this Act.

(2) A licensee who wishes to transfer the conduct of his business to premises other than those authorized in terms of his licence may apply to the Board for authority to do so.

(3) Upon receipt of such an application in accordance with sub section (2) the Board may vary the licence so as to authorize the conduct of the licensee's business at the premises the subject of the application.

Display of
licence and
permit and
surrender
suspension
or
cancellation

7.-(1) Every licence or permit issued by the Board under this Act shall, during the period of its validity, be prominently displayed by the licensee or permit-holder at his principal place of business in part to which the public have access, and a copy thereof shall be displayed at each of the branches of the licensee or permit-holder.

(2) On notification to a person that his licence or permit has been cancelled or suspended, that person shall surrender his licence or permit to the Board.

(3) Any person who, without reasonable cause or excuse, fails to comply with this section, or who displays a licence or permit which is not currently valid, shall be guilty of an offence and liable to a fine not exceeding two thousand Kwacha or to imprisonment for a term not exceeding six months or to, both such fine and imprisonment.

Duration of
licence and
permit

8. Every licence or permit issued under this Act shall, unless therein otherwise provided, expire on the 31st March next following the date of issue.

9.-(1) A licensee shall enter regularly, in a book kept for that purpose, all such particulars as may be prescribed.

Books to be kept by licensee

(2) A licensee who-

(a) contravenes subsection (1);

(b) knowingly keeps any book, record or account required to be kept under this section which is false in any material particular; or

(c) makes in any such book an entry which is false in a material particular,

shall be guilty of an offence and liable to a fine not exceeding fifty thousand Kwacha or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

10.- (1) The Board shall at least once in every twelve months, require a licensee to submit to the Board a properly audited statement of accounts.

Submission of accounts by licensees and permit-holders

(2) The Board shall require a permit-holder, to render accounts to the Board in such form and within such period as it may specify.

(3) The Board shall require accounts submitted to it under this section to be audited by an auditor qualified to audit under the Public Accountants and Auditors Act.

Cap. 53:06

(4) Any person who refuses or fails to submit a statement of accounts when required by the Board, or who knowingly submits a false or misleading statement, shall be guilty of an offence and liable to a fine not exceeding fifty thousand Kwacha or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

11. Any person who transfers or purports to transfer a licence or permit issued under this Act to another person shall be guilty of an offence and liable to a fine not exceeding five thousand Kwacha or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Licences and permits not to be transferred

12. There shall be paid to the Board for every licence and permit issued by the Board a fee to be prescribed by the Board.

Fees

13.-(1) Subject to this Act, any person who -

(a) being the owner or occupier of premises, or having the use of, temporarily or otherwise, keeps or uses unlicensed gaming premises;

Offences relating to unlicensed gaming premises

(b) permits premises of which he is the owner or occupier, or of which he has the use temporarily or otherwise, to be used as unlicensed gaming premises;

(c) has the care or management of, or in any manner assists or is engaged in the management of, premises kept or used as unlicensed gaming premises; or

(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 premises are opened, kept or used as unlicensed gaming premises, or in any manner invites or solicits any person to play in unlicensed gaming premises; or

(e) advances, furnishes or receives money for the purpose of establishing or conducting the business of unlicensed gaming premises,

shall be guilty of an offence and liable to a fine not exceeding twenty thousand Kwacha or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) Any person who games in unlicensed gaming premises shall be guilty of an offence and liable to a fine not exceeding two thousand Kwacha or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Where a person found in unlicensed gaming premises, or is found leaving therefrom he shall be presumed, until the contrary is proved, to be or to have been gaming therein.

(4) Any person who occupies or has the use temporarily of premises which are kept or used by another person as unlicensed gaming premises shall be presumed until the contrary is proved to have permitted that place to be so kept or used.

Board may
licence
gaming
premises

14.- (1) The Board may, subject to any regulations made under this Act, issue a license authorizing a person to organize and manage gaming other than gaming organized and managed under section 18 or 20, on premises to which the public may resort for the purpose of gaming, not being unlawful gaming.

(2) A licence shall be issued in respect of each premises to be used for gaming and any licence to be issued under this section shall state the game or games which the licensee may, on the premises named therein, organize and manage.

(3) The Board shall, in respect of a licence issued under this section, impose conditions providing for-

a) the manner in which a person may conduct his business and the suitability, condition and conduct of the premises and the hours during which the premises may be open for business:-

(b) the protection of persons taking part in the gaming against fraud, and

(c) the payment of admission fees for persons using the premises.

(4) Where an admission fee is charged under subsection (3)

(c) it shall be subject to the payment of tax.

15. - (1) Where a licensee uses or permits the use of licensed gaming premises for the playing of games which-

(a) are not authorized by the Board;

(b) are similar to a game authorized by the Board and which is played in a manner that the chances therein are not equally favourable to all the players; or

(c) contravene any condition imposed by the Board or by any regulations made under this Act,

the gaming shall be deemed unlawful gaming and the person shall be guilty of an offence.

(2) Any person who is present at gaming mentioned in subsection 1) for the purpose of taking part therein shall be guilty of an offence, and for the purpose of this subsection proof that a person was present at the gaming shall be evidence that he was present for the purpose of taking part therein unless he establishes the contrary.

(3) Any person who in connection with licensed gaming premises without the approval of the Board-

a) holds himself out by advertisement, notice or public places as willing to provide members of the public with premises for gaming.

b) displays a written or placard notice relating to gaming so as to be seen in a public street or place; or

c) prints or publishes, or causes to be printed or published, an advertisement or other notice,

shall be guilty of an offence and is liable to a fine not exceeding two thousand Kwacha or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

16.- (I) Any person who, on licensed gaming premises-

(a) plays a game with, or permits the playing of a game by, a young person:

Offences relating to unlicensed gaming premises

Gaming with young persons is an offence

(b) allows a young person to come on to licensed gaming premises whether for the purpose of gaming or otherwise: or

(c) employs a young person in the organization or management of gaming,

shall be guilty of an offence and liable to a fine not exceeding ten thousand Kwacha or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

2) In this section. “a young person” means a person who is under the age of eighteen years.

Tax on
gaming
in public
gaming
premises

17.- (1) Where gaming authorized by the Board is conducted, the licensee concerned with that gaming shall-

(a) ensure that, in respect of any money or money’s worth which any of the players puts down as stakes, or pays by way of tosses, or exchanges for tokens used in playing the game-

i) an amount equal to ten per cent of that money’s worth is deducted as commission;

ii) a tax of an amount equal to five percent of the commission is deducted from that commission and paid to the Secretary; and

iii) such money or money’s worth after deducting his commission is not disposed of otherwise than be payment to a player as winnings; and

(b) make a statement in the prescribed form showing all such particulars as may be required and the statement shall be transmitted to the Secretary within such periods and in such manner as may be prescribed.

(2) The tax provided for in subsection (i) (a) (ii) shall be paid within such periods and in such manner as may be prescribed.

3) Any person who-

(a) contravenes subsection (1) (a) (iii);

(b) makes default in transmitting any statement required to be transmitted under subsection (I) (b) within the time prescribed or transmits a statement which he knows or may reasonably be considered to know to be false in a material particular; or

(c) is knowingly concerned in or in the taking of any step with a view to, the evasion of tax payable under this section, shall be guilty of an offence liable to a fine not exceeding fifty thousand Kwacha or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Small
gaming
parties

18.- (1) Subject to this Act, gaming on premises (not being gaming premises) shall be lawful only if it is conducted such that-

(a) the gaming is so conducted that the chances therein are equally favourable to all players;

b) no money or money's worth which any of the players puts down as stakes, or pays by way of losses, or exchanges for tokens used in playing the game, is disposed of otherwise than by payment to a player as winnings;

(c) no other payment in money or money's worth is required for a person to take part in the gaming; and

(d) no person under the age of eighteen years is included among the players.

(2) If in proceedings under this section evidence is adduced that gaming took place on premises and-

(a) that the game was, or was a variant of or of a similar nature to, a game which is capable of being played in accordance with the ordinary rules thereof in a manner that the chances therein are not equally favourable to all the players;

(b) that ten or more persons were present at the gaming;

(c) that a payment of money or money's worth was required in order to obtain access to the premises; or

(d) that subsection (I) (d) was contravened,

the gaming shall, subject to section 24, be deemed unlawful unless it is proved that gaming was conducted in accordance with the conditions set out in paragraphs (a), (b) and (c) of subsection (I) and. in respect of a contravention of subsection (I) (d), that the person charged neither knew nor had reasonable cause to believe that any of the players was under the age of eighteen years.

(3) If on any premises gaming takes place which is by virtue of subsection (I), or is held by virtue of subsection (2) to have been unlawful gaming, any person concerned in the organization or management of the gaming, and any other person who, knowing or having reasonable cause to suspect that unlawful gaming would take place on those premises-

(a) allowed the premises to be used for the purposes of gaming; or

(b) let the premises, or otherwise made the premises available to any person by whom an offence in connection with the gaming has been committed,

shall be guilty of an offence and liable to a fine not exceeding five thousand Kwacha or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(4) For the purposes of this subsection, a person who took part in procuring the assembly of the players shall be deemed to have been concerned in the organization of the gaming.

(5) Any person who is present at any gaming referred to in sub section (3) for the purpose of taking part therein shall be guilty of an offence and liable to a fine not exceeding two thousand Kwacha or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(6) For the purposes of subsection (4) proof that a person was present at gaming shall be evidence that he was present for the purpose of taking part therein unless he proves that he was present neither for that purpose nor for purposes of taking part in the management of the gaming, operation of any instrument, or other thing whatsoever used in connection with the gaming:

Provided that, for the purposes of proceeding under this section, subsection (1) (c) shall be inapplicable if the person charged proves that he was not required to make, or to undertake to make a payment such as is mentioned in that paragraph and that neither knew nor had reasonable cause to suspect any other person was so required.

Provision for clubs

19. Gaming shall be permitted in clubs where-

- (a) the gaming was carried on as an activity or a clubs where-gaming is not the only, or the only substantial, activity or the club;
- (b) apart from an annual subscription for membership of the club, the only other payment required for a person to take part in the gaming was a fixed sum of money determined before the gaming began:
- (c) no person took part in the gaming, who was not-
 - i) a member of the club in pursuance of on application or nomination for membership made and, an annual subscription was paid more than twenty-four hours before the gaming began; or
 - ii) a bona fide guest of such a member;
- (d) not more than two bona fide guests of any one member took part in the gaming; and
- (e) the club is so constituted and conducted as not to be of merely temporary character.

Gaming at entertainments

20.- (1) Games of chance or of chance and skill combined promoted and conducted as an incident to an entertainment to which this section applies shall be lawful provided the following conditions are observed-

(a) the gaming is so conducted that the chances therein are equally favourable to all the players;

(b) not more than one payment (whether by way of entrance fee or stake or otherwise) is made by each player in respect of all games played at the entertainment, and no such payment exceeds two hundred Kwacha;

(c) the whole of the proceeds of the payments mentioned in paragraph (b), after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, are applied for purposes other than private gain:

Provided that-

(i) the proceeds of the payments shall not be held to be applied for private gain by reason only that their application for purposes other than private gain resulted in benefit to any person as an individual;

(ii) where a payment falls to be made by way of hiring, maintenance or other charge in respect of equipment for gaming at the entertainment and the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other equipment is used for the purpose of the gaming, then that payment shall be held to be an application of the proceeds for purposes of private gain, and accordingly the reference to expenses shall not include a reference to any such charge falling to be so determined;

(e) the amount of the proceeds appropriated in respect of expenses does not exceed the reasonable cost of the facilities provided for the purposes of the games; and

(f) no person under the age of eighteen years is included among the players unless-

(i) the gaming takes place in the presence of a parent or guardian of that person; and

(ii) any such person taking part in the gaming does so with the permission, whether general or special, of a parent or guardian of that person.

(2) Where two or more types of entertainment are promoted on the same premises by the same persons on any day, the conditions specified in subsection (1) shall apply in relation to those entertainments as if they were a single entertainment.

(3) Subject to subsection (2) (a) where-

(a) a series of entertainment is held, the conditions specified in subsection (1) shall apply separately to each entertainment in the series, whether or not some or all of the persons taking part in any one of those series of entertainment are qualified to take part in any other of the series of entertainment; and

(b) each one of the persons taking part in the games played at the final entertainment of the series is qualified to do so by reason of having taken part in the games played at another entertainment of that series held on a previous day (being an entertainment to which this section applies);

(4) if in proceedings under this section evidence is adduced that gaming took place at an entertainment and-

(a) that a game was, or was a variant of or of a similar nature to, a game which is capable of being played in accordance with the ordinary rules thereof in a manner that the chances therein are not equally favourable to all the players;

(b) that more than one payment was made by any player in respect of the games played at the entertainment or that any payment made by a player exceeded two hundred kwacha; or
(c) that subsection (1) (J) was contravened,

the gaming shall be deemed unlawful unless it is proved that the gaming was conducted in accordance with the conditions set out in paragraphs (a), (b), (c), (d) and (e) of subsection (1) (f) and, that the person charged did not know or had no reasonable cause to suspect that any of the players was under the age of eighteen years.

(5) If gaming takes place at an entertainment which is by virtue of subsection (1), or is held by virtue of subsection (4) to have been, unlawful gaming, any person concerned in the organization or management of the gaming, and any other person who, knowing or having reasonable cause to suspect, that unlawful gaming would take place at the entertainment-

(a) allowed premises to be used for the purpose of that gaming; or

(b) let premises, or otherwise made the premises available to a person by whom an offence in connection with the gaming has been committed,

shall be guilty of an offence and liable to a fine not exceeding five thousand Kwacha or to imprisonment of a term not exceeding twelve months or to both such fine and imprisonment:

(6) For the purposes of subsection (5), a person who took part in procuring the assembly of players shall be deemed to have been concerned in the organization of gaming.

(7) Any person who is present at gaming referred to in subsection (5) for the purpose of taking part therein, shall be guilty of an offence and liable to a fine not exceeding two thousand Kwacha or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(8) Proof that a person was present at gaming shall be evidence that he was present for the purpose of taking part therein unless he proves that he was present neither for that purpose nor for the purpose of taking part in the management of the gaming, operation of any instrument or other thing whatsoever used in connection with the gaming:

Provided that, for the purpose of proceedings under this subsection, paragraph (b) of subsection (1) shall be inapplicable if the person charged proves that he was not required to make, or to undertake to make, more than one payment or any other payment exceeding two hundred Kwacha and that he neither knew nor had reasonable cause to suspect that any other person was so required.

(8) In this section, “entertainment” means a bazaar, sale of work, charity dinner, dance, sporting or athletic event or other entertainment of a similar character whether limited to one day or part thereof or extending over two or more days.

21.- (1) Any person who-

(a) uses or permits the use of an unauthorized gaming machine;

(b) knowingly allows premises to be used for the purpose of gaming by means of an unauthorized gaming machine; or

(c) knowing or having reasonable cause to believe that premises would be used for gaming by means of an unauthorized (gaming machine)-

(i) caused or allowed the machine to be placed on the premises;

(ii) let the premises, or otherwise made the premises available, to a person by whom an offence in connection with the machine was committed,

shall be guilty of an offence and, liable to a fine not exceeding five thousand Kwacha or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

(2) In this section, “unauthorized gaming machine” means a gaming machine in respect of which a permit has not been issued under this Act.

Gaming
machines

Board may
authorise
use of
gaming

22.- (1) The Board may, subject to any regulations made under this Act, issue a permit authorizing the use of a gaming machine on machine premises approved by it.

(2) A permit issued under this section shall be on condition that-

(a) the stake risked in order to play the game does not exceed one hundred Kwacha at a time;

(b) all stakes risked are applied, in the payment of winnings to a player of the game;

(c) the premises on which the gaming machine is used are not wholly or mainly used by persons under the age of eighteen years; and

(d) the Board may impose any other conditions it may deem fit.

(3) Any person who contravenes any conditions provided for in subsection (2), or imposed by the Board, shall be of an offence and liable to a fine not exceeding two thousand Kwacha or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

23.- (1) Subject to this Act, a person who takes part in gaming in a street to which, whether on payment or otherwise, the public have access, shall be guilty of an offence and liable to a fine not exceeding two thousand Kwacha or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) A police officer may arrest without warrant any person found in a street referred to in subsection (1) whom the police officer suspects, with reasonable cause, to be committing an offence under this section.

(3) In this section, "street" means-

(a) a bridge, road, lane, footway, square, court, alley or passage, which is for the time being open to the public; and

(b) the doorway and entrances of premises bordering upon the ground adjoining and open to a Street.

PART IV—MISCELLANEOUS PROVISIONS

Obtaining
of money
by cheating
at a game

24. Any person who-

(a) by any fraud or unlawful device or ill-practice in playing at or with an instrument of gaming; or

(b) in taking a part in the stakes or offence wagers, or on the sides or hands of those that are playing;

(c) or in wagering on lawful gaming, sport, pastime or exercise, wins from another person for himself, or for or on behalf of another person, a sum of money or valuable thing,

shall be guilty of an offence and liable to a fine not exceeding five thousand Kwacha or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

25. Any person aggrieved by a decision of the Board made under this Act may, within twenty-one days of the decision, apply to the High Court for review of the decision of the Board.

Appeals
from
decision of
Board

26.- (1) Any person who-

(a) is authorized in writing in that behalf by the Board and on production of his authority if demanded;

Power to enter
and inspect
land or
premises

(b) is appointed by the Secretary, and on production of his authority if demanded; or

(c) is a police officer of or above the rank of Assistant Inspector,

may, on production of a warrant, enter and inspect premises in which he has reason to believe that an offence under this Act, or under any regulations made thereunder has been or is about to be committed, and-

(i) examine and take copies of books, accounts and documents relating to or appearing to relate to gaming;

(ii) seize, remove or detain a book, account or document which he has reasonable cause to believe will reveal evidence of an offence under this Act or any regulations made thereunder;

(iii) require the owner or occupier of the premises to render such explanation and give such information relating to any betting transaction, lottery or gaming as may be reasonably required by him in the performance of his duties.

(2) The power to act under subsection (1) may be exercised without warrant-

(a) if the person so acting has reasonable cause to believe that the delay occasioned in obtaining a search warrant would seriously hinder him in the performance of his duties; and

(b) by or under the directions of a police officer of or above the rank of Inspector unless the person authorized in writing by the Board or the Secretary has reasonable cause to believe that the delay to be occasioned by the summoning of a police officer would defeat the purposes of this section.

(3) Any person who-

(a) resists, hinders or obstructs a person acting in pursuance of any of the provisions of this section; or

(b) on a requisition under subsection (1), willfully withholds information, or gives information knowing or having reason to believe it to be false or misleading,

shall be guilty of an offence and liable to a fine not exceeding five thousand Kwacha or to imprisonment for a term not exceeding six months or to both such fine and imprisonment: Provided that no person may be required to answer any question the answer to which may incriminate him.

(4) Before removing anything under subsection (1), the person removing it shall furnish the person in whose possession the article is at the time of removal with a written receipt therefore.

Cancellation
of licence on
conviction

27.- (1) Where any person issued with a licence under this Act etc. is convicted of an offence under this Act or of an offence involving fraud or dishonesty, the court before which he is convicted may order that his licence be cancelled and his deposit forfeited.

(2) Any person whose licence is cancelled and his deposit forfeited in pursuance of an order under subsection (1) shall, by virtue of that order, be disqualified from holding or obtaining a licence for a period of five years from the date of the conviction which gave rise to the order:

Provided that, where it appears to the court making the order to be just in all the circumstances, the court may include in the order a direction that the period of disqualification shall be such period not exceeding five years.

(3) An organizer or manager of licensed gaming premises, or a servant or agent of his, who employs in his business any person known to him to be disqualified by subsection (2) shall be guilty of an offence and liable to a fine not exceeding two thousand Kwacha or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalty for
late payment
of tax

28. Any person who fails to pay the whole of the tax due from him under this Act within the prescribed period shall be liable to pay, in addition to the amount in default, a penalty equal to five percentum of the amount for each week, or part thereof, during which the default continues.

Power of court
to deal with
anything
produced to it

29. The court before which any person is convicted of any offence under this Act may order anything produced to the court, shown to the satisfaction of the court to relate to be forfeited and destroyed or dealt with in such other manner as the court may order.

30. Any fee due to the Board, and any tax or any penalty in respect therefore, due to the Secretary shall be deemed to be a civil debt due to the Government, and may be used for and recovered with costs by and in the name of the Board.

Power of Board and Secretary to sue for recover of any moneys due

31. All moneys received or recovered under this Act by or on behalf of the Board by way of taxes, including any penalty in respect of such taxes, shall be paid into the Consolidated Fund, and all monies received or recovered under this Act by way of fees shall be paid into any fund related to the Tourism Industry.

Revenue to be paid into consolidated Fund

32. The Minister may, in consultation with the Board, make regulations providing for-

Regulations

(a) the procedure to be followed by the Board in exercising any powers conferred upon it by this Act;

(b) the procedure to be followed in the making of an application for the issue, renewal or variation of a licence or permit issued under this Act;

(c) the advertisement of an application for a licence or permit under this Act and of proceedings of the Board to consider and determine any such application;

(d) the right of a person interested to object to an application for the issue, renewal or variation of a licence or permit under this Act, and for the form and manner of any such objection;

(e) the form and manner in which returns or statements of accounts shall be furnished to the Board;

(f) securing the payment of any tax and fee; and

(g) generally, the carrying out of the provisions and purposes of this Act.

33. No member of the Board or any officer thereof shall be personally liable for any act or default done or omitted to be done, in good faith, in the course of his duties under the Act.

Immunity

Passed in Parliament this second day of July, one thousand, nine hundred and ninety-six.

R. L. GONDWE
Clerk of Parliament