

THE TOTALIZATOR CONTROL ACT, 1967

No. 5



of 1967

AN ACT TO CONTROL THE USE OF TOTALIZATORS

Date of Assent : 21.4.67.

Date of Commencement : 21.4.67.

ENACTED by the Parliament of Botswana

Short Title.

1. This Act may be cited as the Totalizator Control Act, 1967.

Interpretation.

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

“Commissioner” means the Commissioner of Revenue and, except in section 3, includes any public officer to whom the Commissioner has delegated the exercise of any power or performance of any duty under that section;

“horse” includes any pony, galloway or donkey;

“licence” means a licence issued under the provisions of section 6 ;

“race” means any foot-race, horse-race, dog-race, cycle-race, motor-race, motor-cycle race or boat-race and any other race which the Minister may by notice in the *Gazette* declare to be a race;

“race club” means any club or association of persons promoting and controlling racing;

“race course” means the place at which a race is or is to be held;

“totalizator” means the contrivance for betting known as the totalizator or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

Delegation.

3. The Commissioner may by directions in writing delegate to any public officer the exercise of any power or performance of any duty vested in him by this Act.

Use of unlicensed Totalizator an Offence.

4. (1) No person shall use or permit the use of a totalizator in respect of which a licence has not been granted in terms of this Act.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

Lottery conducted on totalizator not unlawful.

5. A lottery conducted on a totalizator licensed in accordance with the provisions of section 6 shall be deemed to be a lottery authorized by law.

Licensing of Totalizators.

6. (1) The Commissioner may, upon written application, and payment of the prescribed fee issue a licence in the prescribed form to a race club to use a totalizator.

(2) A separate licence shall be required in respect of each race course and each day on which a race meeting is held.

(3) No licence shall be issued in respect of a Sunday, Christmas Day or Good Friday.

(4) The Commissioner may cancel any licence granted under this section if default is made in complying with any provision of this Act.

Totalizators transactions to be recorded.

7. Every transaction effected by means of a totalizator shall be recorded in a manner approved by the Commissioner and so that, as far as may be practicable, the recording shall be in the uninterrupted view of the public.

Persons under 18 years may not use Totalizator.

8. Any person in charge of or having control of a totalizator, or any assistant

of such person, who issues a ticket to any person upon credit, or who accepts any money from or issues a ticket or pays any dividend or money to, a person apparently under the age of eighteen years shall be guilty of an offence.

Limiting Commission and Prescribing Tax.

9. Where any totalizator is used under the provisions of this Act —

- (a) the totalizator commission deducted by the licence holder shall not exceed fifteen per centum of the gross takings of each licenced totalizator;
- (b) there shall be payable by the licence holder to the Government at the end of each day on which the totalizator is used a tax calculated, on the gross takings of each licenced totalizator for that day, at the rate of 2½%.

Act does not validate betting Transactions.

10. Nothing in this Act shall be deemed to give any betting transaction any authoritative or legal effect not otherwise attached thereto or to affect the common law in that regard.

Police powers of entry and inspection.

11. (1) Any police officer of or above the rank of Sub-Inspector —

- (a) if he has reasonable grounds for suspecting that an offence against this Act is taking place or has taken place may without warrant at any time enter upon any race course or other place whatever and conduct a search thereon, and make any seizure of articles thereon as will secure evidence of the commission of such offence; and
- (b) may enter at any time any race course for the purpose of general police supervision, and may eject any drunken, noisy or disorderly person found on such premises.

(2) Any person who resists, hinders or obstructs any police officer in the exercise of his powers under this section shall be guilty of an offence.

Penalties.

12. Any person convicted of an offence under this Act shall be liable upon a first such conviction to be sentenced to a fine not exceeding R50 or, in default of payment, to imprisonment for a period not exceeding three months, and for a second or subsequent such conviction to imprisonment for the said period, without the option of a fine, or to both such fine and such imprisonment.

Minister may make Regulations.

13. The Minister may make regulations prescribing the form of licence and the fee therefor, the method by which the tax payable under section 9 shall be collected and generally for the better administration of the Act.

Passed by the National Assembly this day, the 20th March, 1967.

G.T. MATENGE,
Clerk of the National Assembly.