

Zambia

## Betting Control Act, 1957

### Chapter 166

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## Betting Control Act, 1957

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# Zambia

## Betting Control Act, 1957

### Chapter 166

Commenced on 17 January 1958

*[This is the version of this document at 31 December 1996.]*

*[27 of 1957; 5 of 1963; 13 of 1974; 4 of 1976; 24 of 1977; 7 of 1984; 8 of 1988; 30 of 1989; 22 of 1990; 4 of 1992; 5 of 1993; 1 of 1994; 13 of 1994; Government Notices 304 of 1964; 497 of 1964; Statutory Instrument 91 of 1965]*

**An Act to make provision for the establishment of a Betting Control and Licensing Board; to provide for the licensing of bookmakers and betting premises; to provide for the general improvement of control over bookmaking and betting practices in Zambia; and to provide for matters incidental to or connected with the foregoing.**

#### 1. Short title

This Act may be cited as the Betting Control Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

**"authorised race meeting"** means a race meeting authorised in terms of section eighteen;

**"the Board"** means the Betting Control and Licensing Board established under this Act;

**"bookmaker"** means any person who by way of business bets with members of the public and includes any person operating a football pool;

**"bookmaker's licence"** means a licence issued to a bookmaker under the provisions of this Act;

**"licensed betting premises"** means any premises duly licensed in terms of this Act as premises wherein bets may be made and settled;

**"Officer Commanding the Zambia Police Force"** means the person holding the office of the Inspector-General of Police in Zambia or any other person for the time being holding office as the head of the Zambia Police Force;

**"race-course"** means any place used for the purpose of holding a race meeting;

**"race meeting"** means any gathering of the public or of the members of any association of persons to watch horse races or any other class of sporting event which may be declared by the Minister, by statutory notice, to be a class of sporting event at which the Inspector General of Police shall be entitled to authorise the attendance of bookmakers in accordance with the provisions of section eighteen.

*[As amended by G.N. No. 304 of 1964, Act 13 of 1974 and Act 8 of 1988]*

#### 3. Establishment of Board

- (1) There shall be established a board to be known as the Betting Control and Licensing Board which shall consist of—
  - (a) a chairman, to be a person nominated by the Minister;
  - (b) the Inspector General or his authorised representative, being a police officer not below the rank of Superintendent;
  - (c) such other persons, to a maximum of five, as the Minister appoints by *Gazette* notice.

- (2) The chairman and members of the Board, other than public officers, may at any time be required by the Minister to resign from the Board.
- (3) The chairman and members of the Board, other than public officers, shall be paid out of moneys appropriated for the purpose by Parliament such remuneration and allowances as the Minister may from time to time determine.
- (4) The Minister may appoint a person to be secretary to the Board.
- (5) A quorum of the Board shall be four.

*[As amended by No. 5 of 1963]*

#### **4. Issue of licences**

- (1) The Board may and is hereby authorised to issue licences in accordance with the provisions of this Act and any regulations made thereunder.
- (2) Any licence issued under the provisions of this Act may be varied, suspended, cancelled or made the subject of any condition by the Board in accordance with the provisions of this Act and any regulations made thereunder.
- (3) The procedure of the Board in considering applications for licences and for exercising any other powers under this Act shall be determined by regulations made by the Minister under the provisions of this Act.

*[As amended by G.N. No. 304 of 1964]*

#### **5. Prohibition against unlicensed bookmaking**

- (1) No person shall carry on the business of a bookmaker otherwise than in accordance with the provisions of a licence issued to him under this Act authorising him to carry on the said business at the premises named therein or at any race meeting authorised in terms of section eighteen:

Provided that nothing in this section shall apply to an employee of any licensed bookmaker acting in the course of such employment at the licensed premises of such bookmaker or at an authorised race meeting.

- (2) In the case of a partnership of bookmakers, each partner shall require to be licensed.
- (3) Any person who carries on business as a bookmaker otherwise than in terms of a licence issued under this Act shall be guilty of an offence and shall be liable on a first conviction to a fine not exceeding one hundred penalty units and on any second or subsequent conviction to a fine not exceeding five thousand penalty units

*[As amended by Act [30 of 1989](#) and 13 of 1994]*

#### **6. Application for licences**

- (1) Any person who desires to obtain a licence under this Act shall make application in writing to the Board in the prescribed form and manner.
- (2) Such application shall be accompanied by such information concerning the applicant and the premises, if any, upon which he intends to carry on his business as a bookmaker as may be prescribed.

#### **7. Examination and determination of licence applications by Board**

- (1) On receipt of an application in terms of section six, the Board may make such investigations or require the submission of such further information as it may deem necessary in order to enable it to examine such application.

- (2) After making such investigations and considering such information as may have been required in terms of subsection (1), the Board shall, after considering the application at a meeting held in accordance with regulations made under this Act, in its absolute discretion either grant a licence to the applicant or refuse such licence without reason given:

Provided that no licence shall be issued under this Act unless and until the Board has satisfied itself that the applicant is a fit and proper person to hold such a licence and that the premises in respect of which the application is made are suitable for the purpose.

- (3) In considering the suitability of premises in accordance with the proviso to subsection (2), the Board shall take into account the desirability of keeping such premises at a proper and sufficient distance from premises licensed for the sale and consumption of liquor.

## 8. Imposition of conditions by Board

- (1) In every case where a licence is issued under this Act, the Board shall impose as a condition thereto the requirement that the applicant shall furnish the Board with security by means of a fidelity bond or such other security as the Board may approve to a sum of not less than four thousand kwacha.
- (2) In determining the amount of such security, the Board shall take into account the known business of the applicant and the amount, if any, by which such business may reasonably be expected to increase in the ensuing year.
- (3) The Board may at any time vary the amount of any security given in terms of this section if it is satisfied that, having regard to the known scale of business of the bookmaker concerned, such variation is reasonable.
- (4) In the event of any bookmaker making default in the fulfilment of any financial liability arising from bookmaking transactions, the Board shall have the power to realise any security or part of such security given by the bookmaker under this section and to apply any sum of money so realised to the satisfaction of such liability.
- (5) In granting or renewing a licence under this Act, the Board may attach such other conditions thereto as it thinks fit.
- (6) Without prejudice to the generality of subsection (5), such conditions may relate to the manner in which the bookmaker may conduct his business and to the suitability, condition and conduct of the premises to which the licence applies and the hours during which such premises may be open for business.

## 9. Procedure where bookmaker fails to pay betting debts arising from betting transactions

- (1) In any case in which the Board is credibly informed that a bookmaker has made default in the payment of any debt arising from any bookmaking transaction lawfully made under the provisions of this Act (hereinafter in this section referred to as a betting debt), the Board shall in writing request the bookmaker to furnish such information as the Board may require within such period as the Board shall specify.
- (2) If it appears to the Board, on the information furnished by the bookmaker under the provisions of subsection (1) or from information otherwise acquired by it, that all or any of the security furnished in accordance with the provisions of section eight is likely to be required to pay the betting debts of the bookmaker, the Board shall, after considering any representations made to it by the bookmaker, publish once in the *Gazette* and once in a newspaper circulating in the area in which the bookmaker carries on business a notice—
  - (a) stating that the security furnished under the provisions of section eight will be realised and applied, subject to the provisions of this section, to the payment of the betting debts of the bookmaker;

- (b) inviting before such date (hereinafter in this section referred to as the specified date) as may be specified in the notice the submission of claims for the payment of such debts.
- (3) Subject to the provisions of subsection (4), the Board shall pay any debts in respect of which it has received notice in terms of this section and which it is satisfied are due to the claimant.
- (4) In any case in which the amount furnished as security under the provisions of section eight is inadequate to pay the betting debts referred to in subsection (3), the Board shall make pro rata payments of such debts.
- (5) Nothing in this section shall preclude any person from recovering, in terms of section twenty, a betting debt or part thereof which is not satisfied under the provisions of this section.

*[No. 5 of 1963]*

## **10. Requirements of licences**

Every licence 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 in accordance with this Act.

## **11. Suspension, cancellation and variation of licence**

- (1) The Board may at any time during the subsistence of a licence issued under this Act for good cause suspend or cancel such licence, or vary any conditions imposed in relation to such licence at its discretion.
- (2) The Board shall not suspend for more than seven days nor cancel any licence under the powers conferred by subsection (1) without giving the bookmaker concerned reasonable opportunity to show cause why his licence should not be so suspended or cancelled.

## **12. Duration and renewal of licences**

- (1) Every licence issued or renewed after the 1st January, 1963, under this Act shall terminate on the 30th June which next occurs following the issue or renewal of such licence.
- (2) Any bookmaker whose licence expires or is due to expire in terms of subsection (1) who desires to renew such licence shall make application to the Board at such time and in such form and manner as may be prescribed.
- (3) In considering any application for a renewal of a licence, the Board may exercise all or any of the powers conferred upon it by sections seven and eight and, after complying with any procedure laid down in respect of renewal of licences by regulations made under this Act, may in its absolute discretion either renew such licence or refuse such renewal without reason given.

*[As amended by No. 5 of 1963]*

## **13. Transfer of licensed premises**

- (1) Any licensed bookmaker who wishes at any time to transfer the conduct of his business to premises other than those authorised in terms of his licence may apply to the Board for authority so to do.
- (2) Upon receipt of an application in accordance with subsection (1), the Board may exercise any of the powers conferred upon it by sections seven and eight and may thereupon vary the said licence so as to authorise the conduct of the bookmaker's business at the premises the subject of the application in substitution for the premises previously licensed.

#### 14. Licence fees

Every bookmaker licensed under this Act shall be required to pay at the time of the issue of his licence a fee of one thousand fee units in the case of a first issue of a licence and five hundred fee units in the case of each renewal thereof.

*[As amended by Act [No. 1 of 1994](#), 4 of 1992, 5 of 1993 and 13 of 1994]*

#### 15. Prohibition against touting

- (1) No person shall, except within licensed betting premises or at an authorised race meeting, tout or otherwise personally solicit the patronage of members of the public with any bookmaker.
- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifty penalty units.

*[As amended by Act [No. 30 of 1989](#) and 13 of 1994]*

#### 16. Prohibition against liquor on licensed premises

Any person who shall upon any licensed betting premises sell or supply or consume or permit the sale or supply or consumption of any alcoholic liquor shall be guilty of an offence and shall be liable to a fine not exceeding two hundred and fifty penalty units.

*[As amended by Act [No. 30 of 1989](#)]*

#### 17. Prohibition against playing games of chance

Any person who shall permit upon any licensed betting premises the playing of any game of chance shall be guilty of an offence and shall be liable to a fine not exceeding one hundred and fifty penalty units.

*[As amended by Act [No. 30 of 1989](#) and 13 of 1994]*

#### 18. Authorisation of bookmaking at race meetings

- (1) The promoters of any race meeting shall, if they desire bookmakers to be permitted to carry on business at such race meeting, apply to the Inspector General of Police for a permit for that purpose.
- (2) Such application shall be in writing in the prescribed form.
- (3) Upon receipt of an application in terms of subsection (1), the Inspector General of Police may, after making such inquiries as he thinks fit, in his discretion issue a permit authorising bookmaking to take place at the race meeting held on the race-course and on the day or days specified in the said permit.
- (4) Any person who permits a bookmaker to carry on business at any race meeting otherwise than in accordance with this section shall be guilty of an offence and shall be liable to a fine not exceeding one thousand penalty units.

*[As amended by Act [No. 30 of 1989](#) and 13 of 1994]*

#### 19. Closure of licensed premises on race days

- (1) No licensed betting premises shall be open for the transaction of business and no person shall make any bet in any licensed betting premises at any time between half an hour before the advertised time of the start of the first race and the advertised time of the start of the last race of any authorised race meeting which takes place within ten miles of such licensed betting premises.

- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding one hundred penalty units.

*[As amended by Act [No. 30 of 1989](#) and 13 of 1994]*

## **20. Enforcement of betting debts**

It is hereby declared that any debt arising from any betting transaction lawfully made under the provisions of this Act may be enforceable before the courts of Zambia in the same manner as any other civil debt.

## **21. Police powers of entry**

- (1) Any police officer above the rank of Sub Inspector may, at any time during which the premises are open for business, enter any licensed betting premises and may during any race meeting enter the race-course for the purpose of general police supervision and may eject any drunken, noisy or disorderly persons found on such premises or race-course.

- (2) Obstruction of Police

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 and shall be liable to a fine not exceeding five hundred penalty units or to imprisonment not exceeding three months.

*[As amended by Act [No. 24 of 1977](#), 30 of 1989 and 13 of 1994]*

## **22. No betting with persons under eighteen**

- (1) No bookmaker and no servant or agent of any bookmaker shall make or permit to be made any bet with any person under the age of eighteen.
- (2) No bookmaker and no servant or agent of any bookmaker shall allow any person under the age of eighteen to come upon licensed betting premises, whether for the purpose of betting or otherwise.
- (3) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding five hundred penalty units.

*[As amended by Act [No. 30 of 1989](#) and 13 of 1994]*

## **23. Submission of bookmakers' accounts**

The Board may at any time and shall, not less frequently than once in every twelve months, require a licensed bookmaker to submit to the Board a properly audited statement of the bookmaker's accounts.

## **24. Licences not to be transferred**

No licence issued under this Act shall be transferable to any person, and any person who shall transfer or purport to transfer a licence shall be guilty of an offence and shall be liable to a fine not exceeding two thousand penalty units.

*[As amended by 30 of 1989 and 13 of 1994]*

## **25. No betting on elections**

- (1) No bookmaker shall bet with any person on the results of any election of persons to the National Assembly or to any public authority in Zambia.
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding one thousand penalty units.

*[As amended by S.I. No. 91 of 1965 and 30 of 1989]*



## 26. Appeals

Any person aggrieved by a decision of the Board made under this Act may appeal to the Minister.

*[As amended by G.N. No. 304 of 1964]*

## 27. Non-application of provisions of Penal Code relating to common betting houses

Nothing in the Penal Code relating to the opening, keeping or use of common betting houses shall be deemed to apply to any licensed bookmaker lawfully acting under the provisions of this Act.

*[Cap. 87]*

## 28. Regulations

The Minister may, by statutory instrument, make regulations—

- (a) prescribing the form in which any application or other documents made under this Act shall be made;
- (b) regulating the procedure to be followed in the making of any application for the issue, renewal or variation of a licence under this Act;
- (c) regulating the procedure to be followed by the Board in exercising any powers conferred upon it by this Act;
- (d) providing for the advertisement of any application for a licence under this Act and of any proceedings of the Board to consider and determine any such application;
- (e) providing for the right of any person interested to object to an application for the issue, renewal or variation of a licence under this Act, and for the form and manner of any such objection;
- (f) prescribing the form and manner in which statements of a bookmaker's accounts shall be furnished to the Board in accordance with section twenty-three;
- (g) generally for the carrying into effect of the purposes of this Act.

*[As amended by G.N. No. 304 of 1964]*