

# **Gambling Control Bill**

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**Bill No. 6/2022.**

*Read the first time on 14 February 2022.*

## **GAMBLING CONTROL ACT 2022**

**(No. of 2022)**

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## A BILL

*intituled*

An Act to consolidate the law on the suppression of various forms of unlawful gambling and the regulation of authorised gambling services outside of casinos, to repeal the Betting Act 1960, the Common Gaming Houses Act 1961, the Private Lotteries Act 2011 and the Remote Gambling Act 2014, and to make related and consequential amendments to the Casino Control Act 2006 and certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## PART 1

## PRELIMINARY

**Short title and commencement**

5 1. This Act is the Gambling Control Act 2022 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Purposes of Act**

2. The purposes of this Act are —

- 10 (a) to authorise some gambling and prohibit the rest as unlawful gambling;
- (b) to prohibit advertising of unlawful gambling;
- (c) to minimise social harm associated with gambling, including problem gambling;
- 15 (d) to ensure the integrity and fairness of gambling and ban irresponsible gambling products and practices; and
- (e) to limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling.

**General interpretation**

20 3.—(1) In any provision of this Act, unless the context otherwise requires —

“a point” includes a mobile or potentially mobile point, whether on land, underground, in the atmosphere, underwater or anywhere else;

“applicant” means an applicant for or to renew a licence;

25 “approved gambling venue”, for a licensee, means any place or premises approved under section 64 as an approved gambling venue for the licensee to use in connection with providing a gambling service authorised by the licence thereof;

30 “authorised officer”, in relation to any provision of this Act, means an individual who is appointed under section 122 to

perform any function or exercise any power under that provision;

“Authority” means the Gambling Regulatory Authority of Singapore, which is the Casino Regulatory Authority of Singapore continued and renamed under section 3 of the Gambling Regulatory Authority of Singapore Act 2022; 5

“business” includes —

(a) a venture or concern in trade or commerce, whether or not conducted on a regular, repetitive or continuous basis; and 10

(b) any business, whether or not carried on for profit, and the fact that an unincorporated association provides services to its members does not prevent those services from being services provided in the course of business;

“casino” means any premises in Singapore that is covered by a casino licence granted under section 49 of the Casino Control Act 2006; 15

“casino gambling” means gambling that takes place within any casino;

“category 1 key officer”, in relation to an applicant or a licensee, means an individual who is within a class of key officers prescribed to be category 1 key officers of such an applicant or a licensee; 20

“category 2 key officer”, in relation to an applicant or a licensee, means an individual who is within a class of key officers prescribed to be category 2 key officers of such an applicant or a licensee; 25

“chief executive”, in relation to a licensee, means an individual (by whatever name described) who —

(a) is in the direct employment of, or acting for or by arrangement with, the licensee; and 30

(b) is principally responsible for the management and conduct of the business of the licensee insofar as it relates to providing a gambling service,

and includes an individual for the time being performing all or any of the functions or duties of a chief executive;

“class licence” means a class licence determined under an order made under section 60(1) and as from time to time varied under section 61;

“class licensee” means a person to which a class licence applies;

“communication device” means a machine, device or thing designed or capable of being used for —

(a) sending or receiving oral messages or messages in writing, voice calls or video calls;

(b) sending or receiving electronic documents;

(c) sending or receiving still or moving images;

(d) sending or receiving audio or video files; or

(e) providing access to the Internet,

using any technology (including remote communication technology), and includes a mobile phone and any wireless handheld device (such as a tablet computer) or wearable device (such as a smart watch);

“compliance officer” means an individual who is appointed under section 123 as a compliance officer;

“computer server” means a computer that is capable of —

(a) communicating with another computer; and

(b) providing to that other computer —

(i) access to a database;

(ii) transaction-based services; or

(iii) software applications;

“conducting a betting operation” has the meaning given by section 6;

“conducting a lottery” has the meaning given by section 10;

“conducts gaming” has the meaning given by section 8;

“contractor”, in relation to any person, means —

(a) a person engaged by another person (*P*) otherwise than under a contract of service to engage in any conduct; or 5

(b) a direct or an indirect subcontractor engaged by a contractor mentioned in paragraph (a) when the subcontractor is working under the direct or indirect direction of *P* as to the manner in which the work is carried out; 10

“convey” means carriage on any conveyance (whether or not in the course of a business), and includes any operation incidental to the whole course of carriage, such as loading, unloading and storage in transit; 15

“conveyance” means any aircraft, train, vehicle, vessel or other mode of transport, whether of passengers or goods or both;

“corporation” means a body corporate formed or incorporated or existing in or outside Singapore, and includes any foreign company within the meaning of the Companies Act 1967; 20

“credit” includes any form of financial accommodation;

“defined work”, in relation to an approved gambling venue or a gaming machine room of a licensee, means —

(a) to deliver any goods, provide any services or perform any work (whether as a contractor or employee) that is connected to the business, undertaking or work of the licensee carried on at the approved gambling venue or a gaming machine room; 25

(b) to seek a contract of employment or contract for service with the licensee; or 30

(c) to execute an order of a court or a direction given by or on behalf of a public officer or a public authority in exercise of a power under any written law;

“director” has the meaning given by section 4(1) of the Companies Act 1967;

“document” means any thing in which information or material of any description is recorded;

5 “electronic service” means —

(a) a service that allows end-users to access information or material using a broadcasting service or a telecommunication service for carrying messages or other information or material (whether between  
10 persons and persons, things and things or persons and things); or

(b) a service that delivers information or material to persons having equipment appropriate for receiving that information or material, where the delivery of the  
15 service is by a broadcasting service or telecommunication service described in paragraph (a);

“engage in conduct” means —

(a) to do an act or omit to do an act —

20 (i) on a single occasion; or

(ii) on a number of occasions over a period of time;  
or

(b) to both do an act and omit to do an act —

(i) on a single occasion; or

25 (ii) on a number of occasions over a period of time;

“entity” means —

(a) a body corporate (including a limited liability partnership);

(b) an unincorporated association;

30 (c) a partnership;

(d) a body of individuals who together form a body; or

(e) a person other than an individual;

“entry ban” means an entry ban made under section 79(1) or (3);

“event” includes a contingency relating to an event;

“excluded person” means an individual who is subject to —

(a) an exclusion order or a family exclusion order made under section 162, 165 or 165C of the Casino Control Act 2006 against the individual; 5

(b) a provisional family exclusion order made under section 164 of the Casino Control Act 2006 against the individual; 10

(c) section 165A of the Casino Control Act 2006; or

(d) an entry ban made against the individual;

“exercise of skill” includes a display of knowledge;

“financial benefit” means any thing of economic value, and includes property and services; 15

“gambling” has the meaning given by section 4;

“gambling agency agreement” means an agreement between a licensee or a class licensee and another person —

(a) appointing the other person as a gambling service agent of the licensee or class licensee (as the case may be) for the provision of a gambling service authorised by the licensee’s licence or the class licence of the class licensee; 20

(b) dealing with the gambling service agent’s authority; and 25

(c) stating the conditions under which the person acts as, and remains as, an agent of the licensee or class licensee, as the case may be;

“gambling article” means —

(a) any machine, apparatus, appliance, equipment, instrument, communication device or other device, 30

accessory or any other thing (whether or not of a similar kind), that —

5 (i) is used, apparently used, likely to be used or capable of being used in conducting, or in connection with conducting, a betting operation, gaming or a lottery; or

(ii) is evidence of, or signifies participation in, gambling or a right to participate in gambling that is not social gambling; or

10 (b) any list, card, ticket, voucher, accounts or other document that —

15 (i) is used, apparently used, likely to be used or capable of being used, in conducting, or in connection with conducting, a betting operation, gaming or a lottery; or

(ii) is evidence of, or signifies participation in, gambling or a right to participate in gambling that is not social gambling,

whether or not it is ordinarily used for some other purpose;

20 “gambling ban”, in relation to an individual, means —

(a) an exclusion order or a family exclusion order made under section 162, 165 or 165C of the Casino Control Act 2006 against the individual;

25 (b) a provisional family exclusion order made under section 164 of the Casino Control Act 2006 against the individual;

(c) section 165A(3) of the Casino Control Act 2006 where applicable to the individual; or

(d) an entry ban made against the individual;

“gambling service” means any of the following services, including such a service provided through a gambling service agent:

- (a) a service comprising wholly or in part of —
  - (i) the placing, making, receiving, accepting or negotiating of bets; 5
  - (ii) operating a betting exchange or betting information centre;
  - (iii) operating a totalisator;
  - (iv) organising pool betting; 10
  - (v) matching gamblers;
  - (vi) laying or offering odds; or
  - (vii) offering an opportunity to or otherwise facilitating others to bet in accordance with arrangements made by the service provider; 15
- (b) a service for the conduct of a lottery;
- (c) a service for the supply of lottery tickets;
- (d) a service —
  - (i) for others to play a game of chance; or
  - (ii) offering an opportunity to or otherwise facilitating others to play a game of chance, 20  
for a prize in accordance with arrangements made by the service provider;
- (e) a service of controlling or operating a computer server — 25
  - (i) in Singapore that enables any game of chance to be played by others in Singapore or elsewhere by remote communication for a prize; or
  - (ii) in Singapore or elsewhere that enables any game of chance to be played by others in 30

Singapore by remote communication for a prize;

(f) a service of making available to others any gaming machine for the purpose of gambling;

5 “gambling service agent”, in relation to a licensee or class licensee, means a person who is, under a gambling agency agreement, appointed as an agent of the licensee or class licensee in relation to any gambling service that —

(a) is provided by the licensee or class licensee; and

10 (b) is specified in that agreement;

“gambling venue” means any place or premises in Singapore used or to be used in connection with conducting a betting operation, gaming or a lottery, but excludes the following:

(a) any casino;

15 (b) any place or premises in Singapore that is used exclusively to contain a computer server used for conducting a betting operation, gaming or a lottery;

“gambling venue approval” means an approval that —

20 (a) is granted under section 64 to a licensee in respect of a place or premises as an approved gambling venue for the licensee to use in connection with providing a gambling service authorised by the licence thereof; and

(b) is in force;

25 “granted” or “grant”, for a licence or gambling venue approval, includes —

(a) granted or grant on renewal; or

(b) treated as granted under the Second Schedule;

30 “home”, of an individual, means the individual’s ordinary place of residence in Singapore;

“IMDA” means the Info-communications Media Development Authority established by section 3 of the

Info-communications Media Development Authority  
Act 2016;

“information or material” means information or material in any form, such as (but not limited to) —

- (a) oral, audible, written, electronic or digital form; 5
- (b) words or symbols, or visual, pictorial or graphic form (for example, an anthropomorphic or a humanlike depiction), and whether still or moving; and
- (c) 3 or 2 dimensional form,

and includes information or material in any combination of forms; 10

“internet access service” means a telecommunication service between a point in Singapore and another point in Singapore or between 2 points, one of which is in Singapore, that —

- (a) enables end-users to access information or material on the Internet using that service; or 15
- (b) delivers information or material to persons having equipment appropriate for receiving that information or material on the Internet, where the delivery of the service is by a telecommunication service described in paragraph (a), 20

but excludes a relevant electronic service, a social media service and any other telecommunication service excluded by the Regulations;

“IRAS” means the Inland Revenue Authority of Singapore established under the Inland Revenue Authority of Singapore Act 1992; 25

“key officer”, in relation to an applicant for a licence to provide a gambling service or a licensee authorised under its licence to provide a gambling service, means an individual who performs (whether or not appointed under a contract of service) such duties in relation to the applicant or licensee as are prescribed with respect to that gambling service; 30

“law enforcement agency” means —

- (a) the Singapore Police Force;
- (b) the Central Narcotics Bureau;
- (c) the Corrupt Practices Investigation Bureau; or
- 5 (d) any other public sector agency which is charged with the duty of investigating offences or charging offenders under any written law and designated by the Minister for the purposes of this definition;

10 “licence” means a licence that is granted under section 54 and is in force;

“licensee” means a person to whom a licence is granted under this Act but does not include a class licensee;

“licensing objectives” means the objectives of —

- 15 (a) preventing gambling from being a source of crime or disorder, or being associated with crime or disorder or being used to support crime;
- (b) ensuring that gambling is conducted honestly; and
- (c) minimising the adverse social effects of lawful gambling;

20 “limited liability partnership” has the meaning given by the Limited Liability Partnerships Act 2005;

“list of excluded persons” means the list of excluded persons established and maintained under section 168 of the Casino Control Act 2006, as varied or updated from time to time;

25 “live broadcast”, of an event, means —

- (a) an audio or a video broadcast of the event in the manner generally accepted within the broadcasting industry as live; and
- 30 (b) the simultaneous audio or visual transmission, through the Internet or other form of communication network, from the place where the event is taking place to another place, including any

reasonable period of delay, due to any technical or other reason, between any part of the sporting event and the audio or visual transmission of it;

“lottery” has the meaning given by section 9;

“MAS” means the Monetary Authority of Singapore established under the Monetary Authority of Singapore Act 1970; 5

“modification” or “modify”, in relation to the conditions of a licence or gambling venue approval, includes deleting, or varying and substituting a condition, and adding a condition;

“money equivalent” has the meaning given by section 14; 10

“National Council on Problem Gambling” or “NCPG” means the National Council on Problem Gambling established under section 154 of the Casino Control Act 2006;

“occupier”, in relation to any place or premises, has the meaning given by subsections (3) and (4); 15

“offence under this Act” includes an offence under any Regulations;

“officer” —

(a) in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes — 20

(i) any person purporting to act in any such capacity; and

(ii) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation; 25

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes — 30

(i) any person holding a position analogous to that of president, secretary or member of a

committee of the unincorporated association;  
and

(ii) any person purporting to act in any such  
capacity; and

5 (c) in relation to a partnership (including a limited  
partnership), means a partner of the partnership,  
and includes any person carrying out the duties of any such  
office referred to in paragraph (a), (b) or (c) if the office is  
vacant;

10 “on-course betting” and “off-course betting” have the meanings  
given by section 13(4);

“partner”, in relation to a limited partnership, includes a limited  
partner in the limited partnership;

15 “place” includes any premises and any conveyance, and any part  
of any premises or conveyance;

“place-based gambling” means engaging in any conduct in  
person as follows at premises as a customer of a place-based  
gambling service provided at those premises:

(a) making a bet;

20 (b) participating in a lottery,

but excludes any on-course betting and off-course betting;

“place-based gambling service” means a gambling service —

(a) that is for —

25 (i) the placing, making, receiving or accepting of  
bets, or the sole or dominant purpose of which  
is to introduce individuals who wish to make or  
place bets to others who are willing to receive  
or accept those bets; or

30 (ii) the sale and purchase of lottery tickets or  
offering of an opportunity to or otherwise  
facilitating others to participate in a lottery;

- (b) that is provided only to customers who are attending at a particular premises;
- (c) if the placing, making, receiving or accepting of bets or purchasing of lottery tickets or participating in a lottery may be engaged in by a customer at the particular premises using remote communication, that is provided on the basis that —
  - (i) dealings with such customers involve only the use of an approved automated electronic equipment or an approved electronic media application (or app);
  - (ii) the approved automated electronic equipment is available for use, or the approved electronic media application (or app) is usable, only by any customer who is attending at the particular premises; and
  - (iii) the approved automated electronic equipment is not available for use and the approved electronic media application (or app) is not usable by customers in connection with another gambling service unless the other gambling service is provided by the provider of the firstmentioned gambling service; and
- (d) that is provided by or on behalf of a licensee which is authorised to provide the gambling service at those particular premises;

“premises” means —

- (a) any space, whether built on or not and whether underground or underwater, or any part of such a space; or
- (b) any building or structure, whether situated underground or underwater, or any part of a building or structure or place,

but does not include a conveyance;

“prize”, in relation to any gambling, includes any money or money equivalent or any thing else of value that may be won under the arrangements for that gambling —

(a) whether or not described as a prize; and

5 (b) whether or not consisting wholly or partly of any money or money equivalent or any thing else of value paid or provided by the persons of the class among whom the prize is allocated;

“provision of this Act” includes a provision of any Regulations;

10 “public” includes a section of the public;

“public authority” means any body established or constituted by or under any public Act to perform a public function;

15 “public place” means any place to which the public has access as of right or by virtue of express or implied permission, whether or not on payment of a fee and whether or not access to the place may be restricted at particular times or for a particular purpose, and includes any place in which an individual is at work unless that is the individual’s home;

20 “recognised technician” means a technician recognised by the Authority;

“Regulations” means any regulations made under section 126;

“regulatory action” means any action that may be taken by the Authority under Part 7 against —

(a) a licensee or class licensee;

25 (b) a former licensee or former class licensee; or

(c) a supplier of any gaming machine,

and includes a confirmed interim order under section 91 and a directive under section 92;

30 “relevant electronic service” means any of the following electronic services that is supplied to the public:

- (a) an electronic service that enables end-users to communicate, by means of email, with other end-users;
- (b) an online instant messaging service that enables end-users to communicate with other end-users; 5
- (c) a service that enables end-users to play online games with other end-users;
- (d) a service that specialises in providing links or facilitating access to, or information or material about, online locations, such as (but not limited to) a search engine, directory service or web browser; 10
- (e) an electronic service which allows a person to transmit material to more than one end-user simultaneously, also called a point-to-multipoint service; 15

“remote communication” means communication through —

- (a) the Internet;
- (b) the telephone or other communication device;
- (c) the television or radio; or
- (d) any other kind of electronic or other technology for facilitating communication, 20

but excludes any specific system or method of communication that the Minister, by order in the *Gazette*, declares not to be treated as remote communication for the purposes of this Act; 25

“remote communication equipment” includes a computer or computer system and a communication device;

“remote gambling” has the meaning given by section 11;

“repeat offender”, in relation to any offence under this Act, means a person who — 30

- (a) is convicted, or found guilty, of such an offence (called the current offence); and

(b) has been convicted or found guilty, on at least one other earlier occasion before the date on which the person is convicted or found guilty of the current offence, of —

(i) the same offence; or

(ii) another offence prescribed as a countable offence in respect of the current offence;

“requisite surveillance system”, for an approved gambling venue, means any equipment or device (including any software) or a collection of such equipment and devices (including any software) that —

(a) is capable of monitoring and recording visual images of activities (with or without recording any sound) occurring within the approved gambling venue and in any place in the immediate vicinity of that approved gambling venue; and

(b) is required by Regulations to be installed in that approved gambling venue for the approved gambling venue to operate in compliance with the provisions of this Act;

“responsible executive”, in relation to an applicant or a licensee or class licensee, means an officer thereof who is —

(a) in the case of a corporation, a director, chief executive, general manager or a person in a position analogous to any of those offices;

(b) in the case of a corporation whose affairs are managed by its members, a member designated by those members to be the responsible executive of the corporation;

(c) in the case of a partnership (including a limited partnership), a partner of the partnership; or

(d) in the case of a society or unincorporated association (other than a partnership), a president, secretary or treasurer or a person in a position analogous to that of a president, secretary or treasurer,

and includes any person carrying out the duties of any such office referred to in paragraph (a), (c) or (d) if the office is vacant; 5

“restricted period”, for an approved gambling venue or a gaming machine room of a licensee, means the hours that the licensee concerned — 10

(a) is authorised under its licence to provide facilities in the gambling venue or gaming machine room (as the case may be) for others to gamble; and

(b) is using, or allowing the use of, the approved gambling venue or gaming machine room for gambling; 15

“section of the public” includes the members of a particular club, society or organisation;

“security sensitive information” means information held by a law enforcement agency that relates to actual or suspected criminal activity (whether in Singapore or elsewhere) the disclosure of which could reasonably be expected to — 20

(a) prejudice a criminal investigation;

(b) enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; 25

(c) endanger a person’s life or physical safety; or

(d) disclose the existence or content of a security intelligence report or information;

“send” includes send by a social media service, a relevant electronic service or by remote communication; 30

“social gambling” has the meaning given by section 12(1);

“social media service” means —

(a) an electronic service that satisfies all the following characteristics:

(i) the sole or primary purpose of the service is to enable online interaction or linking between 2 or more end-users (including enabling end-users to share content for social purposes);

(ii) the service allows end-users to post information or material on the service;

(iii) such other characteristics as are prescribed by Regulations; or

(b) an electronic service prescribed by Regulations as a social media service,

but does not include a service which would otherwise be a social media service if none of the information or material on the service is accessible by, or delivered to, one or more end-users physically present in Singapore;

“sport” includes any martial art and any dance;

“sporting event” means a sport or competition, or an exhibition, entertainment or activity, involving primarily the exercise of physical prowess or dexterity, physical strength, physical stamina or mental stamina and to the extent that —

(a) human beings are the only contestants or participants who take part in or play the sport, competition, exhibition, entertainment or activity; or

(b) it is a sport or competition, or an exhibition, entertainment or activity in which human beings take part in —

(i) by riding animals or exercise of other skill in relation to animals;

(ii) by driving, piloting, crewing any vehicle, vessel, aircraft or other form of transport;

(iii) by competing with natural obstacles or natural forces, or by overcoming them; or

(iv) by using a computer on a computer monitor, television screen, mobile device or similar medium with electronically recorded data installed in to support an interactive computer game or computer-generated images,

5

and includes a match, a series of matches, a race, a series of races, a time trial, a qualification session, a tournament and a round, but does not include the following:

10

(c) any game of chance;

(d) any fitness activity or recreational activity that is not organised in the course of any business;

“standard” means a standard issued or approved by the Authority under section 125, and includes any such standard as amended from time to time under that section;

15

“telecommunication service” has the meaning given by the Telecommunications Act 1999;

“totalisator” has the meaning given by section 5(9);

“underaged individual” has the meaning given by section 13;

20

“unincorporated association” means a society or body unincorporate which, under any written law, may sue or be sued, or hold property, in the name of an officer of the society or body duly appointed for that purpose;

“unlawful betting” means betting that —

25

(a) is not social gambling; and

(b) is an offence under section 20 or 31;

“unlawful betting operation” means a betting operation that is conducted in contravention of section 18(1), 19(1) or 22(1);

“unlawful gambling” means gambling that —

30

(a) is not social gambling; but

(b) is any of the following:

- (i) unlawful betting;
- (ii) unlawful gaming activity;
- (iii) unlawful participation in a lottery;
- (iv) an offence under section 31;

“unlawful gambling instrument” means any money or any gambling article that is used —

- (a) for or in connection with any form of unlawful gambling; or
- (b) for the purposes of a transaction that is dependent on any such form of unlawful gambling;

“unlawful gambling place” means any place or premises —

- (a) used for or in connection with conduct of —
  - (i) any unlawful betting operation;
  - (ii) any unlawful gaming; or
  - (iii) any unlawful lottery; or
- (b) used for or in connection with any unlawful gambling,

and any place or premises may be regarded as used for or in connection with a purpose in paragraph (a) or (b) even if it is used for that purpose on only one occasion;

“unlawful gambling service” means conducting a betting operation, or conducting gaming or a lottery in contravention of section 18(1) or 19(1);

“unlawful gaming” means conducting gaming in contravention of section 18(1), 19(1), 22(2) or 27(1) or (2);

“unlawful gaming activity” means —

- (a) playing a game of chance that is not social gambling but is an offence under section 20 or 31; or

(b) playing a gaming machine that is an offence under section 27(5);

“unlawful lottery” means a lottery that is conducted in contravention of section 18(1), 19(1) or 22(3);

“unlawful participation in a lottery” means the participation in a lottery that is not social gambling but is an offence under section 20 or 31; 5

“words” includes abbreviations, initials and numbers.

(2) In determining for the purposes of any provision of this Act whether a person is physically present in Singapore, it is to be assumed that the person will not falsify or conceal the person’s identity or location. 10

(3) Subject to subsection (4), a person is, for the purposes of any provision of this Act, an occupier of any place or premises during any material period if the person has — 15

(a) the charge, management or control of the place or premises, either on the person’s own account or as agent of another person, during that period; or

(b) the use temporarily or otherwise of the place or premises during that period, 20

but nothing in this subsection deems an individual an occupier of any place or premises by reason only of being a lodger of the place or premises or part thereof.

#### *Illustrations*

A hirer of a function room in a hotel which is the subject of a hiring arrangement with the hotel proprietor is an occupier of the function room. 25

A lessee of a rented office is an occupier of the office.

A charterer of a pleasure craft is the occupier of the pleasure craft.

The owner of an owner-occupied apartment is an occupier of that apartment.

The management corporation is the occupier of the common property in a strata development for which the management corporation is constituted. 30

A driver of a lorry is an occupier of the lorry when he or she is driving the lorry or in charge of it when parked.

(4) If different parts of a place or premises are occupied by different persons, then for the purposes of any provision of this Act, a person is an occupier of a part of the place or premises during a material period if the person has —

- 5           (a) the charge, management or control of that part of the place or premises, either on the person’s own account or as agent of another person, during that period; or
- (b) the use temporarily or otherwise of that part of the place or premises, during that period.

10       (5) For the purposes of any provision of this Act, a person engages in conduct in accordance with arrangements made by another for or in connection with any activity if the person is accustomed, or under an obligation (whether formal or informal), to engage in that conduct in accordance with the directions, instructions or wishes of —

- 15           (a) the other person; or
- (b) where the other person is an entity, of the governing body of the other person.

*Illustration*

20       A gambling service agent of a licensee would be acting in accordance with arrangements made by the licensee where those arrangements conform to the terms of the gambling agency agreement between them.

**Meaning of “gambling”**

**4.** For the purpose of any provision of this Act, “gambling” means any of the following:

- 25           (a) betting (within the meaning of section 5);
- (b) engaging in gaming activity (within the meaning of section 7);
- (c) participating in a lottery (within the meaning of section 9).

## Meanings of “betting” and “totalisator”

5.—(1) For the purpose of any provision of this Act, “betting” means making or accepting a bet, involving payment or staking of any money or money equivalent or any thing else of value, on —

(a) the outcome of a race, competition, sporting event or other event or process, taking place in Singapore or elsewhere; 5

(b) the likelihood of anything occurring, or not occurring, in Singapore or elsewhere; or

(c) whether anything is or is not true.

(2) However, “betting” does not include the following: 10

(a) any contract or agreement entered into by either or each party by way of business and the making or performance of which by any party constitutes an investment activity within the meaning of section 5(5) of the Civil Law Act 1909; 15

(b) a bet the making or accepting of which is excluded from the meaning of “betting” by the Minister by order in the *Gazette*.

(3) In addition to subsection (1) but without affecting subsection (2), betting includes any transaction by way of gambling that is classified under the Regulations as betting. 20

(4) A transaction that relates to the outcome of a race, competition, sporting event or other event or process may be a bet within the meaning of subsection (1) despite the facts that —

(a) the race, competition, event or process has already occurred or been completed; and 25

(b) one party to the transaction knows the outcome.

(5) A transaction that relates to the likelihood of anything occurring or not occurring may be a bet within the meaning of subsection (1) despite the facts that — 30

(a) the thing has already occurred or failed to occur; and

(b) one party to the transaction knows that the thing has already occurred or failed to occur.

(6) For the purposes of any provision of this Act, a person makes a bet (despite the fact that the person does not deposit a stake in the normal way of betting) if —

(a) the person participates in an arrangement in the course of which participants are required to guess any of the matters specified in subsection (1)(a), (b) or (c); and

(b) the person is required to pay any money or money equivalent or any thing else of value to participate.

(7) For the purposes of subsection (6), it is immaterial —

(a) to whom a payment is made and who receives benefit from a payment; and

(b) whether a person knows when the person makes a payment that the person thereby participates in an arrangement as a result of which the person may win a prize.

(8) Without limiting subsections (1), (2) and (3), a bet includes any of the following:

(a) a free bet, which is a bet made wholly or partly using an amount that is provided to the person making the bet by the authorised betting operator with whom the bet is made and is not immediately redeemable by the person for cash;

(b) a bet made using a totalisator;

(c) a lay-off bet where a person conducting a betting operation (called betting operator *A*) makes a bet with another person conducting a betting operation to reduce, wholly or in part, the liability of betting operator *A* in relation to one or more bets made with the betting operator *A*.

(9) For the purpose of any provision of this Act —

“guess” includes predicting through exercise of skill or judgment;

“totalisator” means a system used —

(a) to enable persons to invest any money or money equivalent on —

(i) the outcome of a race, competition, sporting event or other event or process taking place in Singapore or elsewhere;

(ii) the likelihood of anything occurring, or not occurring, in Singapore or elsewhere; or

(iii) whether anything is or is not true; or

(b) to enable the totalisator pool to be divided and distributed among the persons who successfully guess the outcomes, likelihood or the truth or anything, as the case may be,

and includes any machine, apparatus, appliance, equipment, instrument or device under which the system is operated, and a numbers forecast totalisator paying a fixed minimum dividend;

“totalisator pool” means the amount left from the investments after —

(a) making allowances for refunds of investments;

(b) deducting commission for the conduct of the totalisator; and

(c) adding any pool top-up amount.

### **Meanings of “conducting a betting operation” and associated expressions**

**6.—(1)** For the purposes of this Act, a person is conducting a betting operation if the person, whether or not or through an agent and whether alone or with others, and whether by remote communication or otherwise —

(a) undertakes any of the following activities:

(i) accept or receive bets;

(ii) pay, negotiate or settle bets;

(iii) operate a betting exchange or betting information centre;

(iv) operate a totalisator;

(v) organise pool betting;

5 (vi) match gamblers;

(vii) lay or offer odds;

(viii) offer an opportunity to or otherwise facilitate others to bet in accordance with arrangements made by the person;

10 (b) organises, manages or supervises any activity described in paragraph (a);

(c) distributes the turnover of any activity described in paragraph (a) or (b) (for example, by paying prizes, meeting costs, or making grants) in accordance with arrangements made by the person;

15 (d) authorises the carrying on of any activity described in paragraph (a), (b) or (c) by a contractor or an employee or agent of the person; or

(e) assists in an activity described in paragraph (a), (b), (c) or (d) or any combination of those activities.

(2) Without affecting subsection (1), a person is also regarded as conducting a betting operation if the person engages in any conduct on behalf of, or in accordance with arrangements made by, another, for or in connection with any activity mentioned in subsection (1).

25 (3) A reference in any provision of this Act to a bet made with, or received by, a betting operator includes a reference to a bet made with the betting operator —

(a) through an agent;

(b) wholly or partly by means of remote communication; or

30 (c) partly inside and partly outside Singapore.

(4) Also, a reference in any provision of this Act to a bet made with, or received by, a betting operator includes, for a betting operator who operates a betting exchange, a reference to a bet made through the betting operator using the betting exchange.

(5) However, despite subsections (1) and (2), a person is not to be treated as assisting in an activity in subsection (1), or engaging in any conduct on behalf of or in accordance with arrangements made by another as mentioned in subsection (2), merely because — 5

(a) the person supplies, installs or repairs, in the course of business, any gambling article, and even though the person knows or ought reasonably to have known that the gambling article is intended to be used or is used for or in connection with an activity described in subsection (1); 10

(b) the person —

(i) is a provider of — 15

(A) an internet access service;

(B) a telecommunication service; or

(C) a relevant electronic service other than a service that enables end-users to play online games with other end-users; and 20

(ii) makes available, in the course of business of providing a service mentioned in sub-paragraph (i), information or material produced entirely by another person —

(A) without altering the information or material; or 25

(B) only altering the information or material to the extent to fit time, space or format constraints; or

(c) the person publishes a gambling advertisement in Singapore or sends an inducement to gamble to anyone. 30

(6) For the purpose of any provision of this Act —

“betting exchange” means a facility, electronic or otherwise, that enables persons —

(a) to place or accept, through the operator of the facility, bets with other persons; or

(b) to place with the operator of the facility bets that, on acceptance, are matched with opposing bets placed with and accepted by the operator,

but does not include a facility (electronic or otherwise) that enables persons to place bets only with a bookmaker or a totalisator;

“betting information centre” means any place kept or used for receiving or communicating any information or material relating to any race, competition, sporting event or other event or process for the purpose of betting;

“bookmaker” means a person who, on the person’s own account or as an employee or agent for another person, carries out bookmaking or holds out in any manner as a person who carries out bookmaking;

“bookmaking” means running a business or making, or endeavouring to derive, an income, totally or partly, from any of the following activities:

(a) accepting or receiving bets;

(b) paying, negotiating or settling bets;

(c) laying or offering odds;

(d) inviting others to bet in accordance with arrangements made by the person,

but does not include social gambling, casino gambling and operating a totalisator;

“pool betting” means betting made on terms that all or part of the winnings —

- (a) must be determined by reference to the aggregate of stakes paid or agreed to be paid by the persons betting;
- (b) must be divided among the winners; or
- (c) must or may be something other than money.

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### **Meanings of “game of chance”, “gaming activity” and associated terms**

7.—(1) For the purpose of any provision of this Act, engaging in a gaming activity means —

- (a) playing a game of chance for a prize; or
- (b) playing a gaming machine,

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and includes any transaction by way of gambling that is classified under the Regulations as gaming activity.

(2) For the purpose of any provision of this Act, a person plays a game of chance for a prize if the person plays a game of chance and thereby acquires a chance of winning any money or money equivalent or any thing else of value, whether or not the person risks losing anything at the game.

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(3) This Act applies to a gaming activity whether or not any money or money equivalent or any thing else of value is paid or provided by or on behalf of a person to become a player.

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(4) For the purpose of any provision of this Act —

- (a) a person plays a game of chance if the person enters or competes in, or otherwise participates in a game of chance —
  - (i) whether or not there are other players in the game of chance; and
  - (ii) whether or not a computer generates images or data taken to represent the actions of other players in the game of chance; and

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30

- (b) an individual is treated as playing a gaming machine if the individual, directly or indirectly —

- (i) inserts a coin or a gaming token into the gaming machine;
- (ii) causes gaming machine credits to be registered by the gaming machine;
- 5 (iii) makes a bet on the gaming machine;
- (iv) causes the activation of any process relating to the game in the gaming machine; or
- (v) makes or participates in the making of the decisions involved in playing the gaming machine.

10 (5) In addition, a person on whose behalf another person enters or competes, or otherwise participates, in a game of chance using a gaming machine located in a gaming machine room and who is not in the same gaming machine room is also to be regarded, for the purpose of any provision of this Act, as participating in that game of chance and a player thereof.

15 (6) For the purpose of any provision of this Act —

“amusement machine” means a mechanical, an electrical or an electronic device that is constructed or adapted —

- 20 (a) for the playing of any game (whether or not a game of chance) by means of the machine, whether automatically or by the operation of the machine by an individual playing without using remote communication or 2 or more such individuals;
- (b) to be operated by the insertion of any money or money equivalent or a gaming token, or by the use of accrued credits; and
- 25 (c) so that any individual playing the machine once and successfully either receives —
  - 30 (i) nothing or any thing of value which is less than \$100 or an amount specified by the Minister, by order in the *Gazette*, in substitution; or

(ii) only an opportunity afforded by the automatic action of the machine to play again (once or more often) without paying any money or money equivalent or any thing else of value,

and includes a mechanical, an electrical or an electronic device commonly called a claw machine, or a crane machine or claw crane machine;

“approved game of chance”, for a licensee, means a game of chance that the licensee is authorised under its licence to conduct gaming under this Act;

“game of chance” includes any of the following:

(a) a game that involves both an element of chance and an element of skill;

(b) a game that involves an element of chance that can be eliminated by superlative skill;

(c) a game that is presented as involving an element of chance;

(d) a game that is played with a gaming machine,

but does not include any sporting event, and such game, method, device, scheme or competition as specified or described by the Minister, by order in the *Gazette*, not to be a game of chance for the purposes of this Act;

“gaming machine” means a device, whether wholly or partly mechanically or electronically operated, that —

(a) is adapted, or designed and constructed, for betting, participating in a lottery or playing a game of chance;

(b) is played or confers a right to participate (wholly or in part) by —

(i) the insertion of any money or money equivalent into it; or

(ii) the direct or indirect payment of any money or money equivalent or any thing else of value by any other means; and

- (c) pays out any money or money equivalent or any thing else of value, or registers a right to an amount of money or money equivalent or any thing else of value,

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*Illustration*

A jackpot machine or fruit machine.

but does not include any of the following:

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- (d) an amusement machine;
- (e) a computer by reason only of the fact that it can be used to participate in remote gambling;
- (f) a communication device by reason only of the fact that it can be used to participate in remote gambling;
- (g) a machine which only dispenses —

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- (i) lottery tickets or otherwise enables a person to enter a lottery; or

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- (ii) receipts or tickets that evidence a bet made, provided that the results of the lottery or bet (as the case may be) are not determined by the machine, and are not announced by being displayed or communicated by the machine;

- (h) a machine of such other description prescribed in the Regulations for the purposes of this definition;

“gaming machine game” means a game of chance that —

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- (a) is designed to be played on a gaming machine; and
- (b) is identifiable from all other games of chance by the name of the game or differences in its rules or programming;

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“gaming machine room” means any room or similar enclosed location that is or is within an approved gambling venue and is where gaming machines are authorised by or under this Act —

(a) to be installed and operated (but not just played); and

(b) to be made available to others to play,

in the course of the conduct of gaming;

“gaming token” includes a stored value card, a card which registers a right to money or money equivalent, and an object or a thing of a similar kind;

5

“peripheral equipment of a gaming machine” means equipment or a device —

(a) that is incidental to the operation of the gaming machine, such as note acceptors, card readers and ticket readers; or

10

(b) that is designed or adapted (and with or without software) to be used —

(i) to monitor the operation and performance of the gaming machine;

15

(ii) to facilitate the collection of gambling duties that are payable under the Gambling Duties Act 2022 in respect of approved gaming machines; or

(iii) to send or receive data from the gaming machine in relation to the security, accounting or operation of the gaming machine,

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and includes any software necessary to operate the gaming machine but not a gaming machine game;

“player”, in relation to a game of chance, means any person who enters or competes in, or otherwise participates in the game of chance, and includes a person on whose behalf another person enters or competes, or otherwise participates, in a game of chance using a gaming machine in the circumstances in subsection (5);

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“prohibited gaming machine” means a gaming machine that must not be approved under section 74, being a gaming machine that —

- (a) is declared by Regulations to be a prohibited gaming machine;
- (b) is of a class or description of gaming machines declared by the Regulations to be prohibited gaming machines; or
- (c) is kept, used or operated in such circumstances, or in such manner, as may be prescribed by the Regulations for the purposes of this definition.

### **Meanings of “conducts gaming” and associated terms**

**8.—(1)** For the purpose of any provision of this Act, a person conducts gaming if the person, whether or not or through an agent and whether alone or with others, and whether by remote communication or otherwise —

(a) undertakes any of the following activities in the course of business:

(i) install and operate (but not just play), or make available to others, any gaming machine for the purpose of gambling;

(ii) control or operate a computer server —

(A) in Singapore that enables any game of chance to be played by others in Singapore or elsewhere by remote communication for a prize; or

(B) in Singapore or elsewhere that enables any game of chance to be played by others in Singapore by remote communication for a prize;

(iii) conduct a game of chance for others to play the game of chance for a prize in accordance with arrangements made by the person;

(iv) offer an opportunity to or otherwise facilitate others to play a game of chance for a prize, in accordance with arrangements made by the person;

- (b) organises, manages or supervises any activity described in paragraph (a);
  - (c) distributes the turnover of any activity described in paragraph (a) or (b) (for example, by redeeming tokens, meeting costs, or making grants) in accordance with arrangements made by the person; 5
  - (d) authorises the carrying on of any activity described in paragraph (a), (b) or (c) —
    - (i) by a contractor or an employee or agent of the person; or 10
    - (ii) as an officer, a trustee or member of the governing body of an incorporated or unincorporated body that is conducting the gaming; or
  - (e) assists in an activity described in paragraph (a), (b), (c) or (d) or any combination of those activities. 15
- (2) Without limiting subsection (1), a game of chance is taken to be conducted in the course of business if —
- (a) a fee is charged to participate in the game of chance or to enter the place where the game of chance is conducted at a price or rate which reflects the opportunity to play the game (other than a fee intended to cover the reasonable cost of any food or beverages provided at the place); or 20
  - (b) a charge, commission or fee is deducted from any amount bet or won by a participant in the game of chance.
- (3) Without affecting subsection (1), a person also conducts gaming if the person engages in any conduct on behalf of, or in accordance with arrangements made by, another, for or in connection with any activity mentioned in subsection (1). 25
- (4) However, a person is not to be treated as assisting in an activity in subsection (1), or engaging in any conduct on behalf of or in accordance with arrangements made by another as mentioned in subsection (3), merely because — 30
- (a) the person supplies, installs or repairs, in the course of business, any gambling article intended to be used or is

used for or in connection with an activity described in subsection (1);

(b) the person —

(i) is a provider of —

5 (A) an internet access service;

(B) a telecommunication service; or

(C) a relevant electronic service other than a service that enables end-users to play online games with other end-users; and

10 (ii) makes available, in the course of business of providing a service mentioned in sub-paragraph (i), information or material produced entirely by another person —

(A) without altering the information or material; or

15 (B) only altering the information or material to the extent to fit time, space or format constraints; or

(c) the person publishes a gambling advertisement in Singapore or sends an inducement to gamble to anyone.

## 20 **Meanings of “lottery” and associated expressions**

**9.—(1)** For the purpose of any provision of this Act, “lottery” means an arrangement or a scheme, competition or device, which may or may not involve multiple participants, for the distribution of prizes where —

25 (a) entitlement to participate in the arrangement, scheme, competition or device depends on —

(i) the payment of or giving of any money or money equivalent or any thing else of value by the participant; or

30 (ii) the attendance or other qualification of the participant, without payment; and

- (b) the distribution depends, at any stage of the arrangement, scheme, competition or device, on an element of chance (even if the arrangement, scheme, competition or device, in some other respects, involves a genuine or purported exercise of skill),

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and includes lucky draws, raffles and sweepstakes, and any transaction by way of gambling that is classified under the Regulations as a lottery, but does not include any arrangement or scheme, competition or device that is specified or described by the Minister, by order in the *Gazette*, not to be a lottery for the purposes of this Act.

10

(2) For the purposes of subsection (1), a reference to paying includes a reference to paying for goods or services at a price or rate which reflects the opportunity to participate in an arrangement or a scheme, competition or device.

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(3) For the purposes of this Act, a lottery may be determined by any means including —

- (a) by lot or drawing;
- (b) by cards, token, coin or dice; or
- (c) by any machine, electronic process, ticket, envelope or device.

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(4) A process which requires persons to exercise skill must be treated for the purposes of this section as relying wholly on chance if —

- (a) the requirement cannot reasonably be expected to prevent a significant proportion of persons who participate in the arrangement of which the process forms part from receiving a prize; and
- (b) the requirement cannot reasonably be expected to prevent a significant proportion of persons who wish to participate in that arrangement from doing so.

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30

(5) However, any allotment of real or personal estate or interest which according to law is legally allottable, or may be allotted or held by, or by means of, any allotment or partition by lots, is not a lottery for the purposes of any provision of this Act.

5 **Meaning of “conducting a lottery”**

10 **10.**—(1) For the purpose of any provision of this Act, a person is conducting a lottery if the person, whether or not or through an agent and whether alone or with others, and whether by remote communication or otherwise, undertakes any of the following activities:

- (a) organise or operate the lottery;
- (b) offer an opportunity to or otherwise facilitate others to participate in the lottery in accordance with arrangements made by the person;
- 15 (c) solicit or receive (other than as a prize winner or participant in the lottery) any money or money equivalent or any thing else of value in the course of organising or operating the lottery or managing or supervising it;
- 20 (d) manage or supervise any activity described in paragraph (a), (b) or (c);
- (e) authorise the carrying on of any activity described in paragraph (a), (b), (c) or (d) in respect of the lottery —
  - 25 (i) by a contractor or an employee or agent of the person; or
  - (ii) as an officer, a trustee or member of the governing body of an incorporated or unincorporated body that is promoting the lottery;

(f) assist in an activity described in paragraph (a), (b), (c), (d) or (e) or any combination of those activities,  
and each person is to be regarded as a lottery promoter of that lottery.

*Illustrations*

Selling or offering for sale any ticket or chance, or share in a ticket or chance, in a lottery. 5

Giving, delivering or collecting any ticket for a lottery arranged by the giver.

Drawing, throwing, declaring, or exhibiting expressly or otherwise, the winner or winning number, ticket, lot, figure, design, symbol or other result of any lottery. 10

Printing or publishing in Singapore any lottery ticket or list of prizes or any announcement of the result of a lottery or any announcement or riddle relating to a lottery.

(2) Without affecting subsection (1), a person is also regarded as conducting a lottery if the person engages in any conduct on behalf of, or in accordance with arrangements made by, another, for or in connection with any activity mentioned in subsection (1). 15

(3) However, despite subsections (1) and (2), a person is not to be treated as assisting in an activity described in subsection (1), or engaging in any conduct on behalf of or in accordance with arrangements made by another as mentioned in subsection (2), merely because — 20

(a) the person supplies, installs or repairs, in the course of business, any gambling article intended to be used or is used for or in connection with an activity described in subsection (1); 25

(b) the person —

(i) is a provider of —

(A) an internet access service;

(B) a telecommunication service; or 30

(C) a relevant electronic service other than a service that enables end-users to play online games with other end-users; and

(ii) makes available, in the course of business of providing a service mentioned in sub-paragraph (i), information or material produced entirely by another person —

(A) without altering the information or material; or

(B) only altering the information or material to the extent to fit time, space or format constraints;  
or

(c) the person publishes a gambling advertisement in Singapore or sends an inducement to gamble to anyone.

### **Meanings of “remote gambling” and associated terms**

**11.—(1)** For the purpose of any provision of this Act —

“engaging in general remote gambling” includes opening or re-opening an account with a licensee to engage in general remote gambling;

“general remote gambling” means remote gambling that is none of the following:

(a) on-course betting;

(b) off-course betting;

(c) gambling using a gambling service authorised by a class licence;

(d) gambling using remote communication at premises as a customer of a place-based gambling service provided at those premises on the basis described in paragraph (c) of the definition of “place-based gambling service” in section 3(1);

“remote gambling” means gambling by the use of remote communication, even if the gambling is done only partly by means of remote communication;

“remote gambling service” means a gambling service that —

(a) is provided in the course of carrying on a business;  
and

(b) makes facilities available for use by others to engage in remote gambling in accordance with arrangements by the provider of the facilities.

(2) For the purposes of this Act, a person provides facilities for use by customers to engage in remote gambling if — 5

(a) the person makes facilities for remote communication available for use by others;

(b) the facilities are adapted or presented in such a way as to facilitate, or to draw attention to the possibility of, their use for remote gambling; and 10

(c) the nature, adaptation or presentation of the facilities is such that —

(i) they cannot reasonably be expected to be used for purposes other than remote gambling; or

(ii) they are intended to be used wholly or partly for remote gambling. 15

(3) For the purposes of this Act, it does not matter whether facilities for remote gambling are provided —

(a) only partly by means of remote communication; or

(b) outside Singapore or partly inside and partly outside Singapore. 20

(4) However, a person does not provide facilities for use by customers to engage in remote gambling, and is not an agent of another person who provides facilities for a remote gambling service, merely because the person — 25

(a) is a provider of —

(i) an internet access service;

(ii) a telecommunication service; or

(iii) a relevant electronic service other than a service that enables end-users to play online games with other end-users; and 30

(b) makes available, in the course of business of providing a service mentioned in paragraph (a), information or material produced entirely by another person —

(i) without altering the information or material; or

(ii) only altering the information or material to the extent to fit time, space or format constraints.

(5) For the purposes of any provision of this Act —

(a) a remote gambling service has a foreign-customer link if none of the customers is physically present in Singapore, whether or not an individual who is physically present in Singapore is capable of becoming a customer of that service; and

(b) a remote gambling service has a Singapore-customer link if any information or material included or otherwise provided using that service is accessible by, or delivered to, one or more end-users of the service who are physically present in Singapore.

(6) For the purposes of any provision of this Act, a remote gambling service is a Singapore-based remote gambling service if —

(a) the service is provided in the course of carrying on a business in Singapore;

(b) the central management and control of the service is in Singapore; or

(c) where the service is provided to customers using an internet access service, all or any of the relevant internet content is hosted in Singapore.

(7) In subsection (6)(c), the relevant internet content, in relation to a remote gambling service, means internet content that is accessed, or available for access, by an end-user in the capacity of customer of that remote gambling service.

(8) For the purpose of any provision of this Act, “non-remote gambling” means any gambling that is not remote gambling.

### Meaning of “social gambling”

12.—(1) Subject to subsection (2), non-remote gambling which —

(a) is conducted by an individual in premises that are either the individual’s home or another individual’s home in Singapore; 5

(b) has as participants only individuals who are members of the same family or who know each other personally;

(c) is substantially spontaneous, even though it may occur regularly, habitually or by arrangement between the individuals involved; 10

(d) is not promoted or conducted —

(i) by or for the private gain of any person not participating in the gambling; or

(ii) in the course of any business;

(e) is conducted so that the only way a participant in the gambling can make a profit or gain any other benefit as a result of the gambling is by winning; and 15

(f) is conducted in accordance with the conditions prescribed (if any) by Regulations,

is to be taken to constitute social gambling and is not unlawful. 20

(2) A reference in any other written law to gambling, gaming or wagering, or to betting, that is unlawful is taken not to refer to social gambling.

### Meaning of “underaged individual”

13.—(1) For the purpose of any provision of this Act, an underage individual is an individual who is below the age specified in the second column of the table below when he or she is gambling in the manner specified opposite that age: 25

<i>First column</i>	<i>Second column</i>
<i>Type of gambling</i>	<i>Minimum age</i>
5 1. On-course betting	18 years of age or a higher age prescribed in substitution under subsection (2).
2. Off-course betting	18 years of age or a higher age prescribed in substitution under subsection (2).
10 3. Place-based gambling that involves —  (a) participating in any lottery; or  (b) betting connected with a sporting event happening in Singapore or elsewhere (but not a horse or pony race at a racecourse) and a live broadcast of the sporting event is not provided at the premises where the place-based gambling takes place.  15  20	18 years of age or a higher age prescribed in substitution under subsection (2).
25 4. Place-based gambling that involves —  (a) betting connected with a sporting event happening in Singapore or elsewhere (but not a horse or pony race at a racecourse); and  (b) a live broadcast of the sporting event being provided at the premises where the place-based gambling takes place.  30	21 years of age or a higher age prescribed in substitution under subsection (2).

<i>First column</i>	<i>Second column</i>	
<i>Type of gambling</i>	<i>Minimum age</i>	
5. Any other type of non-remote gambling or remote gambling that is —	21 years of age or a higher age prescribed in substitution under subsection (2).	5
(a) not mentioned in item 1, 2, 3 or 4 (even if carried on within a casino);		
(b) not authorised by a class licence; and		10
(c) not social gambling.		

(2) The Minister charged with the responsibility for family and child welfare and protection may, by order in the *Gazette*, raise any age mentioned in subsection (1).

(3) The Minister charged with the responsibility for family and child welfare and protection may, in any order made under subsection (2), make such saving and transitional provision as may be necessary or expedient. 15

(4) In this section —

“licensed bookmaker” includes a person who is granted a licence to conduct a betting operation; 20

“off-course betting” means betting —

(a) on the outcome of a horse or pony race taking place at the racecourse in Singapore or elsewhere;

(b) not made at the racecourse but at premises as a customer of a place-based gambling service provided at those premises; 25

(c) that is either non-remote gambling or remote gambling using electronic equipment which is constructed or designed solely for a customer to make a bet; and 30

- (d) with a licensed bookmaker who is authorised by a licence to accept or receive bets in relation to the horse or pony race;

“on-course betting” means betting —

- (a) made at a racecourse in Singapore on the outcome of a horse or pony race taking place at the racecourse or elsewhere; and

- (b) with a licensed bookmaker who is situated at that racecourse and is authorised by a licence to accept or receive bets at that racecourse.

### Meaning of “money equivalent”

14.—(1) For the purposes of the provisions of this Act, “money equivalent” means —

(a) an arrangement under which a party has —

- (i) an encashable legal or equitable right to receive a financial benefit;

- (ii) an encashable legal or equitable obligation to provide a financial benefit;

- (iii) a combination of one or more such rights and one or more such obligations; or

- (iv) a combination of one or more such rights or one or more such obligations; or

(b) a right to receive money or something else that is a money equivalent under this definition,

and includes any virtual voucher, virtual coupon, virtual credit, virtual coin, virtual token, virtual object, or any other similar thing purchased within, or as part of, or in relation to, any gambling, which is an arrangement described in paragraph (a) or confers a right described in paragraph (b).

(2) A right to receive, or an obligation to provide, a financial benefit is encashable if, and only if —

- (a) the benefit is money or a money equivalent;

- (b) in the case of a right, the holder thereof intends to satisfy or settle it by receiving money or a money equivalent or by starting to have, or ceasing to have, another arrangement described in subsection (1)(a);
- (c) in the case of an obligation, the party subject to it intends to satisfy or settle it by providing money or a money equivalent or by starting to have, or ceasing to have, another arrangement described in subsection (1)(a); or 5
- (d) the financial benefit is readily convertible into money or a money equivalent and there is a market for the financial benefit that has a high degree of liquidity. 10

### **Meaning of “possession”**

**15.—(1)** For the purposes of this Act, a person has “possession” of a gambling article if —

- (a) the person, being an individual, carries or has an object or a thing on his or her person, including something carried or worn by the person (called in this section physical possession), and the individual knows or has reason to believe that the object or thing is a gambling article; 15
- (b) the person has the care, control or management of the gambling article; 20
- (c) the person has the gambling article in the care, control or management of another person, including storing it with that other person;
- (d) the person drives, flies or otherwise operates (even by remote control) any conveyance carrying the gambling article; 25
- (e) the gambling article is in or on any place or premises, owned, leased or occupied by, or in the care, control or management of, the person; or 30
- (f) the gambling article is within any container owned or in the care, control or management of, the person.

(2) Without limiting subsection (1), for the purposes of this Act, a person has possession of a gambling article if —

(a) any major part of the gambling article is in the person's possession;

5 (b) other major parts of the gambling article are in the possession of another person or persons;

(c) at least one of the other persons is in possession of the other major part or major parts of the gambling article for an agreed purpose with the person; and

10 (d) those parts would make up the gambling article if fitted together,

and each of the persons is taken to be possessing the gambling article.

(3) However, for the purposes of any proceedings for an offence under this Act, a person is not taken to have possession of a gambling  
15 article just because the gambling article is at a place or premises owned, leased or occupied by the person if the court is satisfied, on a balance of probabilities, that —

(a) the person did not know and could not reasonably be expected to have known that the gambling article is at the  
20 place or premises;

(b) someone else who is authorised to possess the gambling article —

(i) is also at the place or premises; or

25 (ii) has the care, control or management of the gambling article;

(c) someone else who is not authorised to possess the gambling article has the care, control or management of the gambling article; or

30 (d) on the evidence, the person was otherwise not in possession of the gambling article.

(4) In addition to subsection (3), for the purposes of any proceedings for an offence under this Act, a person is not taken to have possession of a gambling article just because the gambling

article is in a container owned by the person if the court is satisfied, on a balance of probabilities, that —

- (a) the person did not know and could not reasonably be expected to have known that the gambling article is in the container; 5
- (b) someone else has the care, control or management of the gambling article; or
- (c) on the evidence, the person was otherwise not in possession of the gambling article.

(5) A defendant to a prosecution for an offence under this Act who wishes to rely on a matter mentioned in subsection (3) or (4) has the evidential burden in relation to the matter. 10

(6) To determine whether a person has the care, control or management of a gambling article, for the purposes of this Act, each of the following must be considered: 15

- (a) whether the person knows about the gambling article;
- (b) whether the person can use or transfer the gambling article;
- (c) whether the person can control or prevent someone else from using or having physical possession of the gambling article. 20

### **Meanings of “gambling advertisement”, “inducement to gamble” and “publish in Singapore”**

**16.—(1)** For the purpose of any provision of this Act —

“gambling advertisement” means any information or material that gives publicity to, or otherwise promotes or is intended to promote — 25

- (a) a particular gambling service;
- (b) gambling services in general;
- (c) the whole or part of a trade mark relating to a gambling service; 30

(d) a domain name or URL of a particular gambling service, betting operation, game of chance or lottery; and

5 (e) any words that are closely associated with a particular gambling service, betting operation, game of chance or lottery (whether also closely associated with other kinds of services or products);

“inducement to gamble” means any document or message containing information or material that —

10 (a) contains —

(i) any offer or giving of a credit, voucher, reward or other benefit to gamble;

15 (ii) the making of any offer designed to induce persons to participate, or to increase their participation, in gambling; or

(iii) any offer of an opportunity to gamble, or the offer of a condition or other aspect of any gambling, that includes additional benefits or enhancements connected with that gambling; or

20

(b) invites, or may reasonably be implied to invite, the person receiving it —

(i) to engage in any form of gambling; or

25 (ii) to apply to any person, or at any place, with a view to obtaining information or material or advice for the purpose of any gambling or for information or material as to any event in relation to which gambling is generally conducted.

30 (2) For the purposes of any provision of this Act, a gambling advertisement is published in Singapore if the gambling advertisement —

- (a) is displayed in a newspaper, magazine, leaflet, ticket or other document that is available, or distributed, to the public;
- (b) is contained in a film, video, television programme or radio programme that is, or is intended to be, seen or heard by the public; 5
- (c) is displayed or exhibited, or is displayed or exhibited on something that contains the advertisement, in a manner so that it can be seen or heard in or from a public place in Singapore, or any conveyance in Singapore, or any workplace in Singapore; or 10
- (d) is made known to the public in any other manner or by any other means.

(3) Without limiting subsection (2), where a gambling advertisement is made available, distributed or communicated in electronic or digital form, the gambling advertisement is to be taken to be published in Singapore if — 15

- (a) the advertisement originates in Singapore, even if none of the persons capable of having access to the advertisement is physically present in Singapore; or 20
- (b) for an advertisement which did not originate in Singapore, or the origin of which cannot be determined, all of the following apply:
  - (i) the advertisement is made available, displayed, distributed or communicated or caused to be made available, displayed, distributed or communicated to the public by a Singapore-connected person or the Singapore-connected person takes part in that making available, display, distribution or communication of that advertisement to the public; 25 30
  - (ii) the advertisement is accessible by persons physically present in Singapore.

(4) However, none of the following, of itself, amounts to publishing a gambling advertisement or sending an inducement to gamble:

- (a) the sending of information or material that is or includes a gambling advertisement to a group of people all of whom are involved in the provision of gambling services;
- (b) the publication of the name of a person providing a gambling service in a telephone directory unless —
- 5 (i) the publication is on the Internet; and
- (ii) the entry for the person contains a link to an online location for the person to conduct a betting operation, game of chance or lottery using remote communication;
- 10 (c) an index of online search results which links or refers an end-user in Singapore to betting operations, games of chance, lotteries or gambling or facilities for the access or use of betting operations, games of chance or lotteries, which is made available to that person only because that person initiates a search through an online information location service such as a search engine service;
- 15 (d) the display or exhibition of any words or symbols that appear in or on any approved gambling venue occupied by a licensee or an agent of a licensee;
- 20 (e) the publishing of an advertisement relating to the internal management of the business of a licensee that does not promote a particular gambling service, such as an advertisement to recruit staff or calling for tenders for works;
- 25 (f) the communication of any information or material that, if not for subsection (1), would be a gambling advertisement and it is apparent from the contents of the information and material that its sole or principal purpose is to discourage the use of gambling services or particular kinds of gambling services;
- 30 (g) any other activity specified or described by the Minister in an order in the *Gazette*.

(5) In this section, “Singapore-connected person” means any of the following:

- (a) a citizen of Singapore;
- (b) a Singapore permanent resident;
- (c) a person physically present in Singapore; 5
- (d) an entity which is registered in Singapore (even if incorporated outside Singapore), or is incorporated, under any written law;
- (e) a corporation sole or corporation aggregate established under a private Act. 10

### **Application of Act**

17.—(1) Except where expressly provided otherwise, the provisions of this Act extend to apply to and in relation to —

- (a) a betting operation —
  - (i) in which persons physically present in Singapore negotiate, place, make, receive or accept bets, or can negotiate, place, make, receive or accept bets; and 15
  - (ii) that is conducted or proposed to be conducted outside Singapore (whether or not it is lawful in the place where it is conducted or is proposed to be conducted); and 20
- (b) a betting operation —
  - (i) in which persons physically outside Singapore negotiate, place, make, receive or accept bets, or can negotiate, place, make, receive or accept bets (whether or not it is lawful in the place where it is or is proposed to be negotiated, placed, made, received or accepted); and 25
  - (ii) that is conducted or proposed to be conducted in or from Singapore. 30

(2) Except where expressly provided otherwise, the provisions of this Act extend to apply to and in relation to —

(a) a game of chance —

(i) in which persons physically present in Singapore play or can play; and

5 (ii) that is conducted or proposed to be conducted outside Singapore (whether or not it is lawful in the place where it is conducted or is proposed to be conducted); and

(b) a game of chance —

10 (i) in which persons physically outside Singapore play, or can play (whether or not it is lawful in the place where it is played); and

(ii) that is conducted or proposed to be conducted in or from Singapore.

15 (3) Except where expressly provided otherwise, the provisions of this Act extend to apply to and in relation to —

(a) a lottery —

(i) in which persons physically present in Singapore participate or can participate in; and

20 (ii) that is conducted or proposed to be conducted outside Singapore (whether or not it is lawful in the place where it is conducted or is proposed to be conducted); and

(b) a lottery —

25 (i) in which persons physically outside Singapore participate or can participate in (whether or not it is lawful in the place where it is participated in); and

(ii) that is conducted or proposed to be conducted in or from Singapore,

30 and it does not matter whether the lottery is held, drawn, exercised or managed wholly in Singapore or partly inside and partly outside Singapore.

(4) Without limiting subsections (1), (2) and (3), this Act applies in relation to the things, conduct, transactions and matters mentioned in those subsections even if the rule of private international law (whether at general law or as provided by written law) would require the application of a law other than this Act. 5

(5) This Act does not apply to a gambling advertisement or an inducement to gamble unless —

- (a) the gambling advertisement is published in Singapore; or
- (b) the inducement to gamble is, or is intended to be, received by a person in Singapore. 10

(6) Parts 4, 5, 6, 7 and 8 do not apply to or in relation to any gambling which is carried on or to be carried on within any casino.

## PART 2

### OFFENCES

#### *Division 1 — Unlawful betting operations, gaming or lotteries* 15

#### **Unlawful conduct of betting operations, gaming or lotteries**

**18.—**(1) A person must not conduct any betting operation, or conduct gaming or any lottery, unless the person is one of the following:

- (a) a person granted a licence authorising the person to provide a gambling service involving, as the case may be — 20
  - (i) conducting that betting operation or a betting operation of that kind;
  - (ii) conducting gaming or gaming of that kind; or
  - (iii) conducting that lottery or a lottery of that kind; 25
- (b) a class licensee authorised under a class licence to provide a gambling service involving, as the case may be —
  - (i) conducting that betting operation or a betting operation of that kind;
  - (ii) conducting gaming or gaming of that kind; or 30

(iii) conducting that lottery or a lottery of that kind;

(c) an employee of a licensee mentioned in paragraph (a) or a class licensee mentioned in paragraph (b), who is conducting the betting operation or conducting gaming or a lottery —

(i) on behalf of, or in accordance with arrangements made by, his or her employer; and

(ii) in connection with the gambling service that is authorised by the licence or class licence of the licensee or class licensee;

(d) a gambling service agent (or an employee thereof) of a licensee mentioned in paragraph (a) or a class licensee mentioned in paragraph (b), which is conducting the betting operation or conducting gaming or a lottery —

(i) on behalf of, or in accordance with arrangements made by, the licensee or class licensee; and

(ii) in connection with the gambling service that is authorised by the licence or class licence of the licensee or class licensee;

(e) a person exempt from this section in relation to whichever of the following that is applicable:

(i) conducting that betting operation or a betting operation of that kind;

(ii) conducting gaming or gaming of that kind; or

(iii) conducting that lottery or a lottery of that kind;

(f) a person granted a casino licence to conduct that betting operation, gaming or lottery within a casino (or an employee thereof) and where the betting operation, gaming or lottery is conducted within the casino.

(2) Subject to subsection (3), a person who contravenes subsection (1) shall be guilty of an offence and —

- (a) shall be liable on conviction to a fine not exceeding \$500,000 and shall also be punished with imprisonment for a term not exceeding 7 years; but
- (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$700,000 and shall also be punished with imprisonment for a term not exceeding 10 years. 5
- (3) However, a person who contravenes subsection (1) by engaging in conduct described in section 6(2), 8(3) or 10(2) shall be guilty of an offence and — 10
- (a) shall be liable on conviction to a fine not exceeding \$200,000 and shall also be punished with imprisonment for a term not exceeding 5 years; but
- (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$300,000 and shall also be punished with imprisonment for a term not exceeding 7 years. 15
- (4) The following offences are each a countable offence for the purpose of the reference in subsection (2) or (3) to a “repeat offender”: 20
- (a) an offence under section 3 of the Betting Act 1960 repealed by this Act;
- (b) an offence under section 4 or 5 of the Common Gaming Houses Act 1961 repealed by this Act;
- (c) an offence under section 9, 10 or 11 of the Remote Gambling Act 2014 repealed by this Act. 25
- (5) An offence under this section is an arrestable offence.
- (6) Strict liability applies to an offence under this section.

### **Betting operation, etc., outside of approved gambling venue**

**19.—**(1) A person must not conduct any betting operation, or conduct any gaming or any lottery in or from any place or premises in Singapore that is not an approved gambling venue for the conduct of that betting operation, gaming or lottery (as the case may be) if the 30

person knows, or ought reasonably to have known, that the place or premises is not an approved gambling venue for the conduct of that betting operation, gaming or lottery.

5 (2) Subject to subsection (3), a person who contravenes subsection (1) shall be guilty of an offence and —

(a) shall be liable on conviction to a fine not exceeding \$500,000 and shall also be punished with imprisonment for a term not exceeding 7 years; but

10 (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$700,000 and shall also be punished with imprisonment for a term not exceeding 10 years.

15 (3) However, a person who contravenes subsection (1) by engaging in conduct described in section 6(2), 8(3) or 10(2) shall be guilty of an offence and —

(a) shall be liable on conviction to a fine not exceeding \$200,000 and shall also be punished with imprisonment for a term not exceeding 5 years; but

20 (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$300,000 and shall also be punished with imprisonment for a term not exceeding 7 years.

25 (4) The following offences are each a countable offence for the purpose of the reference in subsection (2) or (3) to a “repeat offender”:

(a) an offence under section 3 of the Betting Act 1960 repealed by this Act;

(b) an offence under section 4 or 5 of the Common Gaming Houses Act 1961 repealed by this Act;

30 (c) an offence under section 9, 10 or 11 of the Remote Gambling Act 2014 repealed by this Act.

(5) An offence under this section is an arrestable offence.

- (6) This section does not extend to engaging in conduct —
- (a) within a casino; or
  - (b) authorised by a class licence.

**Gambling with unlicensed gambling service provider or at unlawful gambling place**

5

**20.**—(1) An individual (*A*) commits an offence if —

- (a) *A* gambles with another person (*B*) using a gambling service provided by *B*;
- (b) *B* is providing the gambling service in contravention of section 18(1); and
- (c) *A* knows, or ought reasonably to have known, that *B* is providing the gambling service in contravention of section 18(1).

10

(2) An individual commits an offence if —

- (a) the individual gambles with another person in or from any place or premises in Singapore; and
- (b) the individual knows, or ought reasonably to have known, that the place or premises is an unlawful gambling place.

15

(3) An individual who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

20

(4) An offence under this section is an arrestable offence.

**Having financial interest in unlawful gambling service**

**21.**—(1) A person commits an offence if —

- (a) the person has a financial interest in a gambling service; and
- (b) the gambling service is being provided in contravention of section 18(1) or 19(1).

25

(2) However, a person is not guilty of an offence under subsection (1) if the person proves, on a balance of probabilities, that the person —

5           (a) at the time of acquiring the financial interest in the gambling service, did not know, and had no reasonable cause to suspect, that the gambling service was being or would be provided in contravention of section 18(1) or 19(1); and

10           (b) as soon as practicable after becoming aware that the gambling service was being provided in contravention of section 18(1) or 19(1), took all reasonable steps to divest the person's financial interest.

(3) In this section, “financial interest” in a gambling service means an entitlement to receive —

15           (a) any of the income from the gambling service; or

              (b) a percentage or share from —

                  (i) any amount of any bet received, negotiated or accepted;

20               (ii) any amount wagered on a game of chance conducted or to be conducted; or

                  (iii) any amount of money or money equivalent paid or given by the participants of a lottery conducted or to be conducted,

                  in the course of providing the gambling service.

25           (4) A person who is guilty of an offence under subsection (1) —

              (a) shall be liable on conviction to a fine not exceeding \$500,000 and shall also be punished with imprisonment for a term not exceeding 7 years; but

30           (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$700,000 and shall also be punished with imprisonment for a term not exceeding 10 years.

(5) The following offences are each a countable offence for the purpose of the reference in subsection (4) to a “repeat offender”:

- (a) an offence under section 3 of the Betting Act 1960 repealed by this Act;
- (b) an offence under section 6 of the Common Gaming Houses Act 1961 repealed by this Act.

5

(6) An offence under this section is an arrestable offence.

(7) Strict liability applies to an offence under subsection (1).

### **Conducting games, lotteries, etc., that are not approved**

**22.—**(1) A person must not conduct a betting operation involving —

10

- (a) the placing, making, receiving, accepting or negotiating of any bets on the outcome of any race, competition, sporting event or other event or process taking place in Singapore or elsewhere if that race, competition, sporting event or other event or process is not approved under section 70; or

15

- (b) any of the following in a manner that is not in conformity with rules of betting approved by the Authority under section 70 for that activity and person:

- (i) placing, making, receiving, accepting or negotiating of any bets;

20

- (ii) operating a betting exchange or betting information centre;

- (iii) operating a totalisator;

- (iv) organising pool betting.

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(2) A person must not conduct gaming involving a game of chance (but not a gaming machine game in a gaming machine) —

- (a) that is not approved under section 70 for that person; or
- (b) in a manner that is not in conformity with the rules of the game of chance approved under section 70 for that game.

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(3) A person must not conduct a lottery —

(a) that is not approved under section 70 for that person; or

(b) in a manner that is not in conformity with the rules of the lottery approved under section 70 for that lottery.

5 (4) Subject to subsection (5), a person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and —

(a) shall be liable on conviction to a fine not exceeding \$500,000 and shall also be punished with imprisonment for a term not exceeding 7 years; but

10 (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$700,000 and shall also be punished with imprisonment for a term not exceeding 10 years.

(5) However, a person who —

15 (a) contravenes subsection (1) by engaging in conduct described in section 6(2);

(b) contravenes subsection (2) by engaging in conduct described in section 8(3); or

20 (c) contravenes subsection (3) by engaging in conduct described in section 10(2),

shall be guilty of an offence and —

(d) shall be liable on conviction to a fine not exceeding \$200,000 and shall also be punished with imprisonment for a term not exceeding 5 years; but

25 (e) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$300,000 and shall also be punished with imprisonment for a term not exceeding 7 years.

30 (6) However, a person is not guilty of any offence under this section if the person proves, on a balance of probabilities, that the person at the time of conducting the betting operation, gaming or lottery, did not know, and had no reasonable cause to suspect, that the betting

operation, gaming or lottery (as the case may be) would be in contravention of subsection (1), (2) or (3).

(7) An offence under this section is an arrestable offence.

(8) Strict liability applies to offences under subsections (4) and (5), respectively. 5

(9) This section does not extend to the following:

(a) engaging in conduct within a casino;

(b) a class licensee who provides a gambling service according to a class licence applicable to that class licensee and gambling service. 10

### *Division 2 — Unlawful gambling places*

#### **Owning, etc., place used for unlawful gambling**

23.—(1) A person commits an offence if —

(a) the person is an owner or an occupier of a place or premises; and 15

(b) the person uses, or allows the place or premises to be used, as an unlawful gambling place.

(2) However, a person is not guilty of an offence under subsection (1) if the person proves, on a balance of probabilities, that the person — 20

(a) had no knowledge and could not with reasonable diligence have ascertained that the place or premises (or any part thereof) is to be used as an unlawful gambling place; and

(b) as soon as practicable after becoming aware that the place or premises (or any part thereof) is or is to be used as an unlawful gambling place, took all reasonable steps to stop that use. 25

(3) A person who is guilty of an offence under subsection (1) —

(a) shall be liable on conviction to a fine not exceeding \$500,000 and shall also be punished with imprisonment for a term not exceeding 7 years; but 30

(b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$700,000 and shall also be punished with imprisonment for a term not exceeding 10 years.

5 (4) An offence under this section is an arrestable offence.

(5) Strict liability applies to an offence under subsection (1).

### **Offence of organising gambling place**

**24.**—(1) A person must not organise or manage, or assist in organising or managing, any unlawful gambling place.

10 (2) Subject to subsection (3), a person who contravenes subsection (1) shall be guilty of an offence and —

(a) shall be liable on conviction to a fine not exceeding \$500,000 and shall also be punished with imprisonment for a term not exceeding 7 years; but

15 (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$700,000 and shall also be punished with imprisonment for a term not exceeding 10 years.

(3) However, a person who contravenes subsection (1) by engaging in conduct described in section 6(2), 8(3) or 10(2) shall be guilty of an offence and —

(a) shall be liable on conviction to a fine not exceeding \$200,000 and shall also be punished with imprisonment for a term not exceeding 5 years; but

25 (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$300,000 and shall also be punished with imprisonment for a term not exceeding 7 years.

(4) The following offences are each a countable offence for the purpose of the reference in subsection (2) or (3) to a “repeat offender”:

(a) an offence under section 3 of the Betting Act 1960 repealed by this Act;

(b) an offence under section 4 of the Common Gaming Houses Act 1961 repealed by this Act.

(5) An offence under this section is an arrestable offence.

(6) Strict liability applies to offences under subsections (2) and (3), respectively.

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### **Offence of financing unlawful gambling place**

**25.**—(1) A person commits an offence if the person provides financing (whether money or a money equivalent) for any step taken in the process of organising or conducting an unlawful gambling place.

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(2) However, a person is not guilty of an offence under subsection (1) if the person proves, on a balance of probabilities, that at the time of providing financing, the person did not know, and had no reasonable cause to suspect, that the financing (whether money or a money equivalent) was for a step taken in the process of organising or conducting an unlawful gambling place.

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(3) Subject to subsection (4), a person who is guilty of an offence under subsection (1) —

(a) shall be liable on conviction to a fine not exceeding \$500,000 and shall also be punished with imprisonment for a term not exceeding 7 years; but

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(b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$700,000 and shall also be punished with imprisonment for a term not exceeding 10 years.

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(4) A person who is guilty of an offence under subsection (1) by engaging in conduct described in section 6(2), 8(3) or 10(2) —

(a) shall be liable on conviction to a fine not exceeding \$200,000 and shall also be punished with imprisonment for a term not exceeding 5 years; but

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(b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$300,000 and shall also

be punished with imprisonment for a term not exceeding 7 years.

(5) The following offences are each a countable offence for the purpose of the reference in subsection (3) or (4) to a “repeat offender”:

(a) an offence under section 3 or 4 of the Betting Act 1960 repealed by this Act;

(b) an offence under section 4 or 6 of the Common Gaming Houses Act 1961 repealed by this Act.

(6) An offence under this section is an arrestable offence.

(7) Strict liability applies to an offence under subsection (1).

### **Offence of being in unlawful gambling place**

**26.**—(1) An individual who is found in, or who enters or leaves, an unlawful gambling place commits an offence.

(2) However, an individual is not guilty of an offence under this section if the individual proves, on a balance of probabilities, that —

(a) he or she did not know and had no reasonable cause to suspect, that the place or premises was an unlawful gambling place and as soon as practicable after becoming aware that the place or premises was an unlawful gambling place, took all reasonable steps to leave the place or premises; or

(b) he or she was in, or was entering, the unlawful gambling place for a lawful purpose or with other reasonable excuse.

(3) An individual who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) An offence under this section is an arrestable offence.

(5) Strict liability applies to an offence under subsection (1).

*Division 3 — Gaming machine-related offences***Prohibited or unapproved gaming machine use**

**27.—(1)** A person (*X*) must not —

- (a) conduct gaming involving any prohibited gaming machine; or
- (b) use or operate, or allow the use or operation of, in or from Singapore any prohibited gaming machine, for the purposes of gaming activities by another person,

where *X* knows, or ought reasonably to know, that the gaming machine is a prohibited gaming machine.

**(2)** A person (*Y*) must not —

- (a) conduct gaming involving a gaming machine or gaming machine game that is not approved under section 74; or
- (b) use or operate, or allow the use or operation of, for the purposes of gaming activities by another person, a gaming machine or gaming machine game that is not approved under section 74,

where *Y* knows, or ought reasonably to know, that the gaming machine is a gaming machine or the gaming machine game is a game (as the case may be) that is not approved under section 74.

**(3)** Subject to subsection (4), a person who contravenes subsection (1) or (2) shall be guilty of an offence and —

- (a) shall be liable on conviction to a fine not exceeding \$500,000 and shall also be punished with imprisonment for a term not exceeding 7 years; but
- (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$700,000 and shall also be punished with imprisonment for a term not exceeding 10 years.

**(4)** However, a person who contravenes subsection (1) or (2) by engaging in conduct described in section 8(3) shall be guilty of an offence and —

(a) shall be liable on conviction to a fine not exceeding \$200,000 and shall also be punished with imprisonment for a term not exceeding 5 years; but

5 (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$300,000 and shall also be punished with imprisonment for a term not exceeding 7 years.

10 (5) An individual who plays a game of chance for a prize involving any prohibited gaming machine or gaming machine that is not approved under section 74 in Singapore where he or she knows, or ought reasonably to know, that the gaming machine is a prohibited gaming machine or a gaming machine that is not so approved shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 15 6 months or to both.

(6) In determining the amount of any penalty for any offence under this section, the court is to take into account the number of prohibited gaming machines involved in the commission of the offence.

(7) An offence under this section is an arrestable offence.

20 (8) This section does not extend to engaging in conduct within a casino.

### **Proxy gambling outside of gaming machine room**

**28.**—(1) This section applies only in respect of the playing of a gaming machine that is played by —

25 (a) inserting a coin or gaming token into the machine;

(b) causing gaming machine credits to be registered by the machine;

(c) making a bet on the machine; or

30 (d) causing the activation of any process relating to the gaming machine game of the machine,

such as but not limited to a jackpot machine.

(2) An individual who is, by virtue of section 7(5), regarded as participating in a game of chance using a gaming machine located in a gaming machine room and a player of the game, even though he or she is not in the same gaming machine room, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

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(3) To avoid doubt, subsection (2) applies whether or not the individual —

(a) who is in a gaming machine room; and

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(b) who participates in a game of chance using a gaming machine located in the gaming machine room on behalf of an accused charged with an offence under subsection (1),

is convicted of any offence under the provisions of this Act.

(4) An offence under this section is an arrestable offence.

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(5) Strict liability applies to an offence under subsection (2).

### **Supplying prohibited or unapproved gaming machines**

**29.**—(1) A person commits an offence if the person —

(a) supplies any object or thing, or takes part in the supply of any object or thing, to another;

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(b) the object or thing is a gaming machine that is not an approved gaming machine;

(c) the person knows that, or ought reasonably to have known, that object or thing is to be used in the provision of a gambling service outside of a casino; and

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(d) the person knows that, or is reckless as to whether, the object or thing is not an approved gaming machine.

(2) A person who is guilty of an offence under subsection (1) —

(a) shall be liable on conviction to a fine not exceeding \$500,000 and shall also be punished with imprisonment for a term not exceeding 7 years; but

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(b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$700,000 and shall also be punished with imprisonment for a term not exceeding 10 years.

5 (3) Subsection (1) does not apply to —

(a) the acquisition of possession by a licensee or class licensee, or supply of a gaming machine to a licensee or class licensee, as a customer of the supplier of a gaming machine in order for the customer to decide whether or not to purchase or lease the gaming machine;

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(b) the acquisition of possession or supply of a gaming machine if the Authority has agreed to the making of an application under section 73 to have the gaming machine evaluated by the Authority to be an approved gaming machine and the possession is for the purposes of the application; or

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(c) the acquisition of possession or supply of a gaming machine in any case where the Authority terminates an investigation of, or refuses to approve, such an application, if the possession is for the purpose of disposing of the gaming machine in a manner directed by the Authority and does not extend beyond a reasonable time.

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(4) In this section, “supply” includes carrying on any of the following activities, or a combination of those activities, in relation to any object or thing in Singapore, and whether or not the object or thing is to remain in Singapore:

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(a) selling by wholesale or retail, and whether by tender, auction or otherwise, or agreeing to so sell;

(b) bartering or exchanging;

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(c) offering for sale, barter or exchange or attempting to sell, barter or exchange;

(d) offering or giving away for the purpose of advertisement or in furtherance of any trade or business;

(e) doing any of the above as an agent or a broker, or by an agent or a broker, of another.

(5) An offence under this section is an arrestable offence.

*Division 4 — Protection of underaged individuals  
and excluded persons*

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**Gambling with underaged individuals**

**30.**—(1) A person commits an offence if the person —

(a) engages in gambling (that is not social gambling) with an underaged individual; or

(b) engages in gambling (that is not social gambling) with another person on behalf of an underaged individual.

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*Illustrations*

Accepting a bet from, or giving or sending an acknowledgment of a bet to, an underaged individual.

Allowing an underaged individual to play a gaming machine in any gaming machine room.

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Selling a ticket in a lottery to an underaged individual.

Accepting an entry in a lottery from an underaged individual.

Opening a betting account for betting, or registering an underaged individual as a player in a game of chance, conducted by remote communication.

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(2) However, an accused is not guilty of an offence under this section if the accused proves, on a balance of probabilities, that the accused —

(a) had reasonable grounds to believe and did make reasonable inquiries to ascertain that the individual who is gambling (called in this section the gambler) was not an underaged individual; or

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(b) had received from the gambler evidence purporting to show that the gambler was not an underaged individual, and that it was reasonable to and the accused did accept that evidence as correct.

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(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$300,000 or to imprisonment for a term not exceeding 6 years or to both.

(4) Subsection (1)(b) does not apply in respect of the playing of a gaming machine that is played by —

(a) inserting a coin or gaming token into the machine;

(b) causing gaming machine credits to be registered by the machine;

(c) making a bet on the machine; or

(d) causing the activation of any process relating to the gaming machine game of the machine,

such as but not limited to a jackpot machine.

(5) Strict liability applies to an offence under subsection (1).

### **Gambling by underaged individuals and excluded persons**

**31.**—(1) An underaged individual must not engage in gambling in or from Singapore.

(2) An underaged individual who contravenes subsection (1) shall be guilty of an offence and, subject to subsection (5), shall be liable on conviction to a fine not exceeding \$1,500.

(3) An excluded person must not engage in any gambling in or from Singapore in contravention of any gambling ban applicable to him or her.

(4) An excluded person who contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) Despite section 42(2) and (3) of the Children and Young Persons Act 1993, an underaged individual must not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a fine that is imposed in respect of an offence under this section.

(6) Strict liability applies to offences under subsections (2) and (4), respectively.

(7) This section does not apply to gambling within any casino or to social gambling.

**Offence by underaged individual or excluded person entering gambling venue, etc.**

**32.—(1)** An underaged individual must not — 5

(a) intentionally enter or remain in any approved gambling venue during a restricted period of the approved gambling venue; or

(b) intentionally open or re-open an account with a licensee to engage in general remote gambling. 10

(2) An excluded person must not —

(a) intentionally enter or remain in any gaming machine room during a restricted period of the gaming machine room except to perform defined work within the room; or

(b) intentionally open or re-open an account with a licensee to engage in general remote gambling, 15

in contravention of any gambling ban applicable to the excluded person.

(3) An underaged individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500. 20

(4) An excluded person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both. 25

(5) However, an underaged individual is not guilty of an offence under this section for contravening subsection (1)(a) if the underaged individual proves, on a balance of probabilities, that —

(a) the underaged individual did not know or could not reasonably have known that the place or premises is an approved gambling venue; or 30

(b) the entry or remaining in an approved gambling venue during the restricted period was to comply with a direction given to the underaged individual by or on behalf of a police officer or other public officer or a public body in exercise of a power under any written law.

(6) However, an excluded person is not guilty of an offence under this section for contravening subsection (2)(a) if the excluded person proves, on a balance of probabilities, that —

(a) the excluded person did not know or could not reasonably have known that the place or premises is a gaming machine room;

(b) the entry or remaining in the gaming machine room during the restricted period was to comply with a direction given to the excluded person by or on behalf of a police officer or other public officer or a public body in exercise of a power under any written law; or

(c) for an individual who is an excluded person solely by reason of the operation of section 165A(1)(a) or (b) of the Casino Control Act 2006, the excluded person did not know or could not reasonably have known that he or she is an excluded person because the electronic transaction system provided by the NCPG to the public to access the list of excluded persons is for any reason unavailable for general use or malfunctions at the material time.

(7) In this section and section 33, “approved gambling venue” excludes any place or premises in Singapore where a place-based gambling service is lawfully provided for place-based gambling involving —

(a) participating in any lottery; or

(b) betting connected with a sporting event happening in Singapore or elsewhere and at which a live broadcast of the sporting event is not provided at the place or premises.

(8) Despite section 42(2) and (3) of the Children and Young Persons Act 1993, an underaged individual must not be imprisoned, or

detained in a detention centre, as a consequence of a failure to pay a fine that is imposed in respect of an offence under this section.

**Offence by underaged individual using false evidence of age, etc.**

**33.—**(1) An underaged individual who uses any evidence that is false in a material particular in relation to the individual in order — 5

- (a) to gamble in or from Singapore;
- (b) to enter or remain in an approved gambling venue during a restricted period of the approved gambling venue; or
- (c) to open or re-open an account with a licensee to engage in general remote gambling, 10

shall be guilty of an offence and, subject to subsection (2), shall be liable on conviction to a fine not exceeding \$10,000.

(2) Despite section 42(2) and (3) of the Children and Young Persons Act 1993, an underaged individual must not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a fine that is imposed in respect of an offence under this section. 15

(3) An excluded person who uses any evidence that is false in a material particular in relation to the excluded person in order —

- (a) to enter or remain in any gaming machine room during a restricted period of the gaming machine room; or 20
- (b) to engage in general remote gambling in or from Singapore,

in contravention of any gambling ban applicable to the excluded person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both. 25

(4) This section does not apply to social gambling.

**Inducement to underaged individuals to gamble**

**34.—**(1) A person commits an offence if the person sends (or causes to be sent) to an underaged individual any inducement to gamble that is not social gambling. 30

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$300,000 or to imprisonment for a term not exceeding 6 years or to both.

(3) In addition to section 86(1), a person is not guilty of an offence under subsection (1) if the person proves, on a balance of probabilities, that —

(a) the person does not receive any direct or indirect benefit (whether financial or not) for sending or causing to be sent that inducement; and

(b) the inducement was not sent in the course of any business.

(4) For the purposes of subsection (1), it does not matter whether or not the gambling actually carried out by an underaged individual —

(a) is the same as that invitation in the inducement; or

(b) is in the manner so invited in the inducement,

provided that the gambling actually carried out is a probable consequence of that invitation.

(5) Strict liability applies to an offence under subsection (1).

### **Unlawful employment of young person in gambling**

**35.—**(1) Subject to subsection (4), a person who employs in Singapore an individual who is below 21 years of age (called in this section a young person) to conduct a betting operation, gaming or a lottery in or from Singapore in accordance with arrangements made by that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$300,000 or to imprisonment for a term not exceeding 6 years or to both.

(2) A reference in subsection (1) to employing a young person includes, in particular, a reference —

(a) to employing or engaging the young person whether or not under a contract of employment; and

(b) to causing or permitting the young person to be employed or engaged.

(3) However, a person (*A*) is not guilty of an offence under this section if *A* proves, on a balance of probabilities, that —

(a) *A* had reasonable grounds to believe and did make reasonable inquiries to ascertain that the individual employed or to be employed was not a young person; or 5

(b) *A* had received from the individual employed or to be employed evidence purporting to show that that individual was not a young person, and that it was reasonable to and *A* did accept that evidence as correct.

(4) Nothing in this section prohibits or makes unlawful a licensee or a class licensee engaging in any of the following in connection with the licensee or class licensee providing a gambling service authorised by or under the licence or class licence thereof: 10

(a) the employing or engaging of a young person (whether or not under a contract of employment) to perform any managerial, clerical, secretarial or administrative work that is wholly performed within enclosed premises; 15

(b) the causing of or permitting a young person to be employed or engaged, to perform any managerial, clerical, secretarial or administrative work that is wholly performed within enclosed premises. 20

### *Division 5 — Other offences*

#### **Possession of unlawful gambling instruments**

**36.—**(1) An individual who is in possession of any thing that may reasonably be suspected of being an unlawful gambling instrument when he or she is — 25

(a) present at any unlawful gambling; or

(b) in or near a place —

(i) in which any unlawful gambling is taking place; or

(ii) which is habitually used for unlawful gambling,  
shall be guilty of an offence and —

5 (c) shall be liable on conviction to a fine not exceeding \$500,000 and shall also be punished with imprisonment for a term not exceeding 7 years; but

(d) where the individual is a repeat offender, shall be liable on conviction to a fine not exceeding \$700,000 and shall also be punished with imprisonment for a term not exceeding 10 years.

10 (2) However, a person is not guilty of an offence under subsection (1) if the person proves, on a balance of probabilities, that —

15 (a) the person did not know and could not reasonably be expected to know, that the money or thing concerned was an unlawful gambling instrument;

20 (b) the money or thing concerned came into the person's possession unsolicited and the person, as soon as the person became aware of its nature, took reasonable steps to destroy or otherwise surrender it to a police officer or an authorised officer; or

(c) the person has a reasonable excuse to be in possession of any thing that may reasonably be suspected of being an unlawful gambling instrument.

25 (3) The following offences are each a countable offence for the purpose of the reference in subsection (1) to a “repeat offender”:

(a) an offence under section 3 of the Betting Act 1960 repealed by this Act;

(b) an offence under section 4 of the Common Gaming Houses Act 1961 repealed by this Act.

30 (4) An offence under this section is an arrestable offence.

### **Providing credit for unlawful gambling**

**37.—**(1) A person commits an offence if —

- (a) the person offers or provides credit to another; and
- (b) the person knows, or ought reasonably to have known, that the credit is intended to be used for unlawful gambling. 5

(2) A person who is guilty of an offence under subsection (1) —

- (a) shall be liable on conviction to a fine not exceeding \$200,000 and shall also be punished with imprisonment for a term not exceeding 4 years; but
- (b) where the person is a repeat offender, shall be liable on conviction to a fine not exceeding \$300,000 and shall also be punished with imprisonment for a term not exceeding 7 years. 10

(3) An offence under this section is an arrestable offence.

### **Unlawful interference with approved gaming machines, etc.**

**38.—**(1) A person who —

- (a) has possession of a device made or adapted, or intended by the person to be used, for interfering with the normal operation of any relevant gambling equipment;
- (b) does anything calculated, or likely to interfere with the normal operation of any relevant gambling equipment; 20
- (c) does anything that is calculated to render any relevant gambling equipment (even if temporarily) incapable of producing, or of producing, a winning combination; or
- (d) does any act or thing calculated to interfere with any relevant gambling equipment under which the result obtained on the relevant gambling equipment is different to the result provided by the approved game, 25

shall be guilty of an offence.

(2) Subsection (1) does not apply to anything done in good faith in connection with — 30

- (a) the installation, alteration, adjustment, maintenance or repair of any relevant gambling equipment by a recognised technician;
- (b) the carrying out of any installation, alteration, adjustment, maintenance or repair to effect a change of game directed by the Authority under section 78; or
- (c) the exercise by a police officer or an authorised officer of a function conferred or imposed by or under this Act.

(3) A person who —

- (a) dishonestly, or because of gross negligence; and
- (b) during the design, manufacture, assembly, installation, alteration, adjustment, maintenance or repair of any relevant gambling equipment,

makes provision (including by fraudulent computer programming) to subsequently gain any money or money equivalent or any financial benefit for that person or another person or any advantage in the operation of the relevant gambling equipment, shall be guilty of an offence.

(4) A person who, with intent to dishonestly obtain any money or money equivalent or a financial benefit for the person or another person, inserts, or causes to be inserted, in an approved gaming machine in an approved gambling venue, or any peripheral equipment for such an approved gaming machine, any thing other than —

- (a) a coin or token of the denomination or type displayed on the approved gaming machine as that to be used to operate or gain credit on the gaming machine;
- (b) a note of a denomination in order to operate or gain credit on the approved gaming machine; or
- (c) a card of a type authorised by the licensee for use in order to operate or gain credit on the approved gaming machine,

shall be guilty of an offence.

(5) A person who is guilty of an offence under subsection (1), (3) or (4) shall be liable on conviction —

(a) in the case of an individual, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both; or

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(b) in the case of an entity, to a fine not exceeding \$300,000.

(6) An offence under this section is an arrestable offence.

(7) In this section, “relevant gambling equipment” means any of the following:

(a) an approved gaming machine installed or used outside of a casino;

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(b) any peripheral equipment for an approved gaming machine installed or used outside of a casino;

(c) any software, or any other machine, apparatus, appliance, equipment, instrument, communication device or other device, accessory or any other thing (whether or not of a similar kind), that is used, apparently used, likely to be used or capable of being used in providing a gambling service authorised under a licence or class licence.

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#### *Illustrations*

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Point-of-sale kiosks.

Draw appliances and ball sets used in lottery draws.

Software and programming code used to generate winning numbers.

### **Unlawful interference with requisite surveillance system**

**39.—(1)** A person who —

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(a) has possession of a device made or adapted, or intended by the person to be used, for interfering with the normal operation of a requisite surveillance system in an approved gambling venue; or

(b) does anything calculated, or likely to interfere with the normal operation of a requisite surveillance system in an approved gambling venue,  
shall be guilty of an offence.

5 (2) Subsection (1) does not apply to anything done in good faith in connection with —

(a) the installation, alteration, adjustment, maintenance or repair by a recognised technician of any part of a requisite surveillance system in an approved gambling venue;

10 (b) the carrying out of any installation, alteration, adjustment, maintenance or repair to effect a change to any part of the requisite surveillance system that is directed by the Authority under any provision of this Act; or

15 (c) the exercise by a police officer or an authorised officer of a function conferred or imposed by or under any provision of this Act.

(3) A person who —

(a) dishonestly, or because of gross negligence; and

20 (b) during the design, manufacture or assembly of any part of the requisite surveillance system of an approved gambling venue,

25 makes provision (including by fraudulent computer programming) to subsequently gain any money or money equivalent or any financial benefit for that person or another person or any advantage in the operation of a requisite surveillance system shall be guilty of an offence.

(4) A person who is guilty of an offence under subsection (1) or (3) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

30 (5) An offence under this section is an arrestable offence.

*Division 6 — Forfeiture and other punishments*

**Forfeiture of seized articles, money, etc.**

**40.**—(1) If a person is convicted of an offence under this Act, the court may, in addition to any other penalty that may be imposed, order to be forfeited any equipment, thing, document, or any money or money equivalent or other thing of value —

(a) used in the commission of the offence and found in the possession of the person when the offence was committed; or

(b) seized under this Act in relation to the offence.

(2) A forfeiture order under subsection (1) —

(a) may include such provision about the treatment of the equipment, thing, document, or any money or money equivalent or other thing of value, forfeited as the court thinks appropriate; and

(b) subject to any provision made under paragraph (a), must be treated as requiring any person in possession of the equipment, thing, document, or any money or money equivalent or other thing of value, to surrender it to the Authority, a police officer or an authorised officer as soon as is reasonably practicable.

(3) Subject to subsection (2), sections 364, 365 and 366 of the Criminal Procedure Code 2010 apply to any equipment, thing, document, or any money or money equivalent or other thing of value forfeited under this section or section 41.

**Forfeiture on conviction of unlawful gambling winnings**

**41.**—(1) If a person is convicted of an offence under section 28(2) or 30(1)(b), a court may order that the convicted person forfeit —

(a) all winnings derived by the convicted person from the commission of the offence; and

(b) all reward paid to the convicted person by the other person on whose behalf the convicted person engaged in gambling.

(2) If the person convicted of an offence under section 30 or 31 is an underaged individual or an excluded person, a court may order that the convicted person forfeit all winnings derived by the convicted person from the commission of the offence.

5 (3) In this section, “winnings” —

(a) means any money or money equivalent or any thing of value from gambling, even winnings in the form of a cheque or a ticket or other instrument authorising the payment of winnings; and

10 (b) in relation to gaming activity that is playing a gaming machine, includes any coins left in the coin tray of the gaming machine when the offence was committed.

(4) Without affecting section 46 of the Children and Young Persons Act 1993, a reference in this section to a convicted underaged individual includes a reference to an underaged individual who is found guilty.

## PART 3

### PRESUMPTIONS AND EVIDENCE

#### **Presumptions in respect of unlawful gambling**

20 **42.**—(1) An individual who is found at a particular time —

(a) in an unlawful gambling place; or

(b) escaping from an unlawful gambling place,

before, upon or after the entry to the place by a police officer or an authorised officer as authorised to do so under this Act, is to be presumed, until the contrary is proved, to be or to have been gambling in that unlawful gambling place.

(2) Subject to section 43(3), an individual who is found in possession of a lottery ticket is to be presumed, until the contrary is proved, to be participating in a lottery.

30 (3) Where a gambling article is found in any premises, on the occasion that a police officer or an authorised officer enters the place as authorised to do so under this Act, gambling is to be presumed,

until the contrary is proved, to be taking place then or to have taken place in those premises.

**Presumptions in respect of conduct of betting operations, lotteries, etc.**

**43.—(1)** An individual who is found — 5

(a) in possession of any gambling article which is used, or appears to have been used or intended to be used, in conducting, or in connection with conducting, any betting operation or gaming;

(b) accepting or receiving one or more bets, stakes or wagers relating to — 10

(i) any race, competition, sporting event or other event or process, taking place in Singapore or elsewhere;  
or

(ii) any game of chance; or 15

(c) settling or paying, or to have settled or paid any money or money equivalent or any thing else of value, in respect of one or more bets or wagers relating to —

(i) any race, competition, sporting event or other event or process, taking place in Singapore or elsewhere; 20  
or

(ii) any game of chance,

is to be presumed, until the contrary is proved, to be conducting a betting operation or to conduct gaming, as the case may be.

**(2)** An individual who is found — 25

(a) in possession of any gambling article which is used, or appears to have been used or intended to be used, in conducting, or in connection with conducting, any lottery;

(b) accepting or receiving one or more deposits of money or money equivalent for or in connection with the purchase of lottery tickets or an entitlement to participate in a lottery; 30  
or

- (c) distributing or paying, or to have distributed or paid any money or money equivalent or any thing of value, in Singapore in respect of a lottery,

is to be presumed, until the contrary is proved, to be conducting a lottery.

(3) If any lottery ticket is found to be offered for sale, sold or distributed at any public place at any particular time, a lottery is to be presumed, until the contrary is proved, to be conducted in or from that public place at or about that particular time, regardless that the offer, sale or distribution happens at that public place on only one occasion.

### **Presumption of using, etc., of premises as gambling place**

**44.**—(1) If a police officer or an authorised officer as authorised under this Act to enter any premises —

(a) is, at a particular time, wilfully prevented from, or is obstructed or delayed in, entering or re-entering those premises or any part of those premises;

(b) finds at a particular time, an external or internal door of, or a means of access to, those premises to be fitted with a bolt, bar, chain, or any means or device —

(i) for the purpose of preventing, delaying or obstructing the entry or re-entry into those premises of a police officer or an authorised officer; or

(ii) for giving an alarm in case of such entry or re-entry;

(c) finds those premises at a particular time to be fitted or provided with —

(i) any gambling article for conducting a betting operation, a game of chance or a lottery; or

(ii) any equipment, device or other thing for concealing, removing or destroying any gambling article;

(d) finds at a particular time in the possession of any individual in those premises —

(i) any gambling article for conducting a betting operation, a game of chance or a lottery; or

(ii) any equipment, device or other thing for concealing, removing or destroying any gambling article; or

(e) finds at a particular time any individual in those premises concealing, removing or destroying any gambling article, 5

every occupier of those premises is to be presumed, until the contrary is proved, to have used or allowed to be used those premises as an unlawful gambling place at or about that particular time, and gambling is to be presumed, until the contrary is proved, to have 10  
taken place in those premises at or about that particular time.

(2) If a police officer or an authorised officer as authorised under this Act to enter premises enters any premises at a particular time, and —

(a) the premises are upon entering found to be fitted or provided with any remote communication equipment arranged in such a manner as to suggest that the equipment is or was being used for the receiving or transmitting of any information relating to — 15

(i) any race, competition, sporting event or other event or process, taking place in Singapore or elsewhere; 20

(ii) the likelihood of anything occurring, or not occurring, in Singapore or elsewhere; or

(iii) whether anything is or is not true,

regardless that the remote communication equipment has been disconnected, rendered inoperable or tampered with; 25  
and

(b) after entering, 2 or more messages by remote communication are received, by an individual in those premises or on any remote communication equipment at those premises, enquiring about the results, commentary or dividends payable on any matter mentioned in paragraph (a)(i), (ii) or (iii),

every occupier of those premises is to be presumed, until the contrary is proved, to have used or allowed to be used those premises as a betting information centre.

(3) If —

(a) a police officer or an authorised officer as authorised under this Act to enter any place or premises enters any place or premises at a particular time; and

(b) after entering, 2 or more messages by remote communication are received, by an individual in the place or premises or on any remote communication equipment in that place or those premises, relating to —

(i) the accepting, receiving or negotiating of bets or wagers; or

(ii) any results, commentary or dividends payable on any matter mentioned in subsection (2)(a)(i), (ii) or (iii),

every occupier of that place or those premises is to be presumed, until the contrary is proved, to have used or allowed to be used that place or those premises to conduct a betting operation.

(4) Where one or more gaming machines are found on a part of any premises wholly occupied by an entity for its purposes, being a part that is accessible only to members of the entity, the occupier of those premises is to be presumed, until the contrary is proved, to be using or allowing the premises to be used to conduct a game of chance, the participants of which are all the members of the entity.

### **Presumption of assisting**

**45.—**(1) An individual who acts as a look-out, door attendant or guard in respect of any place or premises which are organised or managed as an unlawful gambling place is to be presumed, until the

contrary is proved, to have assisted in organising or conducting the unlawful gambling place.

(2) If —

(a) a police officer or an authorised officer as authorised under this Act to enter places or premises enters any place or premises at a particular time; and

(b) upon entering, an individual is found in that place or those premises concealing, erasing, tampering with or destroying any gambling article relating to any betting, game of chance or lottery,

the individual is to be presumed, until the contrary is proved, to be assisting the conduct of a betting operation, game of chance or lottery in or from that place or those premises.

### **Presumptions relating to inducements to gamble**

**46.—**(1) If an inducement to gamble (within the meaning of section 16) refers to a person to whom any payment may be made, or from whom information may be obtained, in relation to any gambling, the person so referred to is to be presumed to have sent the inducement (or caused it to be sent) unless the person proves that the person —

(a) had not consented to being referred to; and

(b) was not in any way a party to, and was wholly ignorant of, the sending of the inducement.

(2) If an inducement to gamble (within the meaning of section 16) is sent to an individual at any school or other place of education, and that individual (called in this section the recipient) is an underaged individual —

(a) the person sending or causing the inducement to be sent (called in this section the sender) is to be presumed to have known that the recipient is an underaged individual, unless the sender proves that the sender had reasonable grounds for believing the recipient is not an underaged individual; and

- (b) the sender is to be presumed, until the contrary is proved, to have sent the inducement for fee or reward.

### **Evidence**

5 **47.**—(1) In proceedings for an offence under this Act, an assertion by the prosecution —

- (a) as to a matter specified in subsection (2);
- (b) made in writing and verified by an affidavit sworn by a police officer or an authorised officer; and
- 10 (c) served on the defendant not less than 7 days before the hearing at which the assertion is to be tendered,

is sufficient evidence of the matter so asserted in the absence of proof to the contrary.

(2) An assertion may be made under this section only in relation to any of the following matters:

- 15 (a) that any document produced before the court is a lottery ticket of a public lottery;
- (b) that any document is an account, a memorandum, a riddle or a record of stakes or wagers in or relating to any public lottery;
- 20 (c) that any thing is a gambling article.

### **Special provision for offences involving remote gambling**

25 **48.** On the trial of any person (called the accused) for an offence under section 18, 19 or 20 where the offence committed involves remote gambling, it is not necessary for the prosecution to prove the identity of any particular individual facilitated by the accused to gamble in Singapore in contravention of section 18, 19 or 20 if —

- (a) the remote gambling transactions are carried out by anyone using equipment or facilities provided by the accused; and
- 30 (b) those facilities are accessed, or are available for access, by end-users in Singapore.

### **Certain witnesses exempt from liability**

**49.** An individual who is examined as a witness before a court in any proceedings for an offence under this Act is exempt from any criminal or civil liability in relation to that offence if the individual receives from the court a certificate in writing to the effect that the individual has made true and faithful disclosure to the best of the individual's knowledge of all things as to which the individual has been examined. 5

### **Protection of informants**

**50.—(1)** Except as provided in subsection (3), no witness in any civil or criminal proceedings is obliged — 10

(a) to disclose the name and address of any informer who has given information with respect to an offence under this Act; or

(b) to answer any question if the answer would lead, or would tend to lead, to the discovery of the name or address of any informer. 15

(2) If any record, document or paper which is in evidence or liable to inspection in any civil or criminal proceedings contains any entry in which any informer is named or described or which may lead to his or her discovery, the court is to cause those entries to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery. 20

(3) If —

(a) in any proceedings before a court for an offence under this Act, the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which the informer knew or believed to be false or did not believe to be true; or 25

(b) in any other proceedings, the court is of the opinion that justice cannot be fully done between the parties to the proceedings without the disclosure of the name of an informer,

5 the court may permit inquiry and require full disclosure concerning the informer.

### **Abetment not affected**

**51.** To avoid doubt, nothing in sections 6(2), 8(3) and 10(2) affects the law relating to abetment of offences.

## PART 4

### LICENSING

#### *Division 1 — Licences*

### **Types of licences**

15 **52.—**(1) The Authority may grant different types of licences under this Part.

(2) Without limiting subsection (1), the types of licences may be as follows:

- (a) specified kinds of gambling;
- 20 (b) specified kinds of betting operations, conduct of gaming or conduct of lotteries;
- (c) gambling, or betting operations, conduct of gaming or conduct of lotteries, undertaken in or in connection with specified types of gambling venues;
- 25 (d) facilities of a specified nature, or adapted or presented in a specified way, and used for purposes of gambling;
- (e) specified types of gaming machines;
- (f) specified types of gambling articles (other than gaming machines) or prizes.

### **Application for or to renew licence**

**53.**—(1) An application for or to renew a licence must be made to the Authority in accordance with this section.

(2) An application for or to renew a licence must —

(a) be in the form and manner the Authority specifies; 5

(b) be accompanied by an application fee, if prescribed;

(c) contain —

(i) an address in Singapore at which notices and other documents under this Act for the applicant may be served; or 10

(ii) the name and address of one or more persons in Singapore authorised by the applicant to accept on the applicant's behalf service of notices and other documents under this Act; and

(d) be accompanied by the prescribed information and any other additional information that the Authority requires to decide on the application. 15

(3) In addition, an application to renew a licence must be made no later than a prescribed period before the date of expiry of the licence, unless otherwise allowed by the Authority in any particular case which must then be treated as a late renewal application. 20

(4) The Authority may refuse to consider an application for or to renew a licence —

(a) that is incomplete or not made in accordance with this section; or 25

(b) where an investigation or inquiry mentioned in subsection (5) in relation to the application is refused by the applicant.

(5) Upon receiving an application for or to renew a licence, the Authority may carry out, or arrange to be carried out by any authorised officer, such investigations and inquiries in relation to the application as the Authority considers necessary for a proper 30

consideration of the application, which may include an inspection of either or both the following:

- (a) the place or premises on or at which the applicant intends to provide the gambling service to be authorised by the licence;
- (b) any vehicle, equipment or other thing which the applicant intends to use to provide the gambling service in the application.

### Grant of licences

**54.**—(1) Subject to this section, after considering any application under section 53 for or to renew a licence, the Authority may —

- (a) on payment of —
  - (i) the applicable licence fee (if prescribed), grant the applicant a licence authorising the applicant to provide the gambling service authorised by the licence; or
  - (ii) a renewal fee (if prescribed) or, in the case of a late renewal application a late renewal fee (if prescribed), renew the licence; or

(b) refuse to grant or renew the licence, as the case may be.

(2) In deciding whether an applicant should be granted a licence, or the applicant's licence should be renewed, and the conditions to impose or modify, the Authority must have regard, and give such weight as the Authority considers appropriate, to all of the following matters:

- (a) whether the applicant is or is not —
  - (i) carrying on or intending to provide any other gambling service; or
  - (ii) a holder of another licence or already a class licensee;
- (b) the demand for the gambling service in the application;

- (c) whether the applicant does or does not have (or is likely or unlikely to have) the financial capacity and ability to provide the gambling service in the application in accordance with the provisions of this Act and according to the applicable standards; 5
  - (d) whether the applicant, and every responsible executive and category 1 key officer of the applicant, is a suitable person to be involved in providing the gambling service in the application;
  - (e) whether the licensee has gambling service agents; 10
  - (f) whether it is otherwise contrary to the public interest or national security of Singapore for the licence to be granted to the applicant.
- (3) To avoid doubt —
- (a) the Authority is not confined to consideration of the matters specified in subsection (2) and may take into account such other matters and evidence as may be relevant; and 15
  - (b) this Act applies to an application for the renewal of a licence as if it were an application for a new licence. 20
- (4) Without affecting subsection (1), the Authority may grant a renewal of a licence with or without modifying the conditions of the licence, but section 58(2), (3) and (4) does not apply to or in relation to granting a renewal of a licence with modifications to the conditions of the licence. 25
- (5) A licence must not be granted to any person who is not an entity.

### **Suitability assessment**

**55.**—(1) For the purpose of determining under this Act whether or not an applicant or a licensee and where necessary, whether a responsible executive or key officer of the applicant or licensee, is a suitable person to be involved in providing a gambling service, the Authority must have regard, and give such weight as the Authority considers appropriate, to all of the following matters: 30

(a) any available information whether or not the applicant, licensee, responsible executive or key officer has been convicted of any of the following offences:

(i) an offence under the provisions of this Act;

(ii) an offence under the Casino Control Act 2006;

(iii) an offence under the repealed Betting Act 1960;

(iv) an offence under the repealed Common Gaming Houses Act 1961;

(v) an offence under the repealed Private Lotteries Act 2011;

(vi) an offence under the repealed Remote Gambling Act 2014;

(vii) an offence under the Gambling Duties Act 2022;

(viii) an offence under section 50, 51, 53, 54, 55 or 57 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992;

(ix) an offence under section 19 of the Moneylenders Act 2008;

(x) an offence under the Organised Crime Act 2015;

(xi) an offence under the Terrorism (Suppression of Financing) Act 2002;

(xii) an offence under the United Nations Act 2001;

(xiii) an offence involving dishonesty or moral turpitude, whether in Singapore or elsewhere;

(b) any available information with respect to the participation of the individual (who is an applicant, a licensee, responsible executive or key officer) in any criminal activity, including whether or not he or she was a responsible executive or key officer of a person convicted of any offence mentioned in paragraph (a);

- (c) any evidence of the exercise of —
- (i) any regulatory action in relation to the applicant, licensee, or responsible executive or key officer as a licensee or class licensee;
  - (ii) any disciplinary action under the Casino Control Act 2006 in relation to the applicant, licensee, responsible executive or key officer; or
  - (iii) any regulatory action in relation to any licensee or class licensee that the applicant, licensee, responsible executive or key officer was a responsible executive or key officer thereof;
- (d) any available information with respect to whether —
- (i) the applicant or licensee has been placed in receivership, gone into liquidation; or
  - (ii) the responsible executive or key officer has been adjudged bankrupt;
- (e) the profile of past compliance by the applicant, licensee, responsible executive or key officer (as the case may be) with the provisions of this Act and the requirements by or under any written law mentioned in paragraph (a), and with the applicable standards.
- (2) Despite any other law, the Commissioner of Police or a law enforcement agency may, on the request of the Authority, provide a report in respect of any one or more of the matters in subsection (1) for the purposes of a suitability assessment under this Act.
- (3) If the Authority does not consider an individual suitable under this section, the Authority must, by written notice given to any licensee that the individual is or is to be a key officer thereof, notify the licensee concerned of the adverse assessment of suitability within 28 days after the decision is made.
- (4) If the Authority does not consider an individual suitable under this section because of information that is classified by the Authority as security sensitive information, the Authority is not required to provide any reasons for the Authority's adverse assessment of

suitability decision other than that the decision was made on public interest grounds under this section.

5 (5) To avoid doubt, for the purpose of determining whether or not a person or an individual is a suitable person to be involved in providing a gambling service, the Authority is not confined to consideration of the matters specified in subsection (1) and may take into account such other matters and evidence as may be relevant.

### **Licence validity**

10 **56.**—(1) Every licence granted under this Part is in force for the period specified in the licence —

- (a) except when it is suspended under Part 7; or
- (b) unless it is earlier revoked under Part 7.

(2) Every licence must be in the form the Authority determines.

### **Conditions of licence**

15 **57.**—(1) In granting a licence to any person, the Authority may impose such conditions as the Authority considers requisite or expedient having regard to the purposes of this Act.

(2) In particular, in granting a licence authorising the provision of a gambling service, the Authority may impose conditions that are necessary, expedient or conducive to the attainment or furtherance of the licensing objectives, such as —

- (a) conditions fixing the kind of gambling or betting, the games of chance or lotteries involved in providing the gambling service;
- 25 (b) conditions fixing the maximum or minimum number, amount or quantity, or both, of any of the following during the validity period of the licence or any part of that period:
  - (i) the bets or wagers;
  - (ii) the gaming machines involved in providing the gambling service;
  - 30 (iii) the amount and number or type of the prizes to be offered in providing the gambling service;

- (iv) the number of tickets or chances to be offered and the prices and denominations of those tickets or chances;
- (c) conditions fixing the hours of gambling, or the maximum number of gamblers to whom facilities to gamble may be made available at any time during the provision of the gambling service; 5
- (d) conditions requiring advertisements about the gambling service authorised by the licence —
  - (i) to be published only to certain classes of persons;
  - (ii) to contain certain content which may, in particular, require specified words to be included in the advertisement; 10
  - (iii) to not contain certain content;
  - (iv) not to be published in certain types of publications or media; and 15
  - (v) to be approved by the Authority before they are published in Singapore;
- (e) conditions restricting or prohibiting, or requiring the prior approval of the Authority for —
  - (i) the sending of inducements to gamble through the gambling service authorised by the licence; and 20
  - (ii) the practice that the licensee adopts in connection with offering or providing the gambling service authorised by the licence;
- (f) conditions requiring the facilities and equipment provided for persons conducting monitoring and surveillance of operations of the gambling service to conform to the applicable standards; 25
- (g) conditions requiring the licensee to establish and maintain appropriate internal policies, procedures and controls to encourage responsible gambling among customers of the gambling service and to minimise the possibility of problem gambling connected with the gambling service; 30

- (h) conditions concerning the management of the gambling service provided, including the records that must be maintained and reporting requirements;
- (i) conditions concerning the management, application, and distribution of funds derived from gambling through the gambling service;
- (j) conditions restricting or prohibiting a manner of disposal of approved gaming machines or approved peripheral equipment for a gaming machine used by the licensee in providing the gambling service;
- (k) conditions requiring the licensee to be responsible for every employee of the licensee and every gambling service agent of the licensee in providing any gambling service authorised by the licence; and
- (l) conditions requiring the licensee to undergo (at its own cost) such audit as the Authority may require to ascertain the licensee's compliance with —
  - (i) the provisions of this Act or a standard applicable to the licensee; or
  - (ii) the conditions of the licence granted to that licensee.

(3) An audit referred to in subsection (2)(l) must be carried out by authorised officers or other officers of the Authority or such qualified individuals approved by the Authority for that purpose.

### **Modifying conditions of licence**

**58.**—(1) Subject to this section, it is lawful for the Authority to modify the conditions of a licence without compensating the licensee concerned.

(2) Before modifying any condition of a licence, the Authority must, unless the Authority considers that it is impracticable or undesirable to do so, give notice to the licensee holding that licence —

- (a) stating that the Authority proposes to make the modification in the manner as specified in the notice; and

(b) specifying the time (being not less than 7 days from the date of service of notice on the licensee) within which the licensee may make written representations to the Authority with respect to the proposed modification.

(3) Upon receiving any written representation mentioned in subsection (2), the Authority must consider that representation and may — 5

(a) reject the representation;

(b) amend the proposed modification of any condition of a licence in such manner as the Authority thinks fit having regard to the representation; or 10

(c) withdraw the proposed modification.

(4) Where —

(a) the Authority rejects any written representation under subsection (3)(a); 15

(b) the Authority amends any proposed modification to any condition of a licence under subsection (3)(b); or

(c) no written representation is received by the Authority within the time specified in subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn, 20

the Authority must issue a written direction to the licensee in question requiring the licensee, within the time specified by the Authority, to give effect to the modification as specified in the notice under subsection (2) or as amended by the Authority, as the case may be. 25

### **Restriction on transfer and surrender of licence**

**59.—**(1) A licence, and any rights, benefits or privileges under the licence, are not transferable or assignable to any other person unless —

(a) the licence contains a condition authorising the transfer or assignment; and 30

(b) the Authority consents in writing to the transfer or assignment.

(2) Any consent under subsection (1) may be given subject to compliance with such conditions as the Authority thinks fit to impose, which may include conditions modifying, or requiring or otherwise providing for the making of modifications to, the conditions of the licence; but section 58(2), (3) and (4) does not apply to or in relation to these modifications to the conditions of the licence.

(3) A transfer or an assignment, or purported transfer or assignment, of a licence, or of any rights, benefits or privileges under the licence, is void and of no effect —

(a) if the licence is not capable of transfer or assignment;

(b) if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence; or

(c) if there has, before the transfer or assignment or purported transfer or assignment, been a contravention of a condition subject to compliance with which the consent required by subsection (1) is given.

(4) Every licence is not capable of being surrendered without the written consent of the Authority, and any surrender or purported surrender of a licence is void if it is without such consent.

*Division 2 — Class licences for  
lower-risk gambling services*

**Class licences**

**60.**—(1) The Minister may, by order in the *Gazette*, determine a class licence that authorises a person to which the order applies to provide a gambling service, or a class or description of gambling service, without a licence —

(a) for a specified period or indefinitely, or to an extent specified in that order; and

(b) subject to such conditions necessary, expedient or conducive to the attainment or furtherance of the licensing objectives and as may be specified in that order.

(2) To avoid doubt, there may be more than one class licence determined, and according (but not limited) to any of the following: 5

(a) specified kinds of gambling;

(b) specified kinds of betting operations, conduct of gaming or conduct of lotteries;

(c) gambling, or betting operations, conduct of gaming or conduct of lotteries, undertaken in or in connection with specified types of gambling venues; 10

(d) facilities of a specified nature, or adapted or presented in a specified way, and used for purposes of gambling;

(e) specified types of gaming machines;

(f) specified types of gambling articles (other than gaming machines) or prizes; 15

(g) specified types of customers who may engage in gambling using the gambling service authorised by the class licence.

(3) An order under subsection (1) continues in force, unless it is revoked, for such period as may be specified in the order. 20

### **Variation and revocation of class licence**

**61.**—(1) Subject to this section, the Minister may, by order in the *Gazette*, vary a class licence by —

(a) varying or revoking any condition specified in the class licence; or 25

(b) specifying additional conditions of the class licence.

(2) Before varying a class licence or revoking an order under section 60 for a class licence, the Authority designated by the Minister must, unless it considers it impractical or undesirable in the circumstances of the case, cause to be published, in accordance with subsection (3), a written notice that — 30

- (a) states that the Minister proposes to vary the class licence, or to end the class licence;
- (b) describes the proposed variation or ending; and
- (c) invites interested persons to make representations about the proposed variation or ending by a specified date that is at least 14 days after the date of publication of the notice.

(3) A notice under subsection (2) must be published on the prescribed website or in one or more other forms that are readily accessible by the public.

(4) The Minister must, before varying a class licence determined under an order under section 60 or revoking such an order, give due consideration to any representations made to the Authority pursuant to the notice given in accordance with subsection (2).

### **Conditions applicable to class licensee**

**62.**—(1) Without limiting section 60(1) or 61, the conditions subject to which a class licensee may authorise the provision of a gambling service may include any of the following:

- (a) conditions fixing the maximum or minimum number, amount or quantity, or both, of any of the following connected with the gambling service authorised by the class licence:
  - (i) the bets or wagers or the tickets or chances to be offered;
  - (ii) the gaming machines involved in providing the gambling service;
  - (iii) the amount and number or type of the prizes to be offered in providing the gambling service;
- (b) conditions fixing the hours of gambling, or the maximum number of gamblers to whom facilities to gamble may be made available at any time during the provision of the gambling service;
- (c) conditions restricting or prohibiting any property (whether real or personal) or services being offered or used as a prize

for gambling carried on in connection with the gambling service, which may include —

- (i) specifying a quantity or dollar value of any money or money equivalent that may not be offered or used as a prize for any such gambling; and 5
- (ii) specifying circumstances in which —
  - (A) any money or money equivalent or any thing else of value may not be offered or used as a prize for gambling; or
  - (B) a quantity or dollar value of any money or money equivalent or any thing else of value may not be offered or used as a prize for gambling; 10
- (d) conditions requiring advertisements about the gambling service authorised by the class licence — 15
  - (i) to be published only to certain classes of persons;
  - (ii) to contain certain content which may, in particular, require specified words to be included in the advertisement;
  - (iii) to not contain certain content; 20
  - (iv) not to be published in certain types of publications or media; and
  - (v) to be approved by the Authority before they are published in Singapore;
- (e) conditions restricting or prohibiting, or requiring prior approval of the Authority for — 25
  - (i) the sending of inducements to gamble through the gambling service authorised by the class licence; and
  - (ii) the practice that the licensee adopts in connection with offering or providing the gambling service authorised by the class licence; 30

- (f) conditions fixing the frequency of the gambling service provided under the class licence;
- (g) conditions concerning the management of the gambling service provided, including the records that must be maintained and reporting requirements;
- (h) conditions requiring to be done or not to be done such things as are specified or are of a description specified, except insofar as the Authority specified in that class licence consents to the class licensee doing or not doing them;
- (i) conditions requiring the class licensee to refer for determination by the Authority specified in that class licence such questions arising under the class licence or are of a description specified.

(2) In particular, a class licence may provide that the class licence applies to a person subject to a condition precedent that requires that person —

- (a) to notify the Authority about the person's identity and other particulars about the gambling service provided by the person; and
- (b) to pay a charge to the Authority for receiving the notification.

## PART 5

### GAMBLING VENUE AND GAMES APPROVAL

#### *Division 1 — Gambling venue approval*

#### **Application for approval of gambling venue**

**63.**—(1) An application for approval of any place or premises as an approved gambling venue for a licensee or an applicant for a licence to provide a gambling service must —

- (a) be made to the Authority in the form and manner that the Authority may determine; and
- (b) be accompanied by an application fee, if prescribed.

(2) An application for approval of any place or premises as an approved gambling venue must state —

- (a) the name, the residential or business address of each proprietor of the place or premises;
- (b) the name (if any) and the address of the premises; 5
- (c) whether the person applying for approval is a licensee or an applicant for a licence;
- (d) whether the written permission or authorisation required by the Planning Act 1998 for the development of the premises has been granted or deemed granted; 10
- (e) where any part of the gambling service to be provided at the place or premises involves gaming machines —
  - (i) the location of the gaming machine room within the place or premises; and
  - (ii) the number of gaming machines intended to be installed in the gaming machine room; 15
- (f) the hours of gambling proposed at the place or premises;
- (g) the prescribed particulars and information; and
- (h) such other additional information that the Authority requires to decide on the application in the particular case. 20

(3) If the Authority receives an application for approval of any place or premises as an approved gambling venue for a licensee to provide a gambling service, the Authority may carry out, or arrange to be carried out by authorised officers, such investigations and inquiries in relation to the application as the Authority considers necessary for a proper consideration of the application for approval. 25

(4) An authorised officer may, for the purpose of making an investigation or inquiry under subsection (3) relating to any place or premises —

- (a) at any reasonable time; 30
- (b) after declaring his or her office and after producing his or her identification card on demand being made; and

(c) with such assistants as may reasonably be required, enter the place or premises and exercise any powers referred to in subsection (5).

5 (5) The powers for the purposes of an investigation or inquiry under subsection (4) are —

(a) to inspect the place or premises and any plant, equipment, conveyance or other thing at the place or premises;

10 (b) to photograph or film, or make audio recordings or make sketches of, any part of the place or premises or anything at the place or premises;

(c) to inspect and make copies of, or take extracts from (without fee or reward) any document kept at the place or premises;

15 (d) to take any document or any other thing at the place or premises; and

(e) to ask any individual at the place or premises —

(i) to answer a question to the best of that individual's knowledge, information and belief; or

20 (ii) to take reasonable steps to provide information or produce a document.

(6) A power under subsection (5)(a), (b), (c) or (d) is limited to a document or thing that is used or likely to be used in the management or operation of the place or premises as a gambling venue.

25 (7) Without limiting subsection (5), an authorised officer exercising functions under that subsection may —

(a) be accompanied by one or more police officers; and

30 (b) open any ground or wall and remove any flooring or wall covering, and take such measures as may be necessary to ascertain the character and condition of the place or premises and of any pipe, sewer, drain, wire or fitting.

(8) The Authority may refuse to consider an application for or to renew an approval of any gambling venue —

- (a) that is incomplete or not made in accordance with this section; or
- (b) where an investigation or inquiry mentioned in subsection (3) in relation to the application is refused by the applicant.

5

### **Grant of gambling venue approval**

**64.**—(1) After considering any application for approval of any place or premises as an approved gambling venue, including the results of any investigation and inquiry under section 63(3), the Authority may, subject to subsection (4) —

10

- (a) on payment of an approved gambling venue fee (if prescribed), grant the approval; or
- (b) refuse to grant the approval.

(2) In determining whether an applicant should be granted an approval of any place or premises as an approved gambling venue, the Authority is to have regard to, and give such weight as the Authority considers appropriate to, all of the following matters:

15

- (a) the desirability of the proposed gambling venue in maintaining the cultural interest and social wellbeing of the community in the area concerned;
- (b) the level of criminal activity in the vicinity of the proposed gambling venue;
- (c) whether it is otherwise contrary to the public interest for the approval to be granted to the applicant.

20

(3) To avoid doubt, the Authority is not confined to consideration of the matters specified in subsection (2) and may take into account such other matters and evidence as may be relevant.

25

(4) However, an approval of any place or premises as an approved gambling venue for any gambling service must not be granted to any person who is not a licensee to carry out that gambling service.

30

### **Validity of gambling venue approval**

**65.**—(1) Every gambling venue approval granted under section 64 is to continue in force for such period as may be specified in the approval unless it —

- 5           (a) is earlier revoked or suspended under Part 7; or
- (b) earlier lapses because the person to whom the gambling venue approval was granted ceases to hold a licence.
- (2) A gambling venue approval granted cannot be transferred or assigned to another person.

### **Conditions of gambling venue approval**

10           **66.**—(1) In granting a gambling venue approval to any licensee, the Authority may impose such conditions as the Authority considers requisite or expedient having regard to the purposes of this Act.

- (2) In particular, in granting a licensee a gambling venue approval,
- 15           the Authority may impose conditions that are necessary, expedient or conducive to the attainment or furtherance of the licensing objectives, such as —

- (a) conditions requiring a layout or design of the place or premises that ensures that no customer or member of the public can see the gambling taking place in the approved gambling venue from outside the gambling venue;
- 20           (b) conditions requiring that any requisite surveillance system for monitoring and surveillance of operations in the approved gambling venue must conform to standards;
- (c) conditions requiring that the location and orientation of facilities and equipment for that requisite surveillance system must be as approved by the Authority; and
- 25           (d) conditions requiring access control measures for underaged individuals and excluded persons.

## **Modification of conditions of gambling venue approval**

**67.**—(1) Subject to this section, it is lawful for the Authority to modify the conditions of a gambling venue approval without compensating the licensee concerned.

(2) Before modifying any conditions of a gambling venue approval, the Authority must, unless subsection (5) applies, give notice to the licensee concerned — 5

(a) stating that the Authority proposes to make the modification in the manner as specified in the notice; and

(b) specifying the time (being not less than 14 days from the date of service of notice on the licensee) within which the licensee may make written representations to the Authority with respect to the proposed modification. 10

(3) Upon receiving any written representation mentioned in subsection (2), the Authority must consider that representation and may — 15

(a) reject the representation;

(b) amend the proposed modification in such manner as the Authority thinks fit having regard to the representation; or

(c) withdraw the proposed modification. 20

(4) Where —

(a) the Authority rejects any written representation under subsection (3)(a);

(b) the Authority amends any proposed modification to the conditions of the gambling venue approval under subsection (3)(b); or 25

(c) no written representation is received by the Authority within the time specified in subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn, and the licensee has not given immediate effect to the modification, 30

the Authority must issue a written direction to the licensee in question requiring the licensee, within the time specified by the Authority, to

give effect to the modification as specified in the notice under subsection (2) or as amended by the Authority, as the case may be.

(5) However, where the Authority considers that it is impracticable or undesirable, in the circumstances of the particular case for him or her to give notice under subsection (2) before modifying the conditions of a particular gambling venue approval because of any act, omission or other thing that is of such a serious nature that the integrity of the conduct of the gambling service at the approved gambling venue is jeopardised, the Authority may, without compensating the licensee concerned, and by giving notice to that licensee, modify the conditions of the particular gambling venue approval with immediate effect.

*Division 2 — Game approval, etc.*

**No application to gaming machine games**

68. This Division does not apply in relation to any gaming machine game to which Division 3 applies.

**Application for game or game rules, etc., approval**

69.—(1) A licensee authorised under a licence to provide a gambling service involving the conduct of betting operations, must apply to the Authority for approval under section 70 of every race, competition, sporting event or other event or process the outcome of which bets are or are likely to be received, accepted or negotiated on in the course of the betting operation.

(2) A licensee authorised under a licence to provide a gambling service involving any of the following activities:

- (a) placing, making, receiving, accepting or negotiating of any bets;
- (b) operating a betting exchange or betting information centre;
- (c) operating a totalisator;
- (d) organising pool betting,

must apply to the Authority for approval under section 70 of the contents of the rules of betting for any of those activities.

(3) A licensee authorised under a licence to provide a gambling service involving conducting gaming must apply to the Authority for approval under section 70 of —

(a) the game of chance conducted; and

(b) the content of rules of that game of chance. 5

(4) A licensee authorised under a licence to provide a gambling service involving conducting any lottery must apply to the Authority for approval under section 70 of —

(a) the lottery; and

(b) the content of the rules of that lottery. 10

(5) An application under subsection (1), (2), (3) or (4) must —

(a) be in the form and manner the Authority specifies;

(b) be accompanied by an application fee, if prescribed; and

(c) be accompanied by the prescribed information and any other additional information that the Authority requires to decide on the application. 15

### **Grant of approval of game or game rules, etc.**

**70.—**(1) After considering any application under section 69, the Authority may —

(a) on payment of a fee (if prescribed), grant the approval that is the subject of the application subject to any condition that is necessary, expedient or conducive to the attainment or furtherance of the licensing objectives; or 20

(b) refuse to grant the approval.

(2) Without limiting subsection (1)(a), the conditions to which an approval under this Division may be subject include — 25

(a) requirements to prevent cheating or other contravention of the provisions of this Act; and

(b) restrictions as to the manner, time and frequency the licensee offers or makes available to people the facility to 30

bet, play the game of chance or participate in the lottery, as the case may be.

(3) The Authority may refuse to consider an application under section 69 that is incomplete or not made in accordance with that section.

(4) An approval granted under this Division cannot be transferred or assigned to another person.

### **Validity of approval of game or game rules, etc.**

71. Every approval granted under section 70 to a licensee is to continue in force until —

- (a) the period of approval lapses (where such a period is specified in the approval);
- (b) it is cancelled on the application of the licensee;
- (c) it is cancelled by the Authority under Division 2 of Part 7 by way of regulatory action; or
- (d) the licensee ceases to be granted a licence.

### *Division 3 — Gaming machine, etc., approval*

#### **Application of Division**

72. This Division applies only in relation to —

- (a) a gaming machine that is played by —
  - (i) inserting a coin or gaming token into the machine;
  - (ii) causing gaming machine credits to be registered by the machine;
  - (iii) making a bet on the machine; or
  - (iv) causing the activation of any process relating to the gaming machine game of the machine, such as but not limited to a jackpot machine;
- (b) any game of chance installed or to be installed for a gaming machine in paragraph (a); and

- (c) any peripheral equipment for a gaming machine in paragraph (a).

**Application for approval of gaming machine, etc.**

**73.—**(1) An application for approval of —

- (a) any gaming machine mentioned in section 72(a);
- (b) any gaming machine game mentioned in section 72(b); or
- (c) any peripheral equipment for a gaming machine mentioned in section 72(c),

is to be made by a supplier of the gaming machine, the gaming machine game or the peripheral equipment (as the case may be) to the Authority.

(2) An application for approval under subsection (1) must —

- (a) be in the form and manner the Authority specifies;
- (b) be accompanied by an application fee, if prescribed; and
- (c) be accompanied by the prescribed information and any other additional information that the Authority requires to decide on the application.

**Approval of gaming machine, etc.**

**74.—**(1) After considering any application under section 73, the Authority may —

- (a) on payment of a fee (if prescribed), grant approval to the supplier of —
  - (i) any gaming machine mentioned in section 72(a);
  - (ii) any gaming machine game mentioned in section 72(b); and
  - (iii) any peripheral equipment for a gaming machine mentioned in section 72(c),

which is the subject of the application; or

- (b) refuse to grant the approval.

- (2) An approval granted under this section —
- (a) for a gaming machine includes an approval of the gaming machine games installed in the gaming machine unless the Authority otherwise specifies in the approval; and
  - 5 (b) for a gaming machine and any peripheral equipment for a gaming machine applies to all gaming machines and peripheral equipment for a gaming machine, respectively, of that same kind.

### **Validity of gaming machine approval**

10 **75.** Every approval granted under section 74 continues in force for such period as may be specified in the approval unless it is earlier cancelled —

- 15 (a) on the application of the supplier of the gaming machine or peripheral equipment for a gaming machine, as the case may be; or
- (b) by the Authority under section 78 or under Division 3 of Part 7 by way of regulatory action.

### **Conditions of gaming machine, etc., approval**

20 **76.—**(1) An approval granted under section 74 may be subject to any condition that is necessary, expedient or conducive to the attainment or furtherance of the licensing objectives.

(2) In particular, an approval granted under section 74 may be subject to any of the following conditions:

- 25 (a) conditions requiring the installation and display of unique identification marks on a gaming machine before it is made available to players to use;
- (b) conditions requiring compliance with technical standards and configurations specified in standards;
- 30 (c) conditions requiring the supplier to notify the Authority if the supplier intends to cease all or any part of their operations or business of supplying gaming machines;

- (d) conditions requiring the supplier to notify the Authority if any circumstance arises that affects the supplier's ability to supply, correct, repair or make alterations to gaming machines (and any gaming machine game installed therein) or peripheral equipment, as the case may be; 5
- (e) conditions requiring the supplier to notify the Authority if any fault is detected in any gaming machine (and any gaming machine game installed therein) or peripheral equipment (as the case may be) supplied or being supplied.

**Restriction on transfer of gaming machine, etc., approval** 10

77.—(1) An approval granted under section 74, and any rights, benefits or privileges under the approval, are not transferable or assignable to any other person unless —

- (a) the approval contains a condition authorising the transfer or assignment; and 15
- (b) the Authority consents in writing to the transfer or assignment.

(2) Any consent under subsection (1) may be given subject to compliance with such conditions as the Authority thinks fit to impose, which may include conditions modifying, or requiring or otherwise providing for the making of modifications to, the conditions of an approval granted under section 74. 20

(3) A transfer or an assignment, or purported transfer or assignment, of an approval granted under section 74, or of any rights, benefits or privileges under the approval, is void and of no effect — 25

- (a) if the approval granted under section 74 is not capable of transfer or assignment;
- (b) if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the approval; or 30
- (c) if there has, before the transfer or assignment or purported transfer or assignment, been a contravention of a condition subject to compliance with which the consent required by subsection (1) is given.

**Corrective action needed for gaming machine, etc.**

5 78.—(1) Subject to subsection (2), the Authority may by a notice of corrective action given in accordance with this section, temporarily suspend the approval of a gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine if —

(a) the gaming machine (and any gaming machine game installed therein) or peripheral equipment has a serious malfunction; or

10 (b) the gaming machine (and any gaming machine game installed therein) or peripheral equipment no longer operates as intended under the standards.

(2) A notice of corrective action in respect of any gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine may be made under subsection (1) only if the Authority is of the opinion —

15 (a) that without an immediate suspension, the continued use or supply of the gaming machine (and any gaming machine game installed therein) or peripheral equipment for a gaming machine jeopardises proper standards of integrity affecting gambling or the conduct of gaming;

20 (b) that an immediate suspension is necessary so as to maintain public confidence and trust in the credibility, integrity and stability of licensees conducting gaming using gaming machines or peripheral equipment for a gaming machine of the same type; and

25 (c) that it is impracticable in the circumstances of the particular case for the Authority to exercise any other power under any provision of this Act to effectively alleviate or minimise the adverse effects in paragraph (a) or (b).

30 (3) It is not necessary for the Authority to give any person who may be affected by a suspension under this section a chance to be heard before a notice of corrective action in respect of any gaming machine

(and any gaming machine game installed therein) or any peripheral equipment for a gaming machine to be made is made.

(4) A notice of corrective action in respect of any gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine must be given to all or any of the following, individually or as a class:

5

(a) the supplier of the gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine (as the case may be) to whom approval was granted under section 74;

10

(b) every licensee whom the Authority is aware provides a gambling service using the same kind of gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine.

(5) A notice of corrective action in respect of any gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine given in accordance with this section —

15

(a) temporarily suspends the approval under this Division relating to all gaming machines (and any gaming machine game installed therein) or peripheral equipment (as the case may be) of that same kind, whether or not a particular gaming machine (and any gaming machine game installed therein) or a peripheral equipment is operating as designed or intended; and

20

25

(b) takes effect at such time, being the earliest practicable time, as is determined by or under the notice of corrective action given under subsection (1) and continues in force until either the following occurs, unless earlier confirmed under subsection (8):

30

(i) the expiry date (if any) stated in the notice is reached, which must not exceed 90 days at the first instance and may be renewed once only for a further period not exceeding 90 days;

- (ii) the Authority cancels the notice before the expiry date.

(6) A notice of corrective action in respect of any gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine may also contain directions from the Authority requiring —

- (a) an affected licensee to stop providing a gambling service using the gaming machines (and any gaming machine game installed therein) or peripheral equipment (as the case may be) of that same kind, during the period the notice of corrective action has effect; and

- (b) the supplier concerned to do all or any of the following during the period the notice of corrective action has effect:

- (i) to take such steps as may be reasonable and necessary in the circumstances to correct, repair or make alterations to gaming machines (and any gaming machine game installed therein) or peripheral equipment (as the case may be) of that same kind to prevent further jeopardy of proper standards of integrity affecting gambling or the conduct of gaming;

- (ii) until the corrective action in sub-paragraph (i) is taken, to stop supplying to anyone in connection with any gambling service using gaming machines (and any gaming machine game installed therein) or peripheral equipment (as the case may be) of that same kind.

(7) Before confirming any notice of corrective action made under subsection (1), the Authority must give written notice to the supplier concerned and any licensee who is aggrieved by the notice —

- (a) stating that the Authority intends to confirm the notice by cancelling the approval under this Division in respect of any gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine; and

(b) specifying the time (being not less than 14 days after the date of service of the notice on the supplier) within which written representations may be made to the Authority with respect to the proposed confirmation.

(8) The Authority may, after considering any written representation made under subsection (7)(b), decide — 5

(a) to confirm the notice of corrective action by cancelling the approval in respect of the gaming machine (and any gaming machine game installed therein) or the peripheral equipment for a gaming machine in question; or 10

(b) not to confirm the notice of corrective action (with or without modification) as the Authority considers appropriate.

(9) The Authority must serve on the supplier and every licensee which made representations under subsection (7)(b), a notice of the Authority’s decision under subsection (8). 15

(10) Every supplier and every licensee given a notice of corrective action must comply with the notice as soon as it takes effect.

PART 6

HARM MINIMISATION AND INTEGRITY PROTECTION MEASURES 20

*Division 1 — Protecting gambling operations integrity and preventing criminal influence*

**Entry ban by Commissioner of Police, etc., and Authority**

**79.**—(1) Subject to subsection (2), the Commissioner of Police may, by an entry ban given to an individual, ban the individual for a fixed period from — 25

(a) entering or remaining in all gaming machine rooms during their respective restricted periods;

(b) engaging in general remote gambling; or 30

(c) engaging in both conduct in paragraphs (a) and (b).

(2) An entry ban may be made under subsection (1) against an individual only if the Commissioner of Police is of the opinion that, because of —

5 (a) the individual's conviction (whether in Singapore or elsewhere) for an offence whether or not relating to gambling; or

(b) the individual's history of criminal activity, whether alone or in association with others and whether or not relating to gambling,

10 the individual continuing to engage in conduct described in subsection (1)(a), (b) or (c) presents an unacceptable risk —

(c) to maintaining the proper standards of integrity of any gambling service involving gaming machine rooms or general remote gambling or both; or

15 (d) to preventing or reducing criminal influence or exploitation in the management and operation of such regulated activities.

(3) Subject to subsection (4), the Authority may, by an entry ban given to an individual, also ban the individual for a fixed period from —

(a) entering or remaining in all gaming machine rooms during their respective restricted periods;

(b) engaging in general remote gambling; or

(c) engaging in both conduct in paragraphs (a) and (b).

25 (4) An entry ban may be made under subsection (3) against an individual only if the Authority is of the opinion that —

(a) the integrity or apparent integrity of any gambling service provided at an approved gambling venue, or any general remote gambling service provided, is likely to be seriously prejudiced because of —

30

(i) the character or reputation of an individual in relation to gambling; or

(ii) the criminal activities of the individual relating to gambling, whether alone or in association with others; and

(b) the entry ban is necessary to effectively alleviate or minimise that prejudice. 5

(5) The Commissioner of Police or Authority (as the case may be) may at any time cancel an entry ban made against an individual.

(6) Upon making or cancelling an entry ban under this section or Part 8, the Commissioner of Police or Authority (as the case may be) must ensure that a written notice of the making or cancelling of the entry ban is given to — 10

(a) the individual who is or was the subject of the entry ban; and

(b) the NCPG for inclusion in or deletion from (as the case may be) the list of excluded persons. 15

(7) A notice under subsection (6) of the making of an entry ban must set out the terms of the entry ban and, if it is reasonably practicable to do so, include a photograph of the individual who is the subject of the entry ban.

(8) In this Division — 20

“Commissioner of Police” includes a public officer who holds a post in a law enforcement agency and is designated by the Minister for the purposes of this Division;

“criminal activity” means engaging in conduct that involves the commission of an offence under any written law, regardless of any conviction for the offence. 25

### **Opportunity to be heard not required**

**80.—**(1) It is not necessary for the Commissioner of Police or the Authority to give any individual who may be affected by an entry ban a chance to be heard before the entry ban to be given is given. 30

(2) If the Commissioner of Police made an entry ban because of information that is classified by the Commissioner of Police as security sensitive information, the Commissioner of Police is not

required to provide any reasons for his or her decision other than that the decision was made on public interest grounds under this section.

### **Effect of entry ban**

5 **81.**—(1) An entry ban is binding on the individual to whom it is given and takes effect when written notice of it is given under section 79(6).

(2) An entry ban continues in force until the earlier of the following occurs:

- (a) the expiry date stated in the entry ban is reached;
- 10 (b) the person who made the entry ban cancels the entry ban;
- (c) the entry ban is cancelled on appeal under Part 8.

(3) Subsection (2) does not prevent a further entry ban being authorised to be given in the same terms as an entry ban that has expired.

15 *Division 2 — Supporting excluded persons, etc.*

### **Licensee must bar excluded persons, etc., from gambling**

**82.**—(1) Every licensee who is authorised by a licence to conduct gaming involving gaming machines installed in a gaming machine room must take all steps as are reasonably practicable to ensure that  
20 an underaged individual or excluded person —

- (a) does not enter or remain, and is not allowed to enter or remain, in the gaming machine room during any restricted period of the gaming machine room; and
- 25 (b) does not gamble and is not allowed to gamble in the gaming machine room during any restricted period of the gaming machine room,

in contravention of section 31 or 32 and, in the case of a self-excluded person, in contravention of his or her voluntary application under section 165A(1)(c) of the Casino Control Act 2006.

30 (2) Every licensee who is authorised by a licence to provide facilities for general remote gambling must take all steps as are

reasonably practicable to ensure that an underaged individual or excluded person does not engage in general remote gambling in or from Singapore —

- (a) in contravention of section 31 or 32; and
- (b) in the case of a self-excluded person, in contravention of his or her voluntary application under section 165A(1)(c) of the Casino Control Act 2006. 5

(3) It is a defence to any regulatory action against a licensee for a contravention of this section by permitting an excluded person to enter or remain in the gaming machine room during any restricted period of the gaming machine room if it is proved that — 10

- (a) before the individual entered the gaming machine room or while the individual was in the gaming machine room, there was produced to the licensee or to its gambling service agent, or an employee of the licensee or gambling service agent, proof of the individual’s identity; and 15
- (b) at that time, the individual’s name and particulars were not on the list of excluded persons provided or made available by the NCPG to the licensee.

**Licensee empowered to remove or detain excluded persons, etc.** 20

**83.—**(1) It is lawful for the licensee or gambling service agent of a licensee, or an employee of a licensee or a gambling service agent of a licensee, to do any of the following using no more force than is reasonably necessary:

- (a) to refuse entry to the licensee’s approved gambling venue during the restricted period of the approved gambling venue; 25
- (b) to remove or cause to be removed from the licensee’s approved gambling venue during the restricted period of the approved gambling venue, 30

any underaged individual or excluded person whose name and particulars are at that time on the list of excluded persons provided or made available by the NCPG to the licensee.

(2) A licensee or gambling service agent of a licensee, or an employee of a licensee or a gambling service agent of a licensee, may require any individual whom the licensee, gambling service agent or employee has reasonable grounds to suspect is committing or attempting to commit an offence under section 31, 32 or 33 on an approved gambling venue of the licensee —

(a) to give the individual's correct age, name and address; and

(b) to either —

(i) give satisfactory evidence verifying his or her age or his or her not being an excluded person; or

(ii) declare whether or not the individual is an underaged individual or an excluded person or give satisfactory evidence verifying his or her age or his or her not being an excluded person.

(3) A licensee or gambling service agent of a licensee, or an employee of a licensee or a gambling service agent of a licensee, may detain —

(a) in a suitable place on or near the approved gambling venue;

(b) using no more force than may be reasonably necessary; and

(c) in accordance with subsection (4),

any individual whom the licensee, gambling service agent or employee has reasonable grounds to suspect is committing or attempting to commit an offence under section 28, 31, 32 or 33 on an approved gambling venue of the licensee, until the arrival at the place of detention of a police officer or an authorised officer, but in no case exceeding 2 hours.

(4) An individual detained under subsection (3) must immediately be informed of the reasons for the detention, and the individual actually effecting the detention must immediately notify a police officer or an authorised officer of the detention and the reasons for doing so.

**Licensee may refuse to pay winnings to underaged individual or excluded person**

**84.—(1)** If a licensee or gambling service agent has reasonable grounds to suspect that an underaged individual or excluded person is engaging in conduct that is an offence under section 31 or 32 on an approved gambling venue of the licensee or using remote communication with the licensee or gambling service agent, the licensee or gambling service agent, as the case may be — 5

(a) is entitled to and must refuse to pay any money or other prize won by the underaged individual or excluded person; and 10

(b) must surrender the money or other prize mentioned in paragraph (a) to the Authority on demand.

(2) If any money or prize is withheld under subsection (1), the licensee or gambling service agent concerned — 15

(a) must keep a record of —

(i) the name and address (if available) of the individual who is suspected of being an underaged individual or excluded person;

(ii) the amount of money or the prize won by the individual; and 20

(iii) the date on which the money or prize was withheld; and

(b) must advise the individual that if he or she provided satisfactory evidence verifying his or her age or his or her not being an excluded person (as the case may be) within 7 days after the date in paragraph (a)(iii), the individual may claim the money or prize withheld. 25

(3) This section does not apply to any money or prize won in a betting operation, game of chance or lottery if the bet, stake or wager was made or the lottery ticket was purchased before the date of commencement of this section. 30

(4) To avoid doubt, this section does not confer any right or impose any duty on a class licensee.

*Division 3 — Unlawful gambling advertising***Advertising unlawful gambling**

**85.—**(1) A person commits an offence if the person advertises any unlawful gambling.

5 (2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$20,000.

(3) For the purposes of this Division, a person advertises unlawful gambling if —

- 10 (a) the person informs the public of any place or any online location where unlawful gambling takes place or will take place or an unlawful gambling service is or is to be provided;
- (b) the person invites the public —
- 15 (i) to engage in any unlawful gambling;
- (ii) to seek information or material about opportunities to engage in any unlawful gambling;
- (iii) to commit money for unlawful gambling; or
- (iv) to seek information or material about opportunities to commit money for unlawful gambling;
- 20 (c) with a view to increasing the use of facilities for unlawful gambling, the person brings them information or material about facilities for unlawful gambling or about an unlawful gambling service to the attention of one or more persons;
- 25 (d) the person participates in or facilitates an activity knowing or believing that it is designed to —
- (i) encourage one or more persons to take advantage (whether directly or through an agent) of facilities for unlawful gambling or of an unlawful gambling service; or
- 30 (ii) increase the use of facilities for unlawful gambling or of an unlawful gambling service by bringing the

facilities, or information or material about the facilities, to the attention of one or more persons; or

- (e) the person publishes a gambling advertisement about any unlawful gambling taking place or about to or an unlawful gambling service that is or is to be provided. 5

(4) For the purposes of subsection (3)(a), a person is to be treated as informing the public of places or an online location where unlawful gambling takes place or will take place, or an unlawful gambling service is or is to be provided, if the person publishes a gambling advertisement relating to unlawful gambling or an unlawful gambling service (as the case may be) on an online location that provides the opportunity for, or facilitates or enables, dissemination of information to the public or a section of the public (whether or not the particular publication results in the dissemination of information to the public or a section of the public). 10 15

(5) For the purposes of subsection (3)(c) or (d), a person is to be treated as bringing facilities for gambling to the attention of one or more persons with a view to increasing the use of the facilities if —

- (a) the person enters into arrangements (whether by way of sponsorship, brand-sharing or otherwise) under which a name is displayed in connection with an event or product; and 20

(b) either —

- (i) the provision of facilities for gambling is the sole or main activity undertaken under that name; or 25

- (ii) the manner or context in which the name is displayed is designed to draw attention to the fact that facilities for gambling are provided under that name.

(6) For the purposes of this Division, an advertisement is deemed advertising unlawful gambling if — 30

- (a) in order for the gambling to take place as advertised without the commission of an offence under any provision of this Act, it would or might be necessary to rely on a

licence, under this Act or another Act or an exception to an offence under this Act; and

(b) at the time of advertising —

(i) arrangements for a licence, sufficient to prevent the commission of an offence under any provision of this Act if the gambling takes place as advertised, have not been completed; and

(ii) the arrangements for the gambling or the conduct of the betting operation, game of chance or lottery, as advertised, are not such as to ensure that an exception to the offence under this Act will apply.

(7) Strict liability applies to an offence under subsection (1).

## Defences

**86.**—(1) In any proceedings for an offence under section 34 or 85, it is a defence for the person charged to prove, on a balance of probabilities, that —

(a) the person published a gambling advertisement or sent an inducement to gamble for or on the direction of a licensee or class licensee; or

(b) the person is acting in the course of a business of delivering, transmitting or broadcasting information or material (in whatever form or by whatever means) or making data available and the nature of the business is such that persons undertaking it have no control over the nature or content of the information or material or data.

(2) Where a person is charged with an offence under section 85, it is also a defence for the person charged to prove, on a balance of probabilities, that —

(a) the advertisement was so published as an accidental or incidental accompaniment to the publication of other matter not forming part of any promotion of gambling; and

(b) the person does not receive any direct or indirect benefit (whether financial or not) for publishing that gambling

advertisement, in addition to any direct or indirect benefit that the person receives for publishing that other matter.

(3) In addition, in any proceedings for an offence under section 85, it is a further defence for the person charged to prove, on a balance of probabilities, that the person —

- (a) is a person whose business is to publish or arrange for the publication of advertisements and that the person received the advertisement for publication in the ordinary course of business;
- (b) has no financial interest in the gambling or gambling service featured in the advertisement;
- (c) did not know that the advertisement is about unlawful gambling or an unlawful gambling service; and
- (d) had taken all reasonably practicable steps as are necessary to ascertain that the gambling or the gambling service (as the case may be) was not unlawful.

### **Corrective measures relating to unlawful gambling advertisements**

**87.—**(1) Where any person has advertised or caused advertising of any unlawful gambling (whether or not an offence under section 85 is committed by the person), the Authority may order that person to do all or any of the following:

- (a) to stop the advertising with immediate effect;
- (b) to take such measures as may be reasonable and necessary in the circumstances to remove the advertisements that have already been published in Singapore;
- (c) to publish a corrective advertisement in such manner and containing such information or material as may be specified by the Authority.

(2) The person to whom an order under subsection (1) is directed has to bear the costs and expenses arising from the taking of any measure that is required of the person under the order.

(3) If a person to whom an order under subsection (1) is directed fails to comply with the order —

(a) the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both; and

(b) the Authority may take such steps as it thinks reasonable and necessary to implement the requirements of the order and recover any costs and expenses reasonably incurred by it in so doing from that person.

(4) This section does not affect the liability of any person for an offence under this Part.

## PART 7

### REGULATORY SANCTIONS

#### *Division 1 — Licences*

#### **Suspension or revocation, etc., of licence or class licence**

**88.**—(1) Subject to section 90, if the Authority is satisfied that —

(a) a licensee or class licensee is contravening or not complying with, or has contravened or failed to comply with any of the following:

(i) any of the conditions of its licence or, in the case of a class licensee, any condition of its class licence;

(ii) any provision of a standard applicable to the licensee or class licensee;

(iii) any direction given to the licensee or class licensee under subsection (2)(b) or (e);

(iv) section 78(10) or 82(1) or (2);

(v) a confirmed interim order under section 91;

(vi) a directive under section 92;

- (b) the licensee does not or has ceased to provide the gambling service authorised by its licence or class licence for a period of more than 6 continuous months;
- (c) the licensee or class licensee has provided the gambling service authorised by its licence or class licence in such a way that reflects discredit on the manner of conduct of the business of the gambling operators; 5
- (d) any gambling duty and penalty tax under the Gambling Duties Act 2022 for which the licensee or class licensee is liable to pay is not paid before the end of the time prescribed by that Act; 10
- (e) the licensee or class licensee, or a key officer of the licensee or class licensee, is convicted of any of the following offences committed during the term of the licence or class licence, as the case may be: 15
  - (i) any offence under this Act;
  - (ii) any offence under the Casino Control Act 2006, or the repealed Betting Act 1960, the repealed Common Gaming Houses Act 1961, the repealed Private Lotteries Act 2011 or the repealed Remote Gambling Act 2014; 20
- (f) the licensee is, or 2 or more responsible executives or category 1 key officers of the licensee are each, no longer a suitable person to be involved in the conduct of the gambling service authorised by the licence; 25
- (g) the licence had been obtained by the licensee by fraud or misrepresentation;
- (h) the licensee or class licensee —
  - (i) has gone or is likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or 30
  - (ii) has made any assignment to, or composition with, its creditors or if a corporation, is unable to pay its debts; or

(i) the public interest or national security of Singapore requires,

the Authority may revoke (without any compensation) the licensee's licence, or disapply (without any compensation) the class licence with respect to that class licensee.

(2) However, the Authority may, in lieu of revoking a licensee's licence or disapplying a class licence with respect to a class licensee under subsection (1), do (without compensation) any one or more of the following:

- (a) censure the licensee or class licensee in writing;
- (b) direct the licensee or class licensee to do, or to refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance mentioned in subsection (1)(a) or that constitutes the ground for regulatory action;
- (c) suspend the licence or the application of the class licence (as the case may be) for not more than 6 months;
- (d) modify any condition of the licence, and section 58(2), (3) and (4) is disappplied;
- (e) direct the licensee or class licensee to pay, within a period specified in a direction, a financial penalty of such amount as the Authority thinks fit, but not exceeding \$1 million;
- (f) direct the furnishing by the licensee of any performance bond, guarantee or other form of security, or an additional performance bond, guarantee or other form of security, for all or any of the following:
  - (i) to secure compliance by the licensee with any condition attached to the licence;
  - (ii) to secure compliance by the licensee with any standard applicable to the licensee;
  - (iii) for the purpose of meeting any financial penalty arising out of any regulatory action started or likely to start against the licensee.

(3) In taking any regulatory action under this section in relation to the conviction of a licensee or any person for a criminal offence, the Authority may accept the licensee’s or person’s conviction as final.

(4) For the purposes of subsection (1)(h), a corporation is unable to pay its debts if it is a corporation which is deemed to be so unable under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018.

(5) Where any financial penalty is imposed on a licensee for contravening or not complying with —

(a) any condition attached to the licence; or

(b) any standard applicable to the licensee,

then, any performance bond, guarantee or other form of security furnished by the licensee to secure compliance by the licensee with any condition attached to the licence or any standard applicable to the licensee must not be forfeited by the Authority for that contravention or non-compliance except to the extent to pay the financial penalty.

(6) All financial penalties imposed under this section, and any moneys under a performance bond, deposit or other form of security forfeited under this section for the purpose of meeting any financial penalty so imposed —

(a) may be recovered as if a debt due to the Authority from the person from whom the sum is due and payable; and

(b) must be collected by the Authority and paid into the Consolidated Fund,

and that person’s liability to pay is not to be affected by the person’s licence ceasing, for any reason, to be in force.

**Regulatory action can continue despite licence expiry, etc.**

**89.—**(1) Subject to section 90, regulatory action started under section 88 against a licensee or class licensee may continue, and the Authority may exercise any powers under subsection (2), in relation to a former licensee or former class licensee, despite either of the following events:

(a) the date of expiry of the licensee’s licence;

(b) the date the class licence stops applying.

(2) The Authority may, if satisfied of any ground mentioned in section 88(1), do (without compensation) any one or more of the following:

5 (a) censure the former licensee or former class licensee in writing;

(b) direct the former licensee or former class licensee to do, or to refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance mentioned in section 88(1)(a) by the former licensee or former class licensee when the licence or class licence (as the case may be) was in force;

10 (c) direct the former licensee or former class licensee to pay, within a period specified in a direction, a financial penalty of any amount that the Authority thinks fit, but not exceeding the maximum specified in section 88(2)(e).

15 (3) Section 88(3), (4) and (5) applies to regulatory action under this section as it applies to any regulatory action under that section.

### **Proceedings for regulatory action**

20 **90.**—(1) Before exercising any powers under section 88(1) or (2) or 89(2), the Authority must give written notice to the licensee or class licensee, or the former licensee or former class licensee, concerned —

(a) stating that the Authority intends to take regulatory action against the licensee or class licensee or former licensee or former class licensee;

25 (b) specifying the type of action in section 88(1) or (2) or 89(2) that the Authority proposes to take, and each instance of contravention or non-compliance that is the subject of the action; and

30 (c) specifying the time (being not less than 14 days from the date of service of notice on the licensee or class licensee, or former licensee or former class licensee, as the case may be) within which written representations may be made to the Authority with respect to the proposed action.

(2) The Authority may, after considering any written representation under subsection (1)(c), decide to take such regulatory action in section 88(1) or (2) or 89(2) as the Authority considers appropriate.

(3) Where the Authority has made any decision under subsection (2) against any licensee or class licensee, or former licensee or former class licensee, the Authority must serve on the licensee or class licensee, or former licensee or former class licensee (as the case may be) concerned a notice of its decision. 5

(4) Subject to Part 8, a decision to revoke a licence or disapply a class licence under section 88(1), or to impose a regulatory action in section 88(2) or 89(2), which is specified in the notice given under subsection (3), takes effect from the date on which that notice is given, or on such other date as may be specified in the notice. 10

(5) Any suspension or revocation of any licence or disapplication of a class licence under section 88 with respect to a licensee or class licensee does not affect — 15

(a) the enforcement by any person of any right or claim against the licensee or class licensee or the former licensee or former class licensee, as the case may be; or

(b) the enforcement by the licensee or class licensee or the former licensee or former class licensee (as the case may be) of any right or claim against any person. 20

### **Immediate regulatory action against licensee**

**91.—**(1) Despite section 88, where the Authority —

(a) is satisfied that a licensee is contravening or not complying with, or has contravened or failed to comply with — 25

(i) any of the conditions of its licence; or

(ii) any provision of a standard applicable to the licensee;

(b) has reasonable grounds to believe that there is, as a result, a serious and imminent threat or risk to the integrity or apparent integrity of the gambling service provided by the licensee; and 30

(c) is satisfied that it is impracticable in the circumstances of the particular case for the Authority to complete any regulatory action in accordance with section 90 to address the default mentioned in paragraph (a) because of the threat or risk in paragraph (b),

the Authority may make an interim order against the licensee.

(2) An interim order made under subsection (1) —

(a) may suspend the licence or require the licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, the things specified in the interim order or the things that are of a description specified in the interim order, for or in respect of any matter necessary or desirable to rectify any contravention or non-compliance mentioned in subsection (1)(a) or that constitutes the ground for this regulatory action; and

(b) may be cancelled at any time by the Authority.

(3) An interim order made under subsection (1) takes effect at such time, being the earliest practicable time, as is determined by or under that interim order and continues in force until either the following occurs, unless earlier confirmed under subsection (5):

(a) the expiry date (if any) stated in the interim order is reached, which must not exceed 90 days;

(b) the Authority cancels the interim order before the expiry date.

(4) Before confirming any interim order made under subsection (1), the Authority must give written notice to the licensee concerned —

(a) stating that the Authority intends to confirm the interim order; and

(b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee or class licensee) within which written representations may be made to the Authority with respect to the proposed confirmation.

(5) The Authority may, after considering any written representation made pursuant to subsection (4)(b), decide to confirm or not to confirm the interim order (with or without modification) as the Authority considers appropriate.

(6) The Authority must serve on the licensee concerned a notice of the Authority’s decision under subsection (5). 5

(7) Every licensee must comply with every interim order given under this section to the licensee as soon as it takes effect.

**Directive regarding responsible executive or key officer**

**92.—**(1) A directive under this section cannot be given in relation to a class licensee. 10

(2) The Authority may give a directive to a licensee prohibiting the licensee from permitting to act as a responsible executive, or a category 1 key officer, of the licensee an individual —

(a) whom the Authority is of the opinion is no longer a suitable person to be involved in providing a gambling service authorised by the licensee’s licence; and 15

(b) who is specified in the directive.

(3) A directive under subsection (2) has to relate to an individual specified therein and may, in particular, direct the licensee concerned — 20

(a) to suspend for a period specified in the directive, the individual from the exercise of his or her office, employment or membership (as the case may be) pending consideration being given to the individual’s removal (whether under this section or otherwise) from his or her office, employment or membership; or 25

(b) to remove, within the period specified in the directive, the individual from his or her office, employment or membership. 30

(4) However, a period of suspension under subsection (3)(a) must not exceed 24 months.

(5) No civil or criminal liability is incurred by the licensee or an officer, employee or agent of a licensee, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of the person complying with or giving effect to a directive under this section given to the licensee.

*Division 2 — Approved gambling venue and games*

**Suspension or cancellation, etc., of approved gambling venue**

93.—(1) Subject to section 95, the Authority may cancel (without any compensation) any approval granted under section 64 to a licensee in respect of any place or premises as an approved gambling venue if the Authority is satisfied that —

- (a) the licensee is contravening or not complying with, or has contravened or failed to comply with any of the following:
  - (i) any condition of the approval granted to the licensee for the place or those premises as an approved gambling venue;
  - (ii) any provision of a standard applicable to the licensee and relating to the place or those premises as an approved gambling venue;
- (b) the licensee does not or has ceased to provide a gambling service authorised by its licence at the place or those premises for a period of more than 6 continuous months;
- (c) the licensee is not providing a gambling service at that place or those premises in a safe and crime-free manner;
- (d) the level of criminal activity in the vicinity of the place or those premises no longer make it suitable for that place or those premises to continue as an approved gambling venue;
- (e) the cultural interest and social wellbeing of the community in the vicinity of the place or those premises no longer make it suitable for that place or those premises to continue as an approved gambling venue; or

(f) the approval had been obtained by the licensee by fraud or misrepresentation.

(2) However, the Authority may, in lieu of cancelling under subsection (1) any approval granted under section 64 to a licensee in respect of any place or premises as an approved gambling venue, do (without compensation) any one or more of the following:

- (a) censure the licensee in writing;
- (b) direct the licensee or class licensee to do, or to refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance mentioned in subsection (1)(a) or that constitutes the ground for regulatory action under this section;
- (c) suspend the approval granted under section 64 to the licensee in respect of the particular place or premises for not more than 6 months;
- (d) modify any condition of the approval, and section 67 is disapplied.

**Suspension or cancellation, etc., of approved game, etc.**

**94.** Subject to section 95, the Authority may cancel (without any compensation) any approval granted under section 70 to a licensee in respect of —

- (a) any race, competition, sporting event or other event or process the outcome of which bets are or are likely to be received, accepted or negotiated on in the course of a betting operation;
- (b) the rules of betting for any of the following activities:
  - (i) placing, making, receiving, accepting or negotiating of any bets;
  - (ii) operating a betting exchange or betting information centre;
  - (iii) operating a totalisator;
  - (iv) organising pool betting;

- (c) a game of chance;
- (d) the content of rules of a game of chance;
- (e) a lottery;
- (f) the content of the rules of a lottery,

5 if the Authority is satisfied that —

- (g) the licensee is contravening or not complying with, or has contravened or failed to comply with any condition of the approval granted to the licensee;
- 10 (h) the conditions of the approval granted to the licensee are not stringent enough to prevent cheating or other contravention of any provision of this Act;
- (i) compliance with the conditions of the approval cannot be effectively monitored or enforced; or
- 15 (j) the approval had been obtained by the licensee by fraud or misrepresentation.

### **Proceedings for regulatory action in respect of approved gambling venue or games**

20 **95.**—(1) Before exercising any powers under section 93(1) or (2) or 94, the Authority must give written notice to the licensee concerned —

- (a) stating that the Authority intends to take regulatory action under section 93(1) or (2) or 94 against the licensee;
- 25 (b) specifying the type of action in section 93(1) or (2) or 94 that the Authority proposes to take, and each instance of contravention or non-compliance that is the subject of the action; and
- (c) specifying the time (being not less than 14 days from the date of service of notice on the licensee) within which written representations may be made to the Authority with respect to the proposed action.
- 30

(2) The Authority may, after considering any written representation under subsection (1)(c), decide to take such regulatory action in section 93(1) or (2) or 94 as the Authority considers appropriate.

(3) Where the Authority has made any decision under subsection (2) against any licensee, the Authority must serve on the licensee concerned a notice of its decision. 5

(4) Subject to Part 8, a decision to cancel an approval under section 93(1) or 94, or to impose a regulatory action in section 93(2), which is specified in the notice given under subsection (3), takes effect from the date on which that notice is given, or on such other date as may be specified in the notice. 10

*Division 3 — Gaming machine, etc., approval*

**Suspension or cancellation, etc., of approval for gaming machine, etc.**

**96.**—(1) Subject to section 97, the Authority may cancel (without any compensation) any approval granted under Part 5 to a supplier in respect of — 15

- (a) any gaming machine mentioned in section 72(a);
- (b) any gaming machine game mentioned in section 72(b); or
- (c) any peripheral equipment for a gaming machine mentioned in section 72(c), 20

if the Authority is satisfied that —

- (d) the supplier is contravening or not complying with, or has contravened or failed to comply with —
  - (i) any condition of the approval granted to the supplier; 25
  - (ii) any standard applicable to the supplier; or
  - (iii) any notice of corrective action given to the supplier under section 78;

- (e) the gaming machine (including any gaming machine game installed in it) or the peripheral equipment for a gaming machine no longer and cannot operate in conformity with the applicable standards; or 30

(f) the approval had been obtained by the supplier by fraud or misrepresentation.

(2) However, the Authority may, in lieu of cancelling under subsection (1) any approval granted under section 74 to a supplier, do (without compensation) any one or more of the following:

(a) censure the supplier in writing;

(b) direct the supplier to do, or to refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance mentioned in subsection (1)(d) or that constitutes the ground for regulatory action under this section;

(c) suspend the approval granted under section 74 to the supplier in respect of a gaming machine (including any gaming machine game installed in it) or the peripheral equipment for not more than 6 months;

(d) modify any condition of the approval granted under section 74 to the supplier.

### **Proceedings for regulatory action in respect of approved gaming machine**

**97.—**(1) Before exercising any powers under section 96(1) or (2), the Authority must give written notice to the supplier concerned —

(a) stating that the Authority intends to take regulatory action under section 96(1) or (2) against the supplier;

(b) specifying the type of action in section 96(1) or (2) that the Authority proposes to take, and each instance of contravention or non-compliance that is the subject of the action; and

(c) specifying the time (being not less than 14 days from the date of service of notice on the supplier) within which written representations may be made to the Authority with respect to the proposed action.

(2) The Authority may, after considering any written representation under subsection (1)(c), decide to take such regulatory action in section 96(1) or (2) as the Authority considers appropriate.

(3) Where the Authority has made any decision under subsection (2) against any supplier, the Authority must serve on the supplier concerned a notice of its decision. 5

(4) Subject to Part 8, a decision to cancel an approval under section 96(1), or to impose a regulatory action in section 96(2), which is specified in the notice given under subsection (3), takes effect from the date on which that notice is given, or on such other date as may be specified in the notice. 10

## PART 8

### RECONSIDERATION AND APPEALS

#### **Interpretation of this Part**

**98.** In this Part, unless the context otherwise requires — 15

“appealable decision” means any of the following decisions of the Authority:

- (a) a decision refusing the grant of a licence under section 54;
- (b) a decision under section 57 imposing a condition in a licence; 20
- (c) a modification under section 58 of a condition in a licence;
- (d) a refusal of consent under section 59 to a transfer or an assignment of a licence; 25
- (e) a decision refusing the grant of an approval under section 64 for a gambling venue;
- (f) a decision under section 66 imposing a condition in an approval for a gambling venue;
- (g) a modification under section 67 of a condition in an approval for a gambling venue; 30

- (h) an entry ban made under section 79(1) or (3) against an individual;
- (i) a decision under section 88(1) to revoke a licence or disapply a class licence;
- 5 (j) a decision under section 89(2) to impose a regulatory sanction against a former licensee or former class licensee;
- (k) a confirmed interim order under section 91;
- (l) a directive under section 92(2) to a licensee;
- 10 (m) a decision under section 93(1) cancelling the approval for any place or premises as an approved gambling venue;
- (n) a decision under section 93(2) to impose a regulatory sanction against a licensee with respect to any place or premises as an approved gambling venue;
- 15 (o) an access blocking order or a payment blocking order that is confirmed or varied under section 119;

“appellant” means the following in relation to an appealable decision:

- 20 (a) an applicant for the grant of a licence or an approval under Part 5, where the appealable decision is within paragraph (a) or (e) of the definition of “appealable decision”;
- (b) the individual against whom an entry ban is made, where the appealable decision is within paragraph (h) of the definition of “appealable decision”;
- 25 (c) a licensee or class licensee or a former licensee or former class licensee, where the appealable decision is within paragraph (i) or (j) of the definition of “appealable decision”;
- 30 (d) a licensee or the individual who is the subject of a directive under section 92, or both, where the

appealable decision is within paragraph (*l*) of the definition of “appealable decision”;

- (*e*) the internet service provider against whom the access blocking order is made, or the financial institution or financial transaction provider against whom the payment blocking order is made, and the person served with a notice of the access blocking order or payment blocking order under section 117 or 118 (as the case may be) where the appealable decision is within paragraph (*o*) of the definition of “appealable decision”;
- (*f*) a licensee where the appealable decision is within any other paragraph of the definition of “appealable decision”;

“initial decision-maker” means —

- (*a*) the Commissioner of Police in section 79(1), where the appealable decision is within paragraph (*h*) of the definition of “appealable decision” and an entry ban made under that section; or
- (*b*) the Authority where the appealable decision is within any other paragraph of the definition of “appealable decision”.

### **Reconsideration by initial decision-maker of appealable decision**

**99.**—(1) Where an appealable decision is made by an initial decision-maker, the appellant to whom the appealable decision is given or relates may apply to the initial decision-maker for reconsideration of the appealable decision.

(2) An application under subsection (1) by an appellant must be made —

- (*a*) in a prescribed manner; and
- (*b*) before the expiry of the time specified in the appealable decision, being a time not later than the 14th day after the appealable decision was given to the appellant.

(3) Upon receiving an application under subsection (1) for reconsideration, the initial decision-maker concerned has to, without compensating the appellant concerned, either —

(a) wholly cancel the appealable decision;

5 (b) substitute the appealable decision (called the initial appealable decision), with another appealable decision that the initial decision-maker might have made under this Act; or

(c) affirm the initial appealable decision.

10 (4) When a substitute appealable decision is made by the initial decision-maker under subsection (3)(b), the initial decision-maker must immediately give the appellant concerned the substitute appealable decision in the same manner as the initial appealable decision.

15 (5) When an initial appealable decision is cancelled by the initial decision-maker under subsection (3)(a) or affirmed under subsection (3)(c), or a substitute appealable decision is made under subsection (3)(b), the initial decision-maker must give notice (as the case may be) of —

20 (a) the cancellation or affirmation (as the case may be) to every person given the initial appealable decision; or

(b) the making of a substitute appealable decision to the appellant who applied for reconsideration of the initial appealable decision.

25 (6) There is to be no further reconsideration after a decision under subsection (3).

(7) An application to reconsider an initial decision-maker's initial appealable decision does not affect the operation of that decision or prevent that taking of action to implement that decision, and unless  
30 otherwise allowed by the initial decision-maker, the initial appealable decision to be reconsidered must be complied with unless the determination of the reconsideration indicates otherwise.

(8) This section does not apply to an access blocking order or a payment blocking order that is confirmed or varied under section 119.

## Appeal to Minister

**100.**—(1) An appellant who is aggrieved by —

- (a) an initial appealable decision affirmed on reconsideration under section 99 or a substitute appealable decision made on reconsideration under section 99; or
- (b) an access blocking order or a payment blocking order that is confirmed or varied under section 119,

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may appeal to the Minister against the decision in accordance with this section.

(2) An appeal under this section must be in writing and specify the grounds on which it is made, and be made within 28 days after the date the decision appealed against is given to the appellant, or such longer period as the Minister may allow in any particular case for special reasons.

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(3) The Minister may reject an appeal of an appellant who fails to comply with subsection (2).

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(4) An appeal against an appealable decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision, and unless otherwise directed by the Minister under this subsection, the decision appealed against must be complied with until the determination of the appeal.

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## Decision on appeal

**101.**—(1) After considering an appeal under section 100, the Minister may —

- (a) reject the appeal and confirm the appealable decision; or
- (b) allow the appeal and substitute or vary the appealable decision.

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(2) In relation to the Minister determining an appeal made under section 100, Parts 4, 5 and 7 apply as if the reference in those Parts to the Authority were a reference to the Minister.

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(3) Every appellant must be notified of the Minister's decision under subsection (2).

(4) The decision of the Minister, or an office-holder designated under section 102, on an appeal is final.

### **Designate may hear appeal in place of Minister**

5 **102.**—(1) The Minister may designate any of the following office-holders in his or her Ministry to hear and determine, in the Minister's place, any appeal made under section 100:

- (a) the Second Minister, if any;
- (b) any Minister of State or Senior Minister of State;
- 10 (c) any Parliamentary Secretary or Senior Parliamentary Secretary.

(2) A reference to the Minister in section 100 or 101 includes a reference to a person designated under subsection (1).

## PART 9

### ENFORCEMENT

#### *Division 1 — General*

### **Purpose for which powers are exercisable**

15 **103.**—(1) A police officer or an authorised officer may exercise the powers set out in this Part for all or any of the following purposes:

- (a) to detect and investigate —
  - 20 (i) offences under this Act; or
  - (ii) crimes involving dishonesty that involve or relate to gambling or conducting betting operations, gaming or a lottery,

whether committed by a licensee or any other person;

- 25 (b) to determine whether there are grounds for taking any regulatory action under Part 7;
- (c) to determine whether information given to the Authority, a police officer or compliance officer or an authorised officer under any provision of this Act is correct.

(2) A compliance officer may exercise the powers set out in this Division where specified, but subject to section 123(2) and (7) and to the limits in the authorisation issued under that section in respect of the compliance officer; and any reference in this Act to a compliance officer is a reference to a compliance officer who is so authorised. 5

### **Saving for powers under other laws**

**104.** Nothing in this Part affects a police officer's or an authorised officer's powers or duties under any provision of the Criminal Procedure Code 2010 or other written law, and the powers in this Part are in addition to, and not in derogation of, any power otherwise conferred on that officer. 10

#### *Division 2 — Enforcement powers for underaged individuals or excluded persons gambling*

### **Power to require particulars from underaged individuals, etc.**

**105.—(1)** A police officer or an authorised officer who has reasonable grounds to suspect that an individual has committed, is committing, or is attempting to commit, an offence under section 30 or 31 may — 15

(a) require the individual in the approved gambling venue or gaming machine room to state his or her correct age, name and address; and 20

(b) if it is suspected on reasonable grounds that the age, name or address given in response to the requirement is false, require the individual to produce evidence of its correctness. 25

(2) An individual must not fail to comply with a requirement under subsection (1)(a) and must not, without reasonable cause, fail to comply with a requirement under subsection (1)(b).

(3) An individual who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to or imprisonment for a term not exceeding 12 months or to both. 30

(4) If an individual contravenes subsection (2), a police officer or an authorised person may arrest the individual without warrant and bring him or her before a Magistrate to be dealt with according to law.

5 (5) Despite section 42(2) and (3) of the Children and Young Persons Act 1993, an underaged individual must not be imprisoned, or detained in a detention centre in respect of an offence under this section, including as a consequence of a failure to pay a fine that is imposed in respect of an offence under this section.

### **Proof of age, etc., may be required for section 32 or 33 offence**

10 **106.**—(1) If a police officer or an authorised officer has reasonable cause to suspect that an individual in an approved gambling venue or gaming machine room during the restricted period of the approved gambling venue or gaming machine room is an underaged individual who has committed, is committing, or is attempting to commit, an  
15 offence under section 32 or 33, the police officer or authorised officer may —

- (a) require the individual in the approved gambling venue or gaming machine room to state his or her correct age, name and address; and
- 20 (b) if it is suspected on reasonable grounds that the age, name or address given in response to the requirement is false, require the individual to produce evidence of its correctness.

25 (2) If a police officer or an authorised officer has reasonable cause to suspect that an individual in an approved gambling venue or gaming machine room during the restricted period of the approved gambling venue or gaming machine room is an excluded person who has committed, is committing, or is attempting to commit, an offence under section 32 or 33, the police officer or authorised officer may —

- 30 (a) require the individual in the approved gambling venue or gaming machine room —
  - (i) to state his or her correct age, name and address; and
  - (ii) to declare whether or not the individual is or is not an excluded person; and

(b) if it is suspected on reasonable grounds that the age, name or address or declaration given in response to the requirement is false, require the individual to produce evidence of its correctness.

(3) An individual must not fail to comply with a requirement under subsection (1)(a) or (2)(a) and must not, without reasonable cause, fail to comply with a requirement under subsection (1)(b) or (2)(b). 5

(4) An individual who contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both. 10

(5) If an individual contravenes subsection (3), a police officer or an authorised person may arrest the individual without warrant and bring him or her before a Magistrate to be dealt with according to law.

(6) Any of the following having charge and control of an approved gambling venue or gaming machine room: 15

(a) a licensee;

(b) a gambling service agent of a licensee;

(c) an employee of a licensee or a gambling service agent of a licensee, 20

has and may exercise the powers of an authorised officer under subsection (1) or (2), and any reference in the subsection to an authorised officer includes a reference to such a licensee, gambling service agent of a licensee, or an employee of a licensee or a gambling service agent of a licensee. 25

(7) Despite section 42(2) and (3) of the Children and Young Persons Act 1993, an underaged individual must not be imprisoned, or detained in a detention centre in respect of an offence under this section, including as a consequence of a failure to pay a fine that is imposed in respect of an offence under this section. 30

(8) To avoid doubt, this section does not affect section 82.

### Power to seize winnings

**107.**—(1) In addition to making a requirement in section 105 or 106, a police officer or an authorised officer may further require the underaged individual or excluded person concerned —

5           (a) to declare all winnings derived by the underaged individual or excluded person (as the case may be) from the commission of the offence under section 30, 31, 32 or 33; and

10           (b) to produce to the police officer or authorised officer all winnings in the possession of the underaged individual or excluded person.

(2) A police officer or an authorised officer may, for the purpose of ascertaining the correctness of a declaration under subsection (1)(a) or ensuring compliance with subsection (1)(b) or both, require the  
15           underaged individual or excluded person concerned to undergo all or any of the following screening activities:

20           (a) to open or empty the contents of, and permit the police officer or authorised officer to inspect, any personal property in the possession or apparently in the immediate control of the underaged individual or excluded person;

25           (b) to turn out the underaged individual's or excluded person's pockets or remove all articles from the underaged individual's or excluded person's clothing, and allow the police officer or authorised officer to inspect them;

30           (c) to remove any coat, jacket, gloves, shoes or hat or any other thing worn or carried by the underaged individual or excluded person, which may be conveniently removed if worn and that is specified by the police officer or authorised officer, and allow that officer to inspect the coat, jacket, gloves, shoes or hat or other thing;

          (d) to immediately undergo a frisk search by a police officer or an authorised officer.

(3) An underaged individual or excluded person who, without reasonable excuse, refuses or fails to comply with any request of a police officer or an authorised officer under subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both. 5

(4) However, it is not an offence under subsection (3) for any individual to refuse to comply with any request or order made or given by —

(a) a police officer who is not in uniform and who fails to declare his or her office; or 10

(b) an authorised officer who fails to declare his or her office and refuses to produce his or her identification card on demand being made by that individual.

(5) A police officer or an authorised officer may seize any winnings, and any personal property that reasonably appears to the officer concerned to be winnings, that are — 15

(a) produced to the officer concerned pursuant to a requirement under subsection (1); or

(b) found in the course of a screening activity in subsection (2). 20

(6) Despite section 42(2) and (3) of the Children and Young Persons Act 1993, an underaged individual must not be imprisoned, or detained in a detention centre in respect of an offence under this section, including as a consequence of a failure to pay a fine that is imposed in respect of an offence under this section. 25

(7) Sections 370, 371 and 372 of the Criminal Procedure Code 2010 relating to the handling of property seized by a police officer apply, with the necessary modifications, to any thing coming into the possession of a police officer or an authorised officer under this section. 30

(8) In this section —

“frisk search” means a search of an individual conducted by quickly running the hands over the individual’s outer clothing;

5 “personal property”, in relation to an individual, means things carried by the individual or things apparently in the immediate control of the individual, but does not include clothing being worn by the individual;

“winnings” has the meaning given by section 41(3).

10 *Division 3 — Other enforcement powers*

**Powers of entry, etc., at premises**

**108.**—(1) A police officer or an authorised officer may without warrant, enter, at all reasonable times, and remain at any premises —

(a) that is an approved gambling venue;

15 (b) where a licensee or former licensee, a class licensee for any gambling service provided, or a gambling service agent of a licensee, has an office or keeps records that relate to any gambling service provided by the licensee, class licensee or former licensee; or

20 (c) at which a police officer or an authorised officer has reasonable grounds to believe that gambling has been, or is being, conducted.

(2) Upon entering any premises under subsection (1), a police officer or an authorised officer may do all or any of the following:

25 (a) examine any thing or observe any activity conducted in or on the premises;

(b) inspect the premises and any document or article (whether or not a gambling article) or other thing in or on the premises;

30 (c) make a still or moving image or recording of the premises and any document or article (whether or not a gambling article) or other thing in or on the premises;

- (d) inspect any document or article found on the premises and take extracts from, or make copies of, any such document or article;
  - (e) seize any document or article (whether or not a gambling article) found on the premises if, in the opinion of the police officer or authorised officer —
    - (i) the inspection or copying of or extraction from the document or article cannot reasonably be performed without taking possession;
    - (ii) the document or article may be interfered with or destroyed unless possession is taken; or
    - (iii) the document or article may be required as evidence in any criminal proceedings or regulatory action instituted or commenced under this Act;
  - (f) operate electronic equipment in or on the premises;
  - (g) seize any unlawful gambling instrument found on the premises;
  - (h) take into or onto the premises such equipment and materials as the police officer or authorised officer requires for the purpose of exercising powers in this section in relation to those premises.
- (3) For the purposes of subsection (2), if any information in a document or an article required by a police officer or an authorised officer is kept in electronic form —
- (a) the power of a police officer or an authorised officer to inspect the document or article includes the power to —
    - (i) access any computer or other equipment (including a mobile telephone) in which the information is stored; and
    - (ii) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to provide assistance in gaining such access; and

(b) the power of a police officer or an authorised officer to seize such document includes the power —

(i) to make copies of the document in legible or electronic form; and

(ii) to transfer the information from the document to a disk, tape or other storage device.

(4) If a police officer or an authorised officer under subsection (3)(b) is unable to make copies of the document or transfer the information from the document, the police officer or authorised officer (whether or not the same inspecting officer) may —

(a) seize the computer or other equipment (including a mobile telephone) in which the document or information is stored, as evidence in proceedings for an offence under any provision of this Act; and

(b) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to disclose any password or access code for gaining access to the document or information held in the computer or equipment.

(5) The power under subsection (2)(f) to operate electronic equipment in or on any premises includes the power —

(a) to use a disk, tape or other storage device that is in or on the premises and can be used with the equipment or in association with the equipment;

(b) to operate electronic equipment in or on the premises to put the relevant data in documentary form and remove the documents so produced from the premises; and

(c) to operate electronic equipment in or on the premises to transfer the relevant data to a disk, tape or other storage device that —

(i) is brought to the premises for the exercise of the power; or

(ii) is in or on the premises and the use of which for that purpose has been agreed in writing by the occupier of the premises,

and to remove the disk, tape or other storage device from those premises.

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(6) A police officer or an authorised officer may break open doors, windows or partitions and do such other acts as may be necessary to enter and remain at any premises, except that an authorised officer may exercise a power under this subsection only —

(a) after declaring his or her office and after producing his or her identification card on demand being made; and

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(b) in circumstances where the authorised officer —

(i) suspects on reasonable grounds that an offence under Part 2 has been or is being committed in relation to those premises; and

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(ii) is unable to enter, or is refused entry to, the premises.

(7) Sections 370, 371 and 372 of the Criminal Procedure Code 2010 relating to the handling of property seized by a police officer apply, with the necessary modifications, to any thing coming into the possession of a police officer or an authorised officer under this section.

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**Powers in relation to conveyances**

**109.**—(1) A police officer or an authorised officer may without warrant, do all or any of the following in relation to any conveyance on which a police officer or an authorised officer has reasonable grounds to believe that gambling has been, or is being, conducted, or which is used to convey any gambling article:

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(a) stop and detain the conveyance for as long as is reasonably necessary for the exercise of any other power under this section;

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(b) inspect the conveyance and any equipment in or on the conveyance;

- (c) make a still or moving image or recording of the conveyance and any document or article (whether or not a gambling article) or other thing in or on the conveyance;
- 5 (d) inspect any document or article found on the conveyance and take extracts from, or make copies of, any such document or article;
- (e) seize any document or article (whether or not a gambling article) found on the conveyance if, in the opinion of the police officer or authorised officer —
- 10 (i) the inspection or copying of or extraction from the document or article cannot reasonably be performed without taking possession;
- (ii) the document or article may be interfered with or destroyed unless possession is taken; or
- 15 (iii) the document or article may be required as evidence in any criminal proceedings or regulatory action instituted or commenced under this Act;
- (f) operate any electronic equipment in or on the conveyance;
- (g) seize any unlawful gambling instrument found in or on the conveyance;
- 20 (h) take into or onto the premises such equipment and materials as the police officer or authorised officer requires for the purpose of exercising powers in this section in relation to the conveyance.

25 (2) Section 108(3), (4) and (5) applies to the power of a police officer or an authorised officer under this section with the necessary modifications.

30 (3) Sections 370, 371 and 372 of the Criminal Procedure Code 2010 relating to the handling of property seized by a police officer apply, with the necessary modifications, to any thing coming into the possession of a police officer or an authorised officer under this section.

## Power to obtain information

**110.**—(1) The powers in this section may be exercised only in relation to any of the following:

- (a) any licensee or class licensee;
- (b) any gambling service agent of a licensee; 5
- (c) any employee or former employee of a licensee, class licensee or gambling service agent of a licensee;
- (d) an individual who is or was a responsible executive of a person mentioned in paragraph (a) or (b);
- (e) an individual who is or was a category 1 key officer of a person mentioned in paragraph (a) or (b); 10
- (f) any individual found on any premises entered into under section 108;
- (g) any driver, pilot or other person in charge of the conveyance, or a person in possession of the conveyance, stopped or detained under section 109. 15

(2) A police officer, an authorised officer or a compliance officer may by written notice require any person mentioned in subsection (1) to provide, within a reasonable period specified in the notice, and in such form and manner as may be specified in the notice, all documents and all information or material which — 20

- (a) relate to any matter which the Authority, police officer, authorised officer or compliance officer considers necessary for any of the purposes of section 103(1); and
- (b) are — 25
  - (i) within the knowledge of that person; or
  - (ii) in the custody or under the control of the person.

(3) The power to require a person mentioned in subsection (1) to provide any document or any information or material under subsection (2) includes the power — 30

- (a) to require that person to produce or grant access to the document or the information or material;

- (b) to require that person to provide an explanation of the document or the information or material;
- (c) if the document or the information or material is not produced, to require the person to state, to the best of the knowledge and belief of that person where it is; and
- (d) if the information or material is recorded otherwise than in legible form, to require the information or material to be made available to a police officer, an authorised officer or a compliance officer concerned in legible form.

(4) A police officer, an authorised officer or a compliance officer (as the case may be) is entitled without payment to keep for the purposes of section 103(1) any document or information or material, or any copy or extract thereof, provided to him or her under subsection (2).

#### **Power of examination**

**111.**—(1) A police officer or an authorised officer may, for the purpose in section 103(1), do all or any of the following:

- (a) require any individual whom the police officer or authorised officer reasonably believes to have committed an offence under any provision of this Act to provide evidence of that individual's identity;
- (b) require, by written notice, any person, whom the police officer or authorised officer reasonably believes has —
  - (i) any information or material; or
  - (ii) any document in the person's custody or control, that is relevant to the investigation, to provide that information or material or the document, within such time and in such manner as may be specified in the written notice;
- (c) require, by written notice, any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter, to attend before the police officer or authorised officer;

- (d) examine orally any individual who appears to be acquainted with the facts or circumstances of the matter —
  - (i) whether before or after that individual or anyone else is charged with an offence in connection with the matter; or
  - (ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter.

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(2) A statement made by a person examined under subsection (1)(d) must —

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- (a) be reduced to writing;
- (b) be read over to the individual;
- (c) if the individual does not understand English, be interpreted in a language that the individual understands; and
- (d) after correction (if necessary), be signed by the individual.

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### **Power of arrest**

**112.**—(1) An authorised officer may arrest without warrant any individual whom the authorised officer reasonably believes has committed an arrestable offence under this Act and —

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- (a) is found in any place or premises —
  - (i) that is an approved gambling venue;
  - (ii) where a licensee, a class licensee or a gambling service agent of a licensee, has an office or keeps records that relate to any gambling service provided by the licensee or class licensee; or
  - (iii) that is occupied by a licensee, a class licensee or a gambling service agent of a licensee, and adjacent to any place or premises mentioned in sub-paragraph (i) or (ii); or
- (b) is found escaping from any place or premises mentioned in paragraph (a)(i), (ii) and (iii) before, on or after the

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authorised officer enters the place or premises as authorised to do so under this Act.

(2) An authorised officer may without warrant also seize all gambling articles found on the individual arrested under subsection (1).

(3) Except as provided in subsection (1), an authorised officer may exercise all or any of the powers in relation to investigations into an arrestable offence conferred by the Criminal Procedure Code 2010 on a police officer —

- (a) in any case relating to the commission of an arrestable offence under any provision of this Act; or
- (b) in any case where an arrestable offence involving gambling is disclosed under any other written law in the course of an investigation under this Act.

### **Obstructing police officer or authorised officer**

**113.**—(1) If a police officer or an authorised officer is authorised under this Act to enter any premises, a person who —

- (a) wilfully prevents the police officer or authorised officer from entering or re-entering those premises or any part of those premises;
- (b) wilfully obstructs or delays the police officer or authorised officer from entering or re-entering those premises or any part of those premises; or
- (c) gives an alarm or causes an alarm to be given for the purpose of —
  - (i) notifying anyone else of the presence of the police officer or authorised officer; or
  - (ii) obstructing or delaying the police officer or authorised officer from entering or re-entering those premises or any part of those premises,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) A person who intentionally refuses to give access to, or intentionally obstructs, hinders or delays a police officer or an authorised officer in the discharge of his or her duties under any provision of this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both. 5

### **Other offences**

**114.**—(1) A person who, without reasonable excuse, fails to do anything required of the person by a police officer or an authorised officer under section 108 or 109, or by a notice under section 110(2) or 111, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both. 10

(2) A person —

(a) who intentionally alters, suppresses or destroys any document or any information or material which the person has been required by a police officer, an authorised officer or a compliance officer under section 110(2) or 111 to provide; or 15

(b) who, in providing any document or any information or material required by a police officer, an authorised officer or a compliance officer under section 110(2) or 111 makes any statement which the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular, 20  
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shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) In any proceedings for an offence under subsection (1), it is a defence for the accused to prove, on a balance of probabilities, that the person — 30

(a) does not possess the document or information required; and

(b) has taken all reasonable steps available to the person to obtain the document or information required and has been unable to obtain it.

5 (4) To avoid doubt, for the purposes of subsection (1), it is a reasonable excuse for a person to refuse or fail to provide any information, produce any document or answer any question if doing so might tend to incriminate that person.

(5) A person commits an offence if the person, being an applicant for the grant of a licence or an approval under Part 5 —

10 (a) provides, or causes or permits to be provided, any document or information in connection with the application, which is false or misleading in a material particular; and

15 (b) knows or ought reasonably to know that, or is reckless as to whether, the document or information is false or misleading in a material particular.

(6) A person who is guilty of an offence under subsection (5) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

## 20 **Composition of offences**

**115.**—(1) The Authority or an authorised officer may compound any offence under this Act that is prescribed as a compoundable offence —

25 (a) by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(i) one half of the amount of the maximum fine that is prescribed for the offence;

(ii) \$5,000; and

30 (b) by requiring the person reasonably suspected of having committed the offence to do, or to refrain from doing, such things as are specified in an offer of composition (called conditions of composition) by the Chief Executive of the

Authority or any authorised officer mentioned in subsection (1) with the concurrence (general or specific) of the Public Prosecutor.

(2) On payment of the sum of money and on full compliance with the conditions of composition, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

*Division 4 — Special provisions for remote gambling*

**Definitions for Division**

**116.** In this Division, unless the context otherwise requires —

“access blocking order” means an order under section 117(1) to disable access to an online location;

“internet service provider” means a provider of an internet access service;

“payment blocking order” means an order under section 118(1)(b) or (3) to block specified transactions;

“unlawful remote gambling activity” means any conduct that is an offence —

(a) under section 18 by the provision of a remote gambling service with a Singapore-customer link or a Singapore-based remote gambling service; or

(b) under section 20(1) of unlawful gambling using remote communication.

**Blocking of access to online remote gambling services, etc.**

**117.—(1)** Where the Authority, after receiving a complaint or on the Authority’s initiative, is satisfied that the services of an internet service provider have been or are being used to access or facilitate access to —

(a) an online location through which a remote gambling service is provided in contravention of section 18;

- (b) an online location that is or may be used by individuals present in Singapore to gamble in contravention of section 20(1);
- (c) an online location that contains an invitation to young persons to gamble in contravention of section 34; or
- (d) an online location that is otherwise a remote gambling service advertisement published in Singapore in contravention of section 85,

the Authority may, after having regard to the matters referred to in subsection (2), direct the IMDA to order the internet service provider to take reasonable steps to disable access to that online location (called an access blocking order); and the IMDA must then give that internet service provider an access blocking order.

(2) Before directing the IMDA to make an access blocking order with respect to an online location, the Authority must have regard to, and give such weight as the Authority considers appropriate to, all of the following matters:

- (a) whether, having regard to the content of the online location and the way the online location is advertised or promoted, the primary purpose of the online location —
  - (i) is for use by others to commit an offence under section 18, 20(1) or 34; or
  - (ii) is to publish a remote gambling service advertisement in contravention of section 85,
 and the online location is available for access by end-users in Singapore;
- (b) whether the online location makes available or contains directories or indexes of other online locations which may be used to, or categories of the means to, commit an offence under section 18, 20(1) or 34;
- (c) whether the owner or operator of the online location demonstrates a disregard for the prohibitions and restrictions in this Act against remote gambling generally;

- (*d*) whether access to the online location has been disabled by orders from any court of another country or territory, or any foreign competent authority, on the ground of or related to remote gambling;
- (*e*) whether the online location contains guides or instructions to circumvent any measure, or any order of any such court or competent authority, to disable access to the online location on the ground of or related to remote gambling;
- (*f*) the volume of traffic at the online location by end-users in Singapore;
- (*g*) the burden that the making of the access blocking order will place on the internet service provider;
- (*h*) the technical feasibility of complying with the access blocking order.

(3) To avoid doubt, the Authority is not confined to consideration of matters specified in subsection (2) and may take into account such other matters and evidence as may be relevant.

(4) In addition, before directing the IMDA to make an access blocking order with respect to an online location mentioned in subsection (1)(*c*) or (*d*), the Authority —

- (*a*) must send a notice to the owner or operator of the online location (called the relevant online location proprietor), stating the intention to direct the IMDA to issue an access blocking order if the relevant online location proprietor does not, within the prescribed period —
  - (i) stop the invitation on that online location to young persons to gamble in contravention of section 34; or
  - (ii) stop the publishing of a remote gambling service advertisement in contravention of section 85 on that online location; and
- (*b*) must be satisfied that, upon or after the end of that prescribed period or after reasonable efforts are made to send the notice mentioned in paragraph (*a*) to the relevant online location proprietor, the relevant online location

proprietor does not stop the activity referred to in paragraph (a)(i) or (ii), as the case may be.

(5) Despite subsection (4), the Authority may direct the IMDA to make an access blocking order with respect to an online location mentioned in subsection (1)(c) or (d) without notice under subsection (4) if the relevant online location proprietor is a person to whom an order under section 87(1) is given and who has failed to comply with that order.

(6) An internet service provider which does not comply with any access blocking order issued against it by the IMDA under this section shall be guilty of an offence for each online location specified in the access blocking order and not blocked in accordance with the terms of that order, and shall be liable on conviction to a fine not exceeding \$20,000 for every day during any part of which that access blocking order is not fully complied with, up to a total of \$500,000 for each offence.

(7) It is not necessary to publish any access blocking order in the *Gazette*.

### **Blocking of payment transactions**

**118.**—(1) Where the Authority, after receiving a complaint or on the Authority's initiative, is satisfied that a person is participating or has participated in any unlawful remote gambling activity, the Authority may, after having regard to the matters referred to in subsection (4) —

- (a) direct the MAS to give a financial institution a payment blocking order; or
- (b) give a financial transaction provider a payment blocking order.

(2) A payment blocking order given to a financial institution or a financial transaction provider in relation to a person's participation in any unlawful remote gambling activity may order the financial institution or the financial transaction provider concerned —

- (a) not to accept credit, or proceeds of credit, extended to that person;

- (b) not to accept any cheque, bank draft or similar instrument which is drawn by or in favour of that person;
- (c) not to make or accept any electronic funds transfer, or any funds transmission, to or from that person; or
- (d) to block payments, or otherwise prevent or prohibit transactions, generally where these use merchant category codes (or equivalents) customarily associated with gambling transactions. 5

(3) Where the Authority directs the MAS to give a payment blocking order under subsection (1)(a), the MAS must then give the financial institution concerned a payment blocking order. 10

(4) Before giving a direction or a payment blocking order under subsection (1), the Authority must have regard to, and give such weight as the Authority considers appropriate to, all of the following matters: 15

- (a) whether, having regard to the content of the online location on which any bank account information is specified, that the bank account is used or is to be used to commit an offence under section 18, 20(1) or 34 or to publish a gambling advertisement about remote gambling in Singapore in contravention of section 85; 20
- (b) whether the merchant category codes (or equivalents) customarily associated with gambling transactions are used by credit card systems or other payment systems to determine if a transaction is or is likely to be related to any unlawful remote gambling activity; 25
- (c) whether the owner or operator of the online location on which any bank account information is specified demonstrates a disregard for the prohibitions and restrictions in this Act against remote gambling generally; 30
- (d) whether access to the online location on which any bank account information is specified has been disabled by orders from any court or competent authority of another country or territory on the ground of or related to remote gambling; 35

- 5 (e) whether the online location on which any bank account information is specified contains guides or instructions to circumvent any measure, or any order of any such court or competent authority, to disable access to the online location on the ground of or related to remote gambling;
- (f) the volume of traffic at the online location by end-users in Singapore;
- 10 (g) the burden that the making of the payment blocking order will place on the financial institution or class of financial institutions, or the financial transaction provider or class of financial transaction providers;
- (h) the technical feasibility of complying with the payment blocking order.

15 (5) To avoid doubt, the Authority is not confined to consideration of matters specified in subsection (4) and may take into account such other matters and evidence as may be relevant.

20 (6) A financial institution or financial transaction provider to which a payment blocking order is given under this section and which does not comply with the order shall be guilty of an offence and shall be liable on conviction —

- 25 (a) for a payment blocking order that specifies an account of any person who is participating or has participated in any unlawful remote gambling activity, to a fine not exceeding \$20,000 for each transaction specified in the payment blocking order but not blocked, up to a total of \$500,000 per account to or from which the transaction is made or to be made; or
- 30 (b) for a payment blocking order that specifies any transaction, to a fine not exceeding \$20,000 for each transaction specified in the blocking order but not blocked, up to a total of \$500,000.

(7) It is not necessary to publish any payment blocking order in the *Gazette*.

## Review of blocking orders

**119.**—(1) After a direction is given under section 117(1) to the IMDA or under section 118(1)(a) to the MAS, or a payment blocking order under section 118(1)(b) is given, the Authority must, unless not practicable, serve —

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(a) on an owner or operator of an online location, a notice of every access blocking order given by the IMDA to an internet service provider with respect to that online location; and

(b) on a person to or from whom the transactions specified in section 118(2)(a), (b) or (c) are to be blocked under a payment blocking order, a notice of every payment blocking order given by the MAS to any financial institution with respect to that person, or a notice of every payment blocking order given by the Authority to any financial transaction provider with respect to that person, as the case may be.

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(2) Any person referred to in subsection (1)(a) or (b), and any internet service provider, financial institution or financial transaction provider given an access blocking order or a payment blocking order (called an affected person), may —

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(a) apply to the Authority to review the access blocking order or payment blocking order concerned; and

(b) make written representations to the Authority, stating why access to the online location should be restored or why transactions for payment should be processed, as the case may be.

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(3) An application to review an access blocking order or a payment blocking order must be made —

(a) within the period specified in the order or notice of the order, if served, being not less than 14 days; or

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(b) within 28 days after the effective date of the order, in any other case.

(4) Subject to subsection (5), the Authority may, after considering the written representations made under subsection (2) —

- (a) confirm or vary the access blocking order or payment blocking order (as the case may be), with effect from such date as may be specified; or
- (b) revoke the access blocking order or payment blocking order (as the case may be), with effect from such date as may be specified.

(5) Before making any decision under subsection (4), the Authority must have regard to, and give such weight as the Authority considers appropriate to, the matters in section 117(2) or 118(4) (as the case may be), and all or any of the following matters:

- (a) public interest considerations balanced against the technical or commercial feasibility of disabling access or blocking payment;
- (b) any other matter which the Authority considers relevant.

(6) The Authority may, on the application at any time of an affected person or on the Authority's initiative, vary or revoke an access blocking order or a payment blocking order (as the case may be) if the Authority is satisfied —

- (a) upon further evidence, that the order ought not to have been made;
- (b) that there has been a material change in circumstances;
- (c) for an access blocking order, that the online location has stopped being —
  - (i) an online location through which a remote gambling service is provided in contravention of section 18;
  - (ii) an online location that is or may be used by individuals present in Singapore to gamble in contravention of section 20(1);
  - (iii) an online location that contains an invitation to young persons to gamble in contravention of section 34; or

(iv) an online location that is otherwise a gambling advertisement about remote gambling published in Singapore in contravention of section 85;

(d) for a payment blocking order, that —

(i) the bank account is closed or is no longer used by a person in connection with any participation in unlawful remote gambling activity; or

(ii) the merchant category code (or equivalent) customarily associated with a gambling transaction, is no longer customarily associated with gambling; or

(e) that it is otherwise appropriate in the circumstances to do so.

(7) Upon the Authority's decision under subsection (4) or (6) with respect to an access blocking order, the IMDA is to accordingly inform the internet service provider concerned, and the Authority is to accordingly inform the person served with a notice of the access blocking order under subsection (1), of the Authority's decision.

(8) Upon the Authority's decision under subsection (4) or (6) with respect to a payment blocking order, the MAS is to accordingly inform the financial institution or class of financial institutions to which that order relates, and the Authority is to accordingly inform the person served with a notice of the payment blocking order under subsection (1), of the Authority's decision.

(9) Upon the Authority's decision under subsection (4) or (6) with respect to a payment blocking order, the Authority is to accordingly inform the financial transaction provider or class of financial transaction providers to which that order relates, and the person served with a notice of the payment blocking order under subsection (1), of the Authority's decision.

(10) An application for review of the Authority's decision does not affect the operation of the decision or prevent the taking of action to implement the decision, and unless otherwise provided by the authorised officer, that decision must be complied with until the determination of the review.

### **Immunity for complying with blocking orders**

**120.**—(1) No criminal or civil liability is to be incurred —

(a) by an internet service provider or an officer or agent of such provider; or

5 (b) by a financial institution, a financial transaction provider, or an officer or agent of a financial institution or financial transaction provider,

10 for anything done or omitted to be done with reasonable care and in good faith in complying with any access blocking order or payment blocking order, or purported access blocking order or payment blocking order, as the case may be.

15 (2) In this section, an “officer” of an internet service provider, a financial institution or a financial transaction provider includes an employee of the internet service provider, financial institution or financial transaction provider.

## PART 10

### ADMINISTRATION

#### **Administration of Act by Authority**

**121.**—(1) It is the function of the Authority to administer this Act.

20 (2) Despite anything in the Interpretation Act 1965, the Gambling Regulatory Authority of Singapore Act 2022 or any other law, the powers conferred or duties imposed upon the Authority by any provision of this Act are non-delegable to the following:

(a) a wholly-owned subsidiary company of the Authority;

25 (b) a person engaged as a contractor by the Authority.

#### **Authorised officers**

**122.**—(1) The Authority may, in relation to any provision of this Act, appoint —

(a) any of its employees;

(b) any individual performing duties in the Authority under a secondment arrangement making available temporarily to the Authority the services of the individual;

(c) any public officer; or

(d) any employee of another public authority,

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to be an authorised officer for the purposes of that provision, either generally or in a particular case.

(2) The Authority may delegate the exercise of all or any of the powers conferred or duties imposed upon the Authority by any provision of this Act, to any authorised officer, subject to any conditions or limitations that the Authority may specify; and any reference in that provision of this Act or its subsidiary legislation to the Authority includes a reference to such an authorised officer.

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(3) However, nothing in subsection (2) authorises delegating —

(a) the power of delegation conferred by that subsection; or

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(b) any power of the Authority to make subsidiary legislation under this Act.

### **Compliance officers**

**123.**—(1) The Authority may, with the general or specific approval of the Minister, appoint an individual who —

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(a) is not an employee of any public authority and not a public officer;

(b) is at least 18 years of age; and

(c) has suitable qualifications or experience,

to be a compliance officer.

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(2) The function and duty of a compliance officer is to assist the Authority, a police officer or an authorised officer in the exercise of enforcement powers in section 110 —

(a) when the compliance officer is in any place or premises in Singapore —

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(i) that is an approved gambling venue; or

(ii) where a licensee or former licensee, a class licensee, or a gambling service agent of a licensee, has an office or keeps records that relate to any gambling service provided by the licensee, class licensee or former licensee; and

(b) in relation to any of the following only:

(i) any licensee or class licensee;

(ii) any gambling service agent of a licensee;

(iii) any employee of a licensee, class licensee or gambling service agent of a licensee;

(iv) an individual who is or was a responsible executive of a person mentioned in sub-paragraph (i) or (ii);

(v) an individual who is or was a category 1 key officer of a person mentioned in sub-paragraph (i) or (ii).

(3) The Authority must issue to each compliance officer an identification card, which must be carried at all times by the compliance officer when exercising powers under this Act.

(4) A compliance officer whose appointment as such ceases must return any identification card issued to him or her under subsection (3) to the Authority.

(5) The Authority must also issue to each compliance officer, a written authorisation specifying —

(a) such of the powers specified in section 110 as exercisable by a compliance officer, as what the compliance officer may exercise, and no other powers; and

(b) the particular place or premises or description of places or premises in Singapore where the compliance officer may exercise those powers or any of them, provided that the place or premises is —

(i) an approved gambling venue; or

(ii) where a licensee or former licensee, a class licensee, or a gambling service agent of a licensee, has an office or keeps records that relate to any gambling

service provided by the licensee, class licensee or former licensee.

(6) The authorisation of the Authority under subsection (5) issued to a compliance officer may also do either or both of the following:

- (a) limit when the compliance officer may exercise those powers or any of them;
- (b) limit the circumstances in which the compliance officer may exercise those powers or any of them.

(7) To avoid doubt, the Authority cannot authorise under this section a compliance officer —

- (a) to detain or arrest any individual;
- (b) to search any place or individual; or
- (c) to seize any property.

(8) The powers that a compliance officer may be authorised under this section to exercise may be exercised only —

- (a) on production of the identification card issued under subsection (3);
- (b) to the extent authorised by the Authority under subsection (5); and
- (c) as directed (generally or specially) by a police officer or an authorised officer.

(9) A compliance officer who is authorised under subsection (5) to exercise any power expressly specified in that authorisation as exercisable by a compliance officer is deemed to be a public servant for the purposes of the Penal Code 1871 when exercising that power.

(10) To avoid doubt, a compliance officer does not cease to be acting on the direction of the Authority or an authorised officer by reason only that the Authority or an authorised officer is not present at any time.

(11) An individual who is appointed as a compliance officer under subsection (1) does not, by virtue only of the appointment, become an agent of the Government.

(12) The Authority may, for any reason that appears to it to be sufficient, at any time revoke an individual's appointment as a compliance officer.

## PART 11

### MISCELLANEOUS

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#### **Unlawful gambling place a public nuisance, etc.**

**124.**—(1) Every unlawful gambling place is declared to be a common and public nuisance contrary to law.

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(2) The provision of a gambling service pursuant to and in accordance with a licence at a gambling venue or a class licence anywhere does not of itself constitute a public nuisance or private nuisance at law.

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(3) If at any time it appears to the Minister that any person not being a citizen of Singapore is a professional gambler or is engaged in the promotion of gambling in a public place, the Minister may issue an order banishing that person from Singapore for such period and generally in such manner as to the Minister seems expedient, and upon the issuing of the order the like consequences ensue in all respects as though the order had been issued under the powers conferred by the Banishment Act 1959.

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#### **Standards for licensees and class licensees, etc.**

**125.**—(1) The Authority may —

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(a) issue one or more standards applicable to licensees, class licensees or suppliers of gaming machines, or specified types of licensees, class licensees or suppliers of gaming machines;

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(b) approve as a standard applicable to licensees, class licensees or suppliers of gaming machines, or specified types of licensees, class licensees or suppliers of gaming machines, any document prepared by a person other than the Authority if the Authority considers the document as suitable for this purpose; or

- (c) amend or revoke any standard issued under paragraph (a) or approved under paragraph (b),

with respect to all or any of the matters in subsection (2) or (3), as the case may be.

(2) The matters for the purposes of subsection (1) include any matter that is necessary, expedient or conducive to the attainment or furtherance of the licensing objectives, such as any of the following: 5

- (a) advertising and inducements to gamble related to a gambling service authorised by a licence or class licence;
- (b) measures directed towards ensuring the maintenance of public confidence in the integrity of, and keeping secure, the provision of a gambling service authorised by a licence or class licence; 10
- (c) responsible gambling;
- (d) operations of any gambling service provided, including internal controls and changes in management or key officers; 15
- (e) technical requirements for the proper functions and operating of gambling articles, gaming machines, peripheral equipment for gaming machines and requisite surveillance systems; 20
- (f) relating to the conduct of the employees of a licensee or class licensee and gambling service agents of a licensee;
- (g) measures to deal with customer complaints, and the processes to handle and dispose of such complaints. 25

(3) A standard may, in particular, specify the duties and obligations of any licensee, class licensee or supplier of gaming machines in relation to its business operation insofar as it relates to the provision of a gambling service authorised by its licence or class licence or the supply of gaming machines. 30

(4) If any provision in any standard is inconsistent with any provision of this Act, that provision, to the extent of the inconsistency —

(a) is to have effect subject to this Act; or

(b) having regard to this Act, is not to have effect.

(5) Where a standard is issued, approved, amended or revoked by the Authority under subsection (1), the Authority must —

5 (a) give notice of the issue, approval, amendment or revocation (as the case may be) of the standard —

(i) to every licensee and supplier of gaming machines to whom the standard applies; and

10 (ii) to every class licensee to whom the standard applies by publishing the notice on the prescribed website mentioned in section 61(3) or in one or more other forms that are readily accessible by the public;

15 (b) specify in the notice mentioned in paragraph (a) the date of issue, approval, amendment or revocation, as the case may be; and

20 (c) ensure that, so long as the standard remains in force, copies of that standard, and of all amendments to that standard, are available for inspection, free of charge, by the licensees, class licensees or suppliers of gaming machines to whom the standard applies.

(6) No standard, no amendment to an approved standard, and no revocation of any approved standard, has any force or effect as an approved standard until the notice relating thereto is given in accordance with subsection (5).

25 (7) A standard issued or approved under this section does not have legislative effect.

30 (8) Subject to subsection (9), every licensee, class licensee and supplier of gaming machines must comply with the standards applicable to the licensee, class licensee or supplier of gaming machines.

(9) The Authority may, for such time as the Authority may specify, waive the application of any standard or part of a standard, issued or approved under this section to any particular licensee, class licensee or supplier of gaming machines.

(10) In subsection (2)(b), “secure” means secure from loss, theft, sabotage or unauthorised access.

## **Regulations**

**126.**—(1) The Authority may, with the approval of the Minister, make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act. 5

(2) In particular, the Authority, with the approval of the Minister, may make regulations for any matter specified in the First Schedule.

(3) Regulations made under this section may apply —

- (a) to all forms or kinds of betting, games of chance or lotteries or particular forms or kinds of betting, games of chance or lotteries; 10
- (b) in respect of the conduct of all forms of regulated activities or particular categories of regulated activities;
- (c) in respect of all licences or particular types of licences; 15
- (d) in respect of all gambling venues or particular categories of gambling venues;
- (e) in respect of all gaming machines or particular types of gaming machines; and
- (f) in respect of all gambling articles (other than gaming machines) or particular types of such gambling articles. 20

## **Incorporation by reference, etc.**

**127.**—(1) Any Regulation may make provision for or in relation to a matter by applying, adopting or incorporating by reference, with or without modification, any material contained in any code, standard, rule, requirement, specification or other document, as in force at a particular time or from time to time, which relates to any matter with which the Regulation deals, even if the code, standard, rule, requirement, specification or other document does not yet exist when the Regulation is made. 25 30

(2) Material referred to in subsection (1) may be applied, adopted or incorporated by reference in any Regulation —

- (a) in whole or in part; or
- (b) with modifications, additions or variations specified in the Regulation.

5 (3) A copy of any material applied, adopted or incorporated by reference in any Regulation, including any amendment to, or replacement of, the material, must be —

- (a) certified as a correct copy of the material by the Authority; and
- (b) retained by the Authority.

10 (4) Any material applied, adopted or incorporated in any Regulation by reference under subsection (1) is to be treated for all purposes as forming part of the Regulation; and, unless otherwise provided in the Regulation, every amendment to any material incorporated by reference under subsection (1) that is made by the  
15 person or organisation originating the material is, subject to subsections (5) and (6), to be treated as being a part of that Regulation.

20 (5) Where any material referred to in subsection (1) is applied, adopted or incorporated by reference in any Regulation, the Authority must give notice in the *Gazette* stating —

- (a) that the material is incorporated in the Regulation and the date on which the relevant provision in the Regulation was made;
- (b) that the material is available for inspection during working  
25 hours, free of charge;
- (c) the place where the material can be inspected;
- (d) that copies of the material can be purchased;
- (e) the place where the material can be purchased; and
- (f) if copies of the material are available in other ways, the  
30 details of where or how the material can be accessed or obtained.

(6) The Authority must cause a copy of every code, standard, rule, requirement or specification incorporated by reference under

subsection (1) to be made available for inspection by members of the public without charge at the office of the Authority during normal office hours.

(7) In this section, “modification” includes omissions, additions and substitutions. 5

### **Exemption**

**128.** The Minister may, by order in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act, either generally or in a particular case and subject to such conditions as the Minister may impose. 10

### **Presentation to Parliament**

**129.** All orders and Regulations made under this Act must be presented to Parliament as soon as possible after publication in the *Gazette*.

### **Offences by corporations**

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**130.—(1)** Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and 20

(b) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person — 25

(a) who is —

(i) an officer of the corporation; or

(ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and 30

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

5 (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

10 (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

15 (3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters 5 and 5A of the Penal Code 1871; or

20 (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

25 (6) In this section —

“corporation” includes a limited liability partnership;

“reasonable steps”, in relation to the commission of an offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:

30 (a) action towards —

(i) assessing the corporation’s compliance with the provision creating the offence; and

- (ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision;
- (b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the offence so far as the provision is relevant to them; 5
- (c) action towards ensuring that — 10
  - (i) the equipment and other resources; and
  - (ii) the structures, work systems and other processes, relevant to compliance with the provision creating the offence are appropriate in all the circumstances; 15
- (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the offence;
- “state of mind” of a person includes — 20
  - (a) the knowledge, intention, opinion, belief or purpose of the person; and
  - (b) the person’s reasons for the intention, opinion, belief or purpose.
- (7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any corporation formed or recognised under the law of a territory outside Singapore. 25

**Offences by unincorporated associations or partnerships**

**131.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that — 30

(a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the employee or agent had that state of mind,

5 is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

10 (i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

15 (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

20 (i) consented or connived, or conspired with others, to effect the commission of the offence;

25 (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

(iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence, 5

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear. 10

(4) To avoid doubt, this section does not affect the application of — 15

(a) Chapters 5 and 5A of the Penal Code 1871; or

(b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence. 20

(6) In this section —

“partner” includes a person purporting to act as a partner;

“reasonable steps” has the meaning given by section 130; 25

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose. 30

(7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any unincorporated association or

partnership formed or recognised under the law of a territory outside Singapore.

### **Jurisdiction of courts**

5 **132.** Despite the Criminal Procedure Code 2010, a District Court or a Magistrate’s Court has jurisdiction to try, and has power to impose the full punishment for, any offence under this Act.

### **Service of documents**

**133.**—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

10 (2) A document permitted or required by this Act to be served on an individual may be served —

(a) by giving it to the individual personally;

15 (b) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;

(c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there;

20 (d) by affixing a copy of the document in a conspicuous place at the individual’s residential address or business address;

(e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or

25 (f) by sending it by email to the individual’s last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

30 (a) by giving it to any partner, secretary or other similar officer of the partnership;

- (b) by leaving it at, or by sending it by post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address. 5

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager; 10
- (b) by leaving it at, or by sending it by post to, the registered office or principal office in Singapore of the body corporate or unincorporated association; 15
- (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or
- (d) by sending it by email to the last email address of the body corporate or unincorporated association. 20

(5) In addition, a document (other than a summons) permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

- (a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents; or 25
- (b) by any other method authorised by the Regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way. 30

(6) Service of a document takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

5 (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; or

(c) if the document is sent by post, 2 days after the day the document was posted (even if it is returned undelivered).

10 (7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification, may be effected only with the person's prior consent (express or implied) to service in that way.

15 (8) This section does not apply to documents to be served in proceedings in court.

(9) In this section —

“business address” means —

(a) in the case of an individual, the individual's usual or last known place of business in Singapore; or

20 (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

25 “chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document's contents;

30 “chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that such a document has been served on the addressee;

“document” includes a notice or an order permitted or required by this Act to be served;

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

“residential address” means an individual’s usual or last known place of residence in Singapore.

## PART 12

### AMENDMENTS TO CASINO CONTROL ACT 2006

#### **Amendments concerning exclusion orders**

**134.**—(1) Section 2(1) of the Casino Control Act 2006 is amended —

- (a) by deleting the words “barred from entering or remaining on any casino premises by” in the definition of “excluded person” and substituting the words “subject to”; and
- (b) by deleting “120,” in paragraph (a) of the definition of “excluded person”.

(2) Section 105(2) of the Casino Control Act 2006 is amended by deleting the words “fruit machine under the Private Lotteries Act 2011” in paragraph (b) and substituting the words “gaming machine under the Gambling Control Act 2022”.

(3) Sections 120 and 124 of the Casino Control Act 2006 are repealed.

(4) Section 121 of the Casino Control Act 2006 is amended —

- (a) by deleting the words “orally or” in subsection (1);
- (b) by deleting subsection (2) and substituting the following subsection:

“(2) The Authority may at any time revoke an exclusion order made under subsection (1).”; and

(c) by inserting, immediately after the words “each casino operator” in subsection (3), the words “and the Council”.

(5) Section 122 of the Casino Control Act 2006 is amended —

(a) by inserting, immediately after subsection (1), the following subsection:

“(1A) The Commissioner of Police may at any time revoke an exclusion order made under subsection (1).”;

(b) by inserting, immediately after the words “each casino operator” in subsection (2), the words “, the Council”; and

(c) by inserting, immediately after subsection (3), the following subsections:

“(4) However, no appeal may be made to the Minister under subsection (3) unless the person who has been given an exclusion order under this section first applies to the Commissioner of Police to reconsider the making of the exclusion order and the Commissioner of Police refuses to revoke the exclusion order in whole or in part.

(5) An application for reconsideration under subsection (4) and an appeal under subsection (3) must be made within the time and manner prescribed by the Minister in rules published in the *Gazette*.

(6) In this section and sections 123 and 168(3)(b), a reference to the “Commissioner of Police” includes a reference to a public officer who —

(a) holds a post in a law enforcement agency within the meaning of section 186(6); and

(b) is designated by the Minister for the purposes of this section and sections 123 and 168(3)(b).”.

(6) Section 123 of the Casino Control Act 2006 is amended —

- (a) by inserting, immediately after the words “each casino operator” in subsection (2), the words “, the Council”; and
- (b) by inserting, immediately after the words “each casino operator” in subsection (3), the words “and the Council”. 5

(7) Section 125(2) of the Casino Control Act 2006 is amended by inserting, immediately after the words “or 165(1),” in paragraph (a), the words “a family exclusion order made under section 162, a provisional family exclusion order made under section 164,”.

(8) Section 126(2) of the Casino Control Act 2006 is amended by deleting paragraph (a). 10

(9) Section 128(1) of the Casino Control Act 2006 is amended by deleting “120,” in paragraph (a).

(10) Section 132(2) of the Casino Control Act 2006 is amended by deleting “\$1,000” and substituting “\$1,500”. 15

(11) Section 153(1) of the Casino Control Act 2006 is amended —

- (a) by inserting, immediately after the definition of “Committee”, the following definition:

““defined work” means —

(a) in relation to casino premises of a casino operator — 20

- (i) to deliver any goods, provide any services or perform any work (whether as a contractor or an employee) that is connected to the business, undertaking or work of the casino operator carried on at the casino premises; 25

- (ii) to seek a contract of employment or contract for service with the casino operator; or 30

(iii) to execute an order of a court or a direction given by or on behalf of a public officer or a public authority in exercise of a power under any written law; or

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(b) in relation to a gaming machine room of a gambling operator —

(i) to deliver any goods, provide any services or perform any work (whether as a contractor or an employee) that is connected to the business, undertaking or work of the gambling operator carried on at the gaming machine room;

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(ii) to seek a contract of employment or contract for service with the gambling operator; or

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(iii) to execute an order of a court or a direction given by or on behalf of a public officer or a public authority in exercise of a power under any written law;”;

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(b) by inserting, immediately after the definition of “family member”, the following definitions:

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““gambling” means gambling whether or not inside casino premises, and includes remote gambling;

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“gambling operator” means a person who is authorised either by a licence under the Gambling Control Act 2022 to conduct a betting operation, or conduct gaming or a lottery involving —

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(a) playing of gaming machines; or

(b) remote gambling;

“gaming machine room” has the meaning given by section 7(6) of the Gambling Control Act 2022;

“general remote gambling” and “engaging in general remote gambling” have the meanings given by section 11(1) of the Gambling Control Act 2022;” and 5

(c) by deleting the words “from any casino premises under section 165A(1)(c) upon a voluntary application of that person” in the definition of “self-exclusion” and substituting the words “from any casino premises or gaming machine room, or from engaging in all manner of general remote gambling, upon a voluntary application of that person under section 165A(1)(c)”. 10 15

(12) Section 159(3) of the Casino Control Act 2006 is amended —

(a) by deleting the words “or any casino operator” in paragraph (a) and substituting the words “, any casino operator or gambling operator”; and

(b) by deleting the words “or casino operator” in paragraph (a) and substituting the words “, casino operator or gambling operator”. 20

(13) Section 163(2) of the Casino Control Act 2006 is amended —

(a) by deleting paragraph (b) and substituting the following paragraph: 25

“(b) ban the respondent from —

(i) entering or remaining on all casino premises; or

(ii) taking part in any gaming in all casino premises;” and 30

(b) by deleting the full-stop at the end of paragraph (d) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(e) ban the respondent from —

(i) entering or remaining on all gaming machine rooms except to perform defined work within any of those rooms; or

(ii) taking part in any gaming in all gaming machine rooms;

(f) require the respondent to not engage in all manner of general remote gambling;

(g) all bans and requirements in paragraphs (a), (b), (c), (d), (e) and (f) or any combination thereof.”.

(14) Section 164(2) of the Casino Control Act 2006 is amended by inserting, immediately after the words “A provisional family exclusion order”, the words “may do one or more things mentioned in section 163(2) and”.

(15) Section 165 of the Casino Control Act 2006 is amended —

(a) by deleting the word “activities” in subsection (2)(c) and substituting the words “whether or not”;

(b) by deleting the words “or any casino operator” in subsection (3)(a) and substituting the words “, any casino operator or gambling operator”;

(c) by deleting the words “or casino operator” in subsection (3)(a) and substituting the words “, casino operator or gambling operator”; and

(d) by deleting subsection (6) and substituting the following subsection:

“(6) An exclusion order made under subsection (1) may do any of the following:

(a) ban the respondent from —

(i) entering or remaining on all casino premises; or

- (ii) taking part in any gaming in all casino premises;
- (b) ban the respondent from —
  - (i) entering or remaining on all gaming machine rooms except to perform defined work within any of those rooms; or
  - (ii) taking part in any gaming in all gaming machine rooms;
- (c) require the respondent to not engage in all manner of general remote gambling;
- (d) all bans and requirements in paragraphs (a), (b) and (c) or any combination thereof,

for as long as the circumstances in subsection (1) exist in relation to that person or for such other period as may be specified in the order.”.

(16) Section 165A of the Casino Control Act 2006 is amended —

(a) by deleting the words “excluded from entering or remaining, or taking part in any gaming, on any casino premises” in subsection (1) and substituting the words “subject to this section”;

(b) by deleting paragraph (c) of subsection (1) and substituting the following paragraph:

“(c) a person who makes a voluntary application in the prescribed form and manner to the Council for any of the following:

- (i) ban the person from —
  - (A) entering or remaining on all casino premises; or
  - (B) taking part in any gaming in all casino premises;

(ii) ban the person from —

(A) entering or remaining on all gaming machine rooms except to perform defined work within any of those rooms; or

(B) taking part in any gaming in all gaming machine rooms;

(iii) ban the person from engaging in all manner of general remote gambling;

(iv) all bans in sub-paragraphs (i), (ii) and (iii) or any combination thereof.”; and

(c) by deleting subsection (3) and substituting the following subsection:

“(3) A person mentioned in subsection (1)(a) or (b) is excluded from all of the following, starting the time the person’s name is entered in the list of excluded persons in section 168(1) and continues for so long as the circumstances in subsection (1)(a) or (b) exist in relation to that person:

(a) from —

(i) entering or remaining on all casino premises except to perform defined work within any of those premises; and

(ii) taking part in any gaming in all casino premises;

(b) from —

(i) entering or remaining on all gaming machine rooms except to perform defined work within any of those rooms; and

- (ii) taking part in any gaming in all gaming machine rooms;
  - (c) from engaging in all manner of general remote gambling.”.
- (17) Section 168 of the Casino Control Act 2006 is amended — 5
- (a) by deleting the words “excluded from any casino premises by” in subsection (1)(a) and substituting the words “the respondent of”;
  - (b) by deleting the word “or” at the end of subsection (1)(a);
  - (c) by deleting the full-stop at the end of paragraph (b) of subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs: 10
    - “(c) the person against whom an exclusion order is made under section 121(1) or 122(1); or 15
    - (d) the person against whom an entry ban is made under section 79 of the Gambling Control Act 2022.”;
  - (d) by deleting subsection (3) and substituting the following subsection: 20
    - “(3) The Council —
    - (a) must provide the list of excluded persons to —
    - (i) the Authority;
    - (ii) the Commissioner of Police; and 25
    - (iii) every casino operator; and
    - (b) must make available to every gambling operator access to the list of excluded persons, without charge.”;
  - (e) by deleting the word “or” at the end of subsection (4)(b); 30

(f) by deleting the comma at the end of paragraph (c) of subsection (4) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

5 “(ca) the lapsing or revocation of any exclusion order made under section 121(1) or 122(1) against any person whose name is on the list of excluded persons; or

10 (cb) the lapsing or cancelling of an entry ban made under section 79 of the Gambling Control Act 2022 against any person whose name is on the list of excluded persons;”  
and

(g) by deleting the words “, (b) and (c)” in subsections (4)(e) and (5).

15 **Amendments concerning offences, etc.**

**135.**—(1) The Casino Control Act 2006 is amended by inserting, immediately before section 171 in Part 11, the following section:

**“Proxy gambling outside of casino**

**170D.**—(1) An individual who —

20 (a) is not present within the casino premises; and

(b) is an individual on whose behalf another individual is gambling in the casino premises,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) To avoid doubt, subsection (1) applies whether or not the individual —

(a) who is in any casino premises; and

30 (b) who gambles within the casino premises on behalf of an accused charged with an offence under subsection (1),

is convicted of any offence under the provisions of this Act.”.

(2) Section 172 of the Casino Control Act 2006 is amended by inserting, immediately after subsection (4), the following subsection:

“(5) This section applies only in relation to —

- (a) a gaming machine that is situated within a casino; and
- (b) gaming equipment used for or in connection with gaming within a casino.”

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## PART 13

### REPEALS, AMENDMENTS TO OTHER ACTS AND FINAL PROVISIONS

#### **Amendment of Civil Law Act 1909**

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**136.** Section 5 of the Civil Law Act 1909 is amended —

- (a) by inserting, immediately before the words “Common Gaming Houses Act 1961” in subsections (3A)(a), (3B), (3C) and (3E) (definition of “private body”), the word “repealed”;
- (b) by inserting, immediately before the words “Betting Act 1960” in subsections (3A)(b) and (3D), the word “repealed”;
- (c) by inserting, immediately before the words “Remote Gambling Act 2014” in subsections (3A)(ba)(i) and (3DA), the word “repealed”;
- (d) by deleting the word “and” at the end of subsection (3A)(c);
- (e) by inserting, immediately before the words “Private Lotteries Act 2011” in subsections (3A)(d) and (3E) (definition of “private lottery”), the word “repealed”; and
- (f) by deleting the full-stop at the end of paragraph (d) of subsection (3A) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

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“(e) a contract by way of gaming, wagering or betting that is conducted, promoted, organised or administered by —

(i) a licensee or class licensee within the meaning of the Gambling Control Act 2022;

(ii) a person mentioned in section 18(1)(d) or (f) of the Gambling Control Act 2022 in the circumstances described in that section; or

(iii) a person who is exempted under section 128 of the Gambling Control Act 2022 from section 18 of that Act.”.

### **Amendment and repeal of Private Lotteries Act 2011**

**137.**—(1) Section 8 of the Private Lotteries Act 2011 is amended —

(a) by deleting subsection (3);

(b) by deleting the words “the applicant or” in subsection (4);  
and

(c) by deleting the words “refusing an application for a permit or” in subsection (6).

(2) Section 9 of the Private Lotteries Act 2011 is amended —

(a) by deleting the words “In granting” in subsection (1) and substituting the words “In respect of”; and

(b) by deleting the words “in granting” in subsection (2) and substituting the words “in respect of”.

(3) The Private Lotteries Act 2011 is repealed.

### **Amendment of Road Vehicles (Special Powers) Act 1960**

**138.** Paragraph 1 of the Schedule to the Road Vehicles (Special Powers) Act 1960 is amended —

- (a) by inserting, immediately after the words “Betting Act 1960” in sub-paragraph (b), the words “repealed by the Gambling Control Act 2022”;
- (b) by inserting, immediately after the words “Common Gaming Houses Act 1961” in sub-paragraph (c), the words “repealed by the Gambling Control Act 2022”; and
- (c) by inserting, immediately after sub-paragraph (j), the following sub-paragraph:
  - “(ja) sections 18(2), 19(2), 21(4), 22(4), 23(3), 24(2), 25(3), 27(3), 29(2) and 36(1) of the Gambling Control Act 2022;”.

## Repeal

**139.** The following Acts are repealed:

- (a) the Betting Act 1960;
- (b) the Common Gaming Houses Act 1961;
- (c) the Remote Gambling Act 2014.

## Saving and transitional provisions

**140.—**(1) The Second Schedule has effect.

(2) Except as otherwise expressly provided in the Second Schedule, where any period of time specified in any former provision is current immediately before the date of commencement for the repeal of the former provision, this Act has effect as if the corresponding provision in this Act had been in force when the period began to run; and any period of time so specified and current is deemed for the purposes of this Act —

- (a) to run from the date or event from which it was running immediately before that day; and
- (b) to expire (subject to any provision of this Act for its extension) whenever it would have expired if this Act had not been enacted.

(3) For a period of 2 years after the date of commencement of this section, the Minister may, by order in the *Gazette*, amend the Second

Schedule by prescribing such additional provisions of a saving or transitional nature consequent on the enactment of this section as the Minister may consider necessary or expedient.

5 (4) Nothing in this section or the Second Schedule affects section 16 of the Interpretation Act 1965.

(5) In this section, “former provision” means any provision in an Act repealed under section 137(3) or 139.

## FIRST SCHEDULE

Section 126

10

### SUBJECT MATTER OF REGULATIONS

#### PART 1 — LICENCES, APPROVALS AND FEES

1. The form and manner in which, and the time within which, an application for the grant of a licence or other approval may be made under this Act.

15 2. The carrying out of inquiries of applicants for a licence or other approval under this Act.

3. The amounts of fees, or the method or rates by which the fees are to be ascertained, to be paid in respect of applications for or the grant of a licence or other approval under any provision of this Act, and of any thing else done by the Authority in connection with the administration of this Act.

20 4. The person or classes of persons liable for payment of those fees.

5. The manner in which those fees have to be paid.

6. The circumstances in which penalty for default in payment of those fees is payable or the payment of the whole or a part of those fees may be remitted, waived or refunded.

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#### PART 2 — GAMBLING OPERATIONS

1. The systems for the management and operation of regulated activities and gaming machines and other gambling articles.

30 2. The records that must be kept by licensees and the provision of returns and other information with respect to the activities authorised by their respective licences, including audio and visual records about those activities.

3. Auditing, reporting on, and monitoring persons who provide a gambling service.

FIRST SCHEDULE — *continued*

4. The days on, and the hours during, which licensees may carry on the regulated activities authorised by their respective licences, and the activities that may be undertaken.
5. The maintenance, security, and storage of gambling articles, gaming machines and peripheral equipment for gaming machines. 5
6. The payment and recording of winnings.
7. The maximum stake that may be placed in gambling authorised by this Act.
8. Restrict or prohibit publishing or giving inducements to gamble.
9. The use and maintenance of security and surveillance facilities, including closed-circuit television systems and the utilisation of security personnel. 10
10. The designation of areas within a gambling venue where gambling may be carried on lawfully.
11. The approval of, and procedures for the approval of, alterations to floor plans of, and the placement of furniture, gaming machines and gambling articles in, gambling areas where gambling may be carried on lawfully. 15
12. Regulating the intensity of gambling, including the frequency at which successive games may be played or successive bets may be placed and the kinds or frequency of information or messages that must be displayed to gamblers during a playing session, for example, the duration of the session, losses during the session, reminders about the desirability of breaks in the session, warnings about problem gambling and advice about sources of assistance for problem gambling. 20
13. Restricting or prohibiting the advertising of gambling or gambling delivery mechanisms.
14. Reporting of circumstances that affect suitability of individuals being responsible executives or key officers of a licensee. 25
15. The submission of reports by licensee.
16. The establishment of a system of awarding demerit points for the purpose of regulatory actions against licensees or class licensees or suppliers of gaming machines. 30

## PART 3 — PRIZES

1. Restrict or prohibit any property (whether real or personal) or services being offered or used as a prize for gambling.
2. Specify a quantity or dollar value of any money or money equivalent that may not be offered or used as a prize for gambling carried on in the course of licensed regulated activities. 35

FIRST SCHEDULE — *continued*

## 3. Specify circumstances in which —

(a) any money or money equivalent or any thing else of value may not be offered or used as a prize for gambling; or

5 (b) a quantity or dollar value of any money or money equivalent or any thing else of value may not be offered or used as a prize for gambling.

## PART 4 — GENERAL

1. The offences under any provision of this Act that may be compounded.

2. Create offences for a contravention of any provision of the Regulations, the  
10 penalty for which on conviction may be a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 years or both.

3. Provide for such saving, transitional and other consequential, incidental and supplemental provisions as are necessary or expedient for the purposes of this Act.

## SECOND SCHEDULE

15

Sections 3 and 140

## SAVING AND TRANSITIONAL PROVISIONS

PART 1 — PERMITS UNDER  
PRIVATE LOTTERIES ACT 2011

1.—(1) Every permit that —

20 (a) is granted, before the date of commencement of section 137(3), under section 8 of the repealed Private Lotteries Act 2011 to a person for the promotion or conduct of a private lottery that does not involve the use of one or more fruit machines; and

(b) is in force immediately before that date,

25 is, so far as it is not inconsistent with the provisions of this Act, to continue as if it were a licence granted under section 54 to the person authorising that person to conduct a lottery, until that permit expires or is earlier revoked under section 88.

(2) Every permit that —

30 (a) is granted, before the date of commencement of section 137(3), under section 8 of the repealed Private Lotteries Act 2011 to a person for the promotion or conduct of a private lottery that involves the use of one or more fruit machines; and

SECOND SCHEDULE — *continued*

(b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of this Act, to continue as if it were a licence granted under section 54 to the person authorising that person to conduct gaming using gaming machines, until that permit expires or is earlier revoked under section 88. 5

(3) Where the same person is by virtue of sub-paragraph (1) or (2) deemed granted several licences under section 54, the Authority may treat the several licences as a single licence granted under that section to that same person if the conditions of the permit mentioned in sub-paragraph (1) or (2) are substantially identical. 10

2.—(1) In the case of a permit mentioned in paragraph 1(1), every premises specified in the permit are, so far as it is not inconsistent with the provisions of this Act, deemed to be approved under section 64 as an approved gambling venue for the promotion or conduct of the lottery until that permit expires or the approval is earlier revoked under section 93. 15

(2) In the case of a permit mentioned in paragraph 1(2) —

(a) every premises specified in the permit are, so far as it is not inconsistent with the provisions of this Act, deemed to be approved under section 64 as an approved gambling venue for the conduct of gaming using those fruit machines, until that permit expires or the approval is earlier revoked under section 93; and 20

(b) every fruit machine approved for use under that permit are, so far as it is not inconsistent with the provisions of this Act, deemed to be installed with an approved game under section 74 for the conduct of gaming using those fruit machines, until that permit expires or the approval is earlier revoked under section 96. 25

3. Any reference to the permit officer in a condition of a permit mentioned in paragraph 1(1) or (2) is a reference to the Authority.

4. Any proceedings with respect to a permit mentioned in paragraph 1(1) that are — 30

(a) started in exercise of powers under section 8(5) of the repealed Private Lotteries Act 2011; and

(b) pending immediately before the date of commencement of section 137(3), 35

may be continued under that repealed Act as if section 137(3) had not been enacted.

SECOND SCHEDULE — *continued*

5. Where proceedings for a regulatory sanction are started under section 88, 89, 93 or 94 on or after the date of commencement of section 137(3) —

(a) against a person who is deemed under paragraph 1 granted a licence or under paragraph 2 granted an approval under section 64 for premises as an approved gambling venue; and

(b) for the person engaging in conduct before the date of commencement of section 137(3) that would have been a ground for suspending or revoking the person's permit under section 8(5) of the repealed Private Lotteries Act 2011 if not for the repeal,

the Authority may only suspend or revoke the licence under section 8(5) of that repealed Act for that conduct, despite sections 88, 89, 93 and 94.

6. Where an appeal has been made to the Minister —

(a) under section 8(6) of the repealed Private Lotteries Act 2011 before the date of commencement of section 137(3); and

(b) the appeal has not been dealt with or disposed of immediately before that date,

the appeal may continue to be dealt with under that repealed Act as if section 137(3) had not been enacted.

PART 2 — CERTIFICATES UNDER  
REMOTE GAMBLING ACT 2014

1. Every certificate of exemption that —

(a) is issued, before the date of commencement of section 139(c), under section 26(1) of the repealed Remote Gambling Act 2014 to a person authorising the person to provide a Singapore-based remote gambling service with a Singapore-customer link of such type as is specified in the certificate; and

(b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of this Act, to continue as if it were a licence granted under section 54 to the person authorising that person to correspondingly provide a gambling service consisting of providing a Singapore-based remote gambling service with a Singapore-customer link of such type as is specified in the certificate, until that certificate expires or is earlier revoked under section 88.

2. Every premises specified in a condition of a certificate of exemption mentioned in paragraph 1 are, so far as it is not inconsistent with the provisions of this Act, deemed to be approved under section 64 as an approved gambling venue

SECOND SCHEDULE — *continued*

for providing a Singapore-based remote gambling service with a Singapore-customer link of such type as is specified in the certificate, until that certificate expires or is earlier revoked under section 93.

3. Any proceedings in respect of a certificate of exemption mentioned in paragraph 1 that — 5

(a) have started in exercise of powers under section 30 of the repealed Remote Gambling Act 2014; and

(b) are pending immediately before the date of commencement of section 139(c), 10

may be continued and completed under that repealed Act as if section 139(c) had not been enacted.

4. Where proceedings for a regulatory sanction are started under section 88, 89, 93 or 94 on or after the date of commencement of section 139(c) —

(a) against a person who is deemed under paragraph 1 granted a licence; and 15

(b) for the person engaging in conduct before the date of commencement of section 139(c) that would have been a ground for imposing any regulatory sanction against the person under section 30 of the repealed Remote Gambling Act 2014 if not for the repeal, 20

the Authority may only impose a regulatory sanction specified in section 30 of that repealed Act for that conduct, despite sections 88, 89, 92 and 94.

5. Any reference to the Minister or an authorised officer appointed under the repealed Remote Gambling Act 2014 in a condition of a certificate of exemption mentioned in paragraph 1 is a reference to the Authority. 25

PART 3 — BLOCKING ORDERS UNDER  
REMOTE GAMBLING ACT 2014

1. Every access blocking order that —

(a) is made, before the date of commencement of section 139(c), under section 20(1) of the repealed Remote Gambling Act 2014; and 30

(b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of this Act, to continue as if it were an access blocking order made by an authorised officer under Part 9 of this Act.

SECOND SCHEDULE — *continued*

2. Every payment blocking order that —

(a) is made, before the date of commencement of section 139(c), under section 21(1) of the repealed Remote Gambling Act 2014; and

5 (b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of this Act, to continue as if it were a payment blocking order made by an authorised officer under Part 9 of this Act.

3. Every application to review an access blocking order or a payment blocking order that —

(a) is made, before the date of commencement of section 139(c), under section 22(2) of the repealed Remote Gambling Act 2014; and

(b) is pending immediately before the date of commencement of section 139(c),

15 may be continued and completed under that repealed Act as if section 139(c) had not been enacted.

## PART 4 — GRACE PERIOD FOR EXEMPT PERSONS

1.—(1) Despite Part 2, every person who, immediately before the date of commencement of section 139(a) or (b), is by notification made under the repealed Betting Act 1960, exempt from all the provisions of that repealed Act in respect of the provision of a gambling service described in sub-paragraph (2) may continue to provide that gambling service —

(a) for 5 months after that date; and

(b) if within that period the person applies for a licence under Part 4, for a further period ending on the happening of the earlier of the following:

(i) the date on which the Authority grants a licence to the person;

(ii) the date that the application is finally refused or is withdrawn.

(2) The gambling service mentioned in sub-paragraph (1) is —

(a) the promotion, organisation, administration, operation or conduct of any betting in connection with —

(i) any of the public lotteries known as Singapore Sweep Draw, Toto Games Draw or 4-Digit Numbers Games Draw;

(ii) any Singapore Premier League football match in Singapore;

SECOND SCHEDULE — *continued*

- (iii) any other football match in Singapore (not being a Singapore Premier League football match) that is organised, sanctioned in writing or hosted by the Football Association of Singapore;
  - (iv) any football match outside Singapore that is organised, sanctioned or hosted by —
    - (A) the Fédération Internationale de Football Association (called in this sub-paragraph FIFA) or any of its member confederations or member national associations; or
    - (B) a body which is an assign or a successor of FIFA or any of its member confederations or member national associations; or
  - (v) the Fédération Internationale de l'Automobile Formula One World Championship;
  - (b) the promotion, organisation, administration, operation or conduct of any betting in connection with any horse-racing in Singapore or overseas;
  - (c) the establishment, promotion, organisation, administration, operation or conduct of any totalisator; or
  - (d) the establishment or operation of any totalisator agency.
- 2.—(1) Despite Part 2, every person who, immediately before the date of commencement of section 139(a) or (b), is by notification made under the repealed Common Gaming Houses Act 1961, exempt from all the provisions of that repealed Act in respect of the provision of a gambling service described in sub-paragraph (2) may continue to provide that gambling service —
- (a) for 5 months after that date; and
  - (b) if within that period the person applies for a licence under Part 4, for a further period ending on the happening of the earlier of the following:
    - (i) the date on which the Authority grants a licence to the person;
    - (ii) the date that the application is finally refused or is withdrawn.
- (2) The gambling service mentioned in sub-paragraph (1) is —
- (a) the promotion, organisation, administration, operation or conduct of any gaming or lottery in connection with —
    - (i) any of the public lotteries known as Singapore Sweep Draw, Toto Games Draw or 4-Digit Numbers Games Draw;
    - (ii) any Singapore Premier League football match in Singapore;

SECOND SCHEDULE — *continued*

(iii) any other football match in Singapore (not being a Singapore Premier League football match) that is organised, sanctioned in writing or hosted by the Football Association of Singapore;

5 (iv) any football match outside Singapore that is organised, sanctioned or hosted by —

(A) the Fédération Internationale de Football Association (called in this sub-paragraph FIFA) or any of its member confederations or member national associations; or

10 (B) a body which is an assign or a successor of FIFA or any of its member confederations or member national associations; or

(v) the Fédération Internationale de l'Automobile Formula One World Championship;

15 (b) the promotion, organisation, administration, operation or conduct of any gaming or lottery in connection with any horse-racing in Singapore or overseas;

(c) the establishment, promotion, organisation, administration, operation or conduct of any totalisator; or

20 (d) the establishment or operation of any totalisator agency.

3. Despite Part 2, every person who, immediately before the date of commencement of section 139(a) or (b), is by the Common Gaming Houses (Private Bodies — Exemption) Notification (N 8) made under the repealed Common Gaming Houses Act 1961, exempt from all the provisions of that repealed Act in respect of any provision of a gambling service may continue to provide that gambling service —

(a) for 12 months after that date; and

(b) if within that period the person applies for a licence under Part 4, for a further period ending on the happening of the earlier of the following:

30 (i) the date on which the Authority grants a licence to the person;

(ii) the date that the application is finally refused or is withdrawn.

4. Despite Part 2, every person who, immediately before the date of commencement of section 139(a) or (b), is by the Common Gaming Houses (Exemption) Notification (N 4) made under the repealed Common Gaming Houses Act 1961, exempt from all the provisions of that repealed Act in respect of any provision of a gambling service may continue to provide that gambling service —

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SECOND SCHEDULE — *continued*

- (a) for 12 months after that date or until an order under section 60 is earlier made applicable to the person with respect to that gambling service provided; or
- (b) for 12 months after that date and, if within that period the person applies for a licence under Part 4, for a further period ending on the happening of the earlier of the following: 5
- (i) the date on which the Authority grants a licence to the person;
  - (ii) the date that the application is finally refused or is withdrawn.

5. Despite Part 2, every person who, immediately before the date of commencement of section 139(c), is by the Remote Gambling (Exempt Persons) Order 2015 (G.N. No. S 127/2015) made under the repealed Remote Gambling Act 2014, exempt from all the provisions of that repealed Act in respect of any provision of a remote gambling service may continue to provide that gambling service — 10 15

- (a) for 12 months after that date or until an order under section 60 is earlier made applicable to the person with respect to that gambling service provided; or
- (b) for 12 months after that date and, if within that period the person applies for a licence under Part 4, for a further period ending on the happening of the earlier of the following: 20
- (i) the date on which the Authority grants a licence to the person;
  - (ii) the date that the application is finally refused or is withdrawn.

## PART 5 — GAMING MACHINES SUPPLIERS

1. Despite section 29, every person who, immediately before the date of commencement of section 137(3) is supplying any gaming machine that is covered by a permit mentioned in paragraph 1 of Part 1 may continue to supply gaming machines — 25

- (a) for 5 months after that date; and
- (b) if within that period the person applies under section 73 for approval under section 74, for a further period ending on the happening of the earlier of the following: 30
- (i) the date on which the Authority grants approval under section 74 to the person;
  - (ii) the date that the application is finally refused or is withdrawn. 35

SECOND SCHEDULE — *continued*

## PART 6 — TOTALISATOR OPERATIONS

1. Despite section 69, every rule in relation to the operation or conduct of any totalisator, betting, gaming activity or lottery of any totalisator agency or any agent appointed by the Singapore Totalisator Board that —

(a) is approved by the Singapore Totalisator Board, before the date of commencement of section 139(c), under section 4(1)(f) of the Singapore Totalisator Board Act 1987 to a totalisator agency or any agent appointed by the Singapore Totalisator Board; and

10 (b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of this Act, to continue as if it were an approval of rules of betting, game of chance or lottery granted under section 70 of this Act to the totalisator agency or agent until that approval is cancelled under Division 2 of Part 7.

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 EXPLANATORY STATEMENT

This Bill brings together suppression of unlawful betting, unlawful gaming and unlawful lotteries provisions, whether remotely carried out or otherwise, within a single legislation, consolidates the law on the regulation of gambling and gambling services outside of casinos, and replaces the Betting Act 1960, the Common Gaming Houses Act 1961, the Private Lotteries Act 2011 and the Remote Gambling Act 2014.

The Bill also seeks —

(a) to provide harmonised regulation of gambling that takes place outside of the casinos;

(b) to allow social gambling; and

(c) to expand the function of the National Council on Problem Gambling (NCPG) to help people who are experiencing gambling harm from activities outside of the casino.

Part 1 introduces the fundamental concepts used in the Bill and sets out the purposes of the Bill.

Part 2 sets out offences relating to unlawful gambling, carrying on of unlawful regulated activities and unlawful gambling places.

Part 3 contains provisions about evidence and presumptions for proceedings under the Bill.

Part 4 provides for the licensing of persons providing gambling services.

Part 5 provides for the regulation of gambling venues, operation of games and gaming machines suppliers.

Part 6 deals with measures that seek to minimise harm from gambling, including controls over inducements to gamble.

Part 7 sets out the regulatory sanctions that may be taken against a defaulting licensee or class licensee or supplier of gaming machines.

Part 8 contains provisions for reconsideration of, and appeals to be made against, decisions under the Bill.

Part 9 sets out the powers of enforcement for the due administration of the Bill.

Part 10 contains provisions on the administration of the Bill.

Part 11 is a general Part and includes power to make Regulations.

Part 12 makes related amendments to the Casino Control Act 2006.

Part 13 makes consequential and related amendments to other Acts. It also contains final provisions on the repeal of the Betting Act 1960, the Common Gaming Houses Act 1961, the Private Lotteries Act 2011 and the Remote Gambling Act 2014, and provides for saving and transitional arrangements.

## PART 1

### PRELIMINARY

Part 1 introduces the fundamental concepts used in the Bill and sets out the purposes of the Bill.

Clause 1 sets out the short title and provides for the bringing into force of the Bill.

Clause 2 sets out the purposes of the Bill. These are to authorise some gambling and prohibit the rest as unlawful gambling, to prohibit advertising of unlawful gambling, to minimise social harm associated with gambling, including problem gambling, to ensure the integrity and fairness of authorised gambling and ban irresponsible gambling products and practices, and to limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling.

In essence, this is to suppress illegal gambling by offering legal equivalent and to allay community concerns about the conduct of gambling activities by providing a regulated equivalent, and ensure through the licensing process the probity of persons and the integrity of the operations involved in the provision of gambling services and gambling products.

Clause 3 is a general definition provision. It contains definitions of terms which are used in several Parts of the Bill. Other key concepts are defined in greater depth in clauses 4 to 16.

An important concept defined in clause 3(1) is “prize”. This refers to any money or money equivalent or any thing else of value that may be won under the arrangements for that gambling.

The words “any thing else of value” are intended to include things of value but not capture things that would generally be considered inconsequential. For example, while it is intended to include things such as a trophy, holiday, tickets or merchandise, it is not intended to include recognition prizes consisting solely of a certificate or title or other intangible items.

Another important term defined in clause 3(1) is “gambling service” because a licence or class licence to provide a gambling service is a lawful activity.

“Gambling service” is defined to mean several types of services, whether provided directly or through a gambling service agent:

- (a) a service comprising wholly or in part of the placing, making, receiving, accepting or negotiating of bets, operating a betting exchange or betting information centre, operating a totalisator, organising pool betting, matching gamblers, laying or offering odds, or offering an opportunity to or otherwise facilitating others to bet in accordance with arrangements made by the service provider;
- (b) a service for the conduct of a lottery;
- (c) a service for the supply of lottery tickets;
- (d) a service for others to play a game of chance for a prize in accordance with arrangements made by the service provider;
- (e) a service of controlling or operating a computer server that enables any game of chance to be played by others by remote communication for a prize;
- (f) a service of making available to others any gaming machine for the purpose of gambling.

Clause 4 defines the key expression “gambling” to mean betting (defined in clause 5), gaming activity (defined in clause 7) and participating in a lottery (defined in clause 9).

While gaming activity will generally involve betting, it is clearly possible to bet without playing a game. In this regard, the definition refers to both types of activities to be comprehensive in tackling unlawful gambling.

Clause 5 defines the expression “betting” to mean making or accepting a bet, involving payment or staking of any money or money equivalent or any thing else

of value, on the outcome of a race, competition, sporting event or other event or process, taking place in Singapore or elsewhere, the likelihood of anything occurring, or not occurring, in Singapore or elsewhere, or whether anything is or is not true. Clause 3(1) defines what a “sporting event” is.

The final parts of the description are intended to cover the staking or risking or the offering of prizes on other elements of a sporting event, for example, the likelihood that a specific red card is drawn during a soccer game, in addition to the normal outcome of the game.

As defined, both the person who places a bet and the person who accepts a bet are engaging in betting. The definition is technology-neutral and encompasses betting using remote communication.

A bet made using a totalisator and a lay-off bet are covered as betting under the Bill. To address gambling products which may contain elements of both betting or gaming, there is power for the Regulations to make clear whether a particular gambling product should be regarded as betting or not.

A key element of the definition of “betting” is that money or money equivalent or any thing else of value must be staked or risked. Clause 5(7) makes it clear that the staking or risking may be undertaken by the punter who places the bet or by someone else. While any prohibition of a gambling activity should in the first instance be directed to the participants, the Bill extends the prohibition to activities of non-participants, for example, in side-betting.

Clause 6 sets out the meaning of “conducting a betting operation”. This is a prohibited activity unless it is authorised under a licence or class licence to provide a gambling service under the Bill.

A person is conducting a betting operation if the person undertakes any of the following activities:

- (a) accept or receive bets;
- (b) pay, negotiate or settle bets;
- (c) operate a betting exchange or betting information centre;
- (d) operate a totalisator;
- (e) organise pool betting;
- (f) match gamblers;
- (g) lay or offer odds;
- (h) offer an opportunity to or otherwise facilitate others to bet in accordance with arrangements made by the person.

A person is also conducting a betting operation if the person organises, manages or supervises any activity described in the paragraph above, or

distributes the turnover of any of the activities described, for example, by paying prizes, meeting costs, or making grants.

The definition of “conducting a betting operation” extends to cover indirect involvement in the activities, such as a person authorising others to carrying on of any of the activities described, or assisting in any such activity.

A person is also regarded as conducting a betting operation if the person engages in any conduct on behalf of, or in accordance with arrangements made by, another, for or in connection with any of the activities described. An employee or an agent would be such a person.

However, the activities of publishing a gambling advertisement in Singapore and of sending an inducement to gamble to anyone are carved out of the definition of “conducting a betting operation”, and are treated distinctly under Part 6 of the Bill.

Clause 7 sets out the meaning of the key term “gaming activity”, which is one type of gambling.

Gaming activity consists of either playing a game of chance for a prize, or playing a gaming machine.

A game of chance is defined to not include games that are completely skill based but does specifically capture games that are purely of chance or combine both an element of chance and an element of skill. Chance includes an element of randomness or uncertainty such as the draw or dealing of cards from a deck, the roll of dice, or the allocation/draw of a number such as a ticket.

To address gambling products which may contain elements of both betting or playing a game of chance, there is power for the Regulations to make clear whether a particular gambling product should be regarded as a game of chance or not.

However, a game of chance will not include a sporting event or any game, method, device, scheme or competition that the Minister specifies or describes by order in the *Gazette*, not to be a game of chance for the purposes of the Bill.

The second key element of the definition of “gaming activity” is that playing of the game of chance must be for a prize. That is, money or money equivalent or any thing else of value must be offered as a prize.

Clause 7(2) expressly covers the playing of a game to win a prize even if the player is not risking anything. A person is treated as playing a game of chance for a prize if the person plays a game of chance and as a result acquires a chance of winning any money or money equivalent or any thing else of value, whether or not the person risks losing anything at the game. As in the case of betting, clause 7(3) provides that staking or risking of any thing may be undertaken by a player in a game of chance or by someone else.

Clause 7(4)(b) defines when a gaming machine is played. The methods described refer to the traditional modes like inserting a coin or a gaming token (like a stored value card) into the gaming machine or causing gaming machine credits to be registered by the gaming machine to the technologically more advanced modes validation checks such as facial recognition at the gaming machine, in order to access the credits from the membership wallet for play at the gaming machine. Technology-neutral language has been used to describe these newer modes, that is, causing the activation of any process relating to the gaming machine game of the machine.

An extended meaning of playing a game of chance using a gaming machine is set out in clause 7(5). A person on whose behalf another person enters or competes, or otherwise participates, in a game of chance using a gaming machine located in a gaming machine room will be treated as participating in and a player of that game of chance even if the person is not in the same gaming machine room. This extended meaning is a vital element in the offence of proxy gambling in clause 28.

The definition of engaging in gaming activity is technology-neutral and encompasses engaging in gaming activity using remote communication.

Finally, clause 7(6) defines what a gaming machine is because the supply of these for gambling must be approved, and the offering in the course of business of a gaming machine to others to play for the purpose of gambling must be authorised by a licence or class licence or it is unlawful.

However, some devices are not regarded as a “gaming machine” for the purposes of the Bill. An amusement machine is not a gaming machine.

As amusement machine refers to a mechanical, an electrical or electronic device commonly called a claw machine, or a crane machine or claw crane machine. An amusement machine also includes any other mechanical, electrical or electronic device that is constructed or adapted for the playing of any game (whether a game of chance or not) by means of the machine so that any individual playing the machine once and successfully either —

- (a) receives nothing; or
- (b) receives any thing of value which is less than \$100 or only an opportunity afforded by the automatic action of the machine to play again (once or more often) without paying any money or money equivalent or any thing else of value.

The Minister may vary the amount of \$100 by order in the *Gazette* in future. “Approved game of chance”, for a licensee, means a game of chance that the licensee is authorised under its licence to conduct gaming under the Bill.

A computer tablet, an iPad or a communication device like a handphone, is also not to be regarded as a gaming machine just because it can be used to play a game of chance.

Also excluded from being regarded as a gaming machine are the kiosks which only dispense either lottery tickets or otherwise enable a person to enter a lottery or receipts or tickets that evidence a bet made, and do not determine and announce the lottery or bet results.

Clause 8 contains the definition of what constitutes conducting gaming. This is a prohibited activity and unlawful unless it is authorised under a licence or class licence to provide a gambling service under the Bill.

A person is conducting gaming if the person undertakes any of the following activities in the course of business:

- (a) install and operate (but not just play), or make available to others, any gaming machine for the purpose of gambling;
- (b) control or operate a computer server that enables any game of chance to be played by others by remote communication for a prize;
- (c) conduct a game of chance for others to play the game of chance for a prize in accordance with arrangements made by the person;
- (d) offer an opportunity to or otherwise facilitate others to play a game of chance for a prize, in accordance with arrangements made by the person.

A person is also conducting gaming if the person organises, manages or supervises any activity described in the paragraph above, or distributes the turnover of any of the activities described, for example, by redeeming tokens, meeting costs, or making grants.

The definition of “conducts gaming” extends to cover indirect involvement in the activities, such as authorising others to carry on any of the activities described, or assisting in any such activity.

A person is also regarded as conducting gaming if the person engages in any conduct on behalf of, or in accordance with arrangements made by, another, for or in connection with any of the activities described. An employee or an agent would be such a person.

The definition is technology-neutral and encompasses conducting gaming using remote communication.

However, the activities of publishing a gambling advertisement in Singapore and of sending an inducement to gamble to anyone are carved out of the definition of “conducts gaming”, and are treated distinctly under Part 6.

Clause 9 defines a “lottery” to mean an arrangement or a scheme, competition or device, which may or may not involve multiple participants, for the distribution of prizes where —

- (a) entitlement to participate in the arrangement, scheme, competition or device depends on the payment of or giving of any money or money equivalent or any thing else of value by the participant or the attendance or other qualification of the participant, without payment; and
- (b) the distribution depends, at any stage of the arrangement, scheme, competition or device, on an element of chance (even if the arrangement, scheme, competition or device, in some other respects, involves a genuine or purported exercise of skill).

This includes lucky draws, raffles and sweepstakes, and any transaction by way of gambling that is classified under the Regulations as a lottery.

As the definition is wide enough to cover many trade promotions, there is provision for the Minister to declare any arrangement or scheme, competition or device by order in the *Gazette*, not to be a lottery for the purposes of the Bill.

The Bill treats a process as relying wholly on chance if the element of skill is so low that it is practically non-existent. Hence, a scheme will still be a lottery, if the skill-related qualification to take part in a lottery is so low that it does not present any substantial barrier to entry for most participants.

Clause 10 sets out when a person is conducting a lottery. This is a prohibited activity unless it is authorised under a licence or class licence to provide a gambling service under the Bill.

A person is conducting a lottery if the person undertakes any of the following activities:

- (a) organise or operate the lottery;
- (b) offer an opportunity to or otherwise facilitate others to participate in the lottery in accordance with arrangements made by the person;
- (c) solicit or receive (other than as a prize winner or participant in the lottery) any money or money equivalent or any thing else of value in the course of organising or operating the lottery or managing or supervising it.

For example, selling or offering for sale any lottery ticket, drawing, throwing, declaring, or exhibiting expressly or otherwise, the winner or winning number, ticket, lot, figure, design, symbol or other result of any lottery, and printing or publishing in Singapore any lottery ticket or list of prizes or any announcement of the result of a lottery or any announcement or riddle relating to a lottery.

A person is also conducting a lottery if the person organises, manages or supervises any activity described in the paragraph above, or distributes the turnover of any of the activities described, for example, by redeeming, meeting costs, or making grants.

The definition of “conducting a lottery” extends to cover indirect involvement in the activities, such as a person authorising others to carrying on of any of the activities described, or assisting in any such activity.

A person is also regarded as conducting a lottery if the person engages in any conduct on behalf of, or in accordance with arrangements made by, another, for or in connection with any of the activities described. An employee or an agent would be such a person.

The definition is technology-neutral and encompasses conducting gaming using remote communication.

However, the activities of publishing a gambling advertisement in Singapore and of sending an inducement to gamble to anyone are carved out of the definition of “conducting a lottery”, and are treated distinctly under Part 6.

Clause 11 contains definitions to terms like “general remote gambling” and “remote gambling” and defines when a person provides a “remote gambling service” and what constitutes a “Singapore-based remote gambling service”.

The term “remote gambling” is defined in clause 11(1) to mean gambling where people participate by means of “remote communication”.

The systems or methods of “remote communication” defined in clause 3(1) are the Internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication. This encompasses modern means of communication such as interactive television and mobile telephony. The definition of “remote communication” in clause 3(1) will be able to keep up with future developments in this field. However, in order to ensure clarity, the Minister is given power to specify that any system or method of communication is not to be treated as a form of remote communication for the purpose of the Bill.

A “remote gambling service” is defined by clause 11(1) simply to mean a gambling service provided to customers for them to participate in gambling by using remote communication. Examples include a telephone betting service and a gambling service provided using an internet access service.

Clause 11(1) also contains a definition of “general remote gambling”, which is a type of remote gambling that can be the subject of bans by way of exclusion orders under the Bill and the Casino Control Act 2006 or entry bans under the Bill.

General remote gambling is remote gambling that is none of the following:

- (a) on-course betting, which is defined in clause 13(4);

- (b) off-course betting, which is defined in clause 13(4);
- (c) gambling using a gambling service authorised by a class licence;
- (d) gambling using remote communication at premises as a customer of a place-based gambling service, such as betting in person at kiosks at betting shops or using the geo-fenced app provided by a licensed betting operator that can be used only within the betting outlet premises even though the app may be downloaded into the customer's phone.

Clause 11(2) sets out the circumstances in which a person is to be treated as providing a remote gambling service. For example, people and companies who are in the business of providing gambling, such as a person who offers the opportunity for people to gamble remotely, such as through a website; such a person will expressly or by implication be inviting others to gamble in accordance with arrangements made by them. The reference to arrangements made by a person for gambling is a wide concept carrying a general flavour of control.

Clause 11(3) expands on what is meant by providing facilities for remote gambling. This will be where, because of the way in which the facilities have been adapted or presented, either they cannot reasonably be expected to be used for purposes other than gambling, or they are intended to be used wholly or partly for gambling.

This might include, for example, where an internet-connected personal computer is adapted so that it has a home page menu dedicated to providing links to gambling websites. It could also cover the situation where an internet-connected personal computer is surrounded by signs indicating that it is available for use for gambling, and giving details of specific web pages where gambling is available.

Clause 11(4) explains that a person does not provide a remote gambling service or provide facilities for remote gambling merely because the person provides, or operates facilities for network access, or provides services relating to, or provides connections for, the transmission or routing of data. An example of such a person is an internet service provider.

Clause 11(5) defines what is meant by a remote gambling service with a foreign-customer link or with a Singapore-customer link. These expressions are integral to the offences in Part 2.

A remote gambling service has a foreign-customer link if none of the customers is physically present in Singapore, whether or not an individual who is physically present in Singapore is capable of becoming a customer of that service.

This should be interpreted in the context of an ordinary person. In determining whether a person physically present in Singapore is capable of becoming a

customer of a gambling service, it is to be assumed by the investigating authorities that the person will not falsify or conceal his or her identity or location.

A remote gambling service has a Singapore-customer link if any of the customers is physically present in Singapore.

Finally, clause 11(6) provides that a remote gambling service will be Singapore-based if the service is provided in the course of carrying on a business in Singapore, the central management and control of the service is in Singapore or, where the service is provided to customers using an internet access service, all or any of the relevant internet content is hosted in Singapore.

The relevant internet content in relation to a remote gambling service is internet content that is accessed or available for access by an end-user in the capacity of customer of the service.

An example of the central management and control of a service being in Singapore is that of a company that provides an online gambling service such as a casino which has its website maintained in an offshore jurisdiction and the company executives (or principal company executives) are based in Singapore.

One or more of these conditions are all that is required to establish a Singapore base. Residency or citizenship issues are irrelevant in relation to whether one of the above conditions is satisfied.

Clause 12 defines what is “social gambling” which is an activity that is not unlawful. The intention of this clause is to allow for some lawful private gambling at the same time as ensuring that commercial gambling is not allowed under the guise of social gambling. For this reason, the clause contains a number of elements or conditions that a gambling must satisfy in order to be social gambling.

The first, in clause 12(1) is that social gambling cannot be remote gambling. The gambling has to take place in person.

Clause 12(1)(a) then requires the non-remote gambling to be conducted by an individual, not an entity, and only in an individual’s home. Clause 3(1) defines “home” as premises in Singapore that is the ordinary place of residence of an individual. This means that it would not be social gambling under the Bill to hold gatherings involving playing of games of chance in public places such as hotels, clubs, community centres, cafes or restaurants unless the individual conducting the game actually resides at the place as his or her usual or normal residence.

Clause 12(1)(b) provides that the participants have to be individuals only, not entities, and the participant have either to be members of the same family or who know each other personally. Clause 12(1)(c) further provides that the activity has to be substantially spontaneous, even though it may occur regularly, habitually or by arrangement between the individuals involved.

Clause 12(1)(d) provides that the activity must not be promoted or conducted by or for the private gain of any person not participating in the gambling or in the course of any business.

In order to emphasise further the non-commercial nature of social gambling, clause 12(1)(e) provides that no participant in the gambling activity, such as the dealer, can obtain a benefit other than by winning. In other words, a person (such as the dealer) cannot receive any benefit, payment, wage or fee for conducting or participating in the game.

For example, if a fee is charged to participate in the game or to enter the home and this is in excess of what would be reasonable contributions to the cost of food and beverages, that would be obtaining a benefit other than by winning. Likewise, if a commission, charge or fee is deducted from the bets made by participants during the game.

Finally, in addition, clause 12(1)(f) provides for the Minister to prescribe by Regulations further conditions that an activity must satisfy before it constitutes social gambling. For example, it may be necessary in the future to provide guidance or describe the circumstances to ensure that a gambling activity does have a non-commercial nature and is not being conducted for a commercial purpose.

Clause 13 defines, by way of a table, the minimum age for lawful gambling in various sorts of gambling. Any one who is below the age delimited by this clause in relation to a type of gambling is called an underaged individual.

The minimum age for gambling is 18 years where the gambling is on-course betting or off-course betting on a horse or pony race, or in-person betting or taking part in a lottery using a place-based gambling service regarding a sporting event for which no live broadcast is provided at that place.

Clause 13(4) defines “on-course betting” to mean betting made at a racecourse in Singapore on the outcome of a horse or pony race (taking place at the racecourse or elsewhere) with a licensed bookmaker who is situated at that racecourse and is authorised by a licence to accept or receive bets at that racecourse.

Clause 13(4) defines “off-course betting” to mean betting on the outcome of a horse or pony race (taking place at the racecourse in Singapore or elsewhere) not made at the racecourse but elsewhere at premises of a licensed place-based betting service provider, and that is either non-remote gambling or remote gambling using electronic equipment which is constructed or designed solely for a customer at those premises to make a bet. There may or may not be provided at those premises a live broadcast of the horse or pony race for customers to watch.

The minimum age for gambling is otherwise 21 years where it is in-person betting or taking part in a lottery using a place-based gambling service regarding

any other sporting event for which a live broadcast is provided at the premises where the place-based gambling service is provided.

The minimum age for all other forms of legalised remote gambling and non-remote gambling (even in a casino) is 21 years of age.

However, there is no minimum gambling age for social gambling and for individuals using gambling services provided under the authority of a class licence as these are low-risk gambling activities.

The Minister charged with the responsibility for family and child welfare and protection is empowered to raise the minimum age subsequently by making an order and publishing that in the *Gazette*.

Clause 14 defines the other key provision of “money equivalent”, which is used in the context of stakes and prizes.

Basically, money is cash or a unit of currency. A money equivalent is defined to mean a right to receive money or an arrangement which has a liquidity that is similar to that of cash.

Examples of money equivalent include bonds and loans and convertible digital currency, and any virtual voucher, virtual coupon, virtual credit, virtual coin, virtual token, virtual object, or any other similar thing purchased within, or as part of, or in relation to, any gambling, with a money-like nature.

Clause 14(1) defines a money equivalent as extending to an arrangement under which a party has an encashable legal or equitable right to receive a financial benefit or an encashable legal or equitable obligation to provide a financial benefit, or a combination thereof.

To be encashable, the financial benefit has to be monetary in nature, or non-monetary in nature but may be settled by money or a money equivalent or is in substance and effect monetary in nature.

Clause 15 sets out the meaning of the word “possession”. This definition is the cornerstone of offences in the Bill connected with possession of gambling articles and the working of presumptions as to whether a person is gambling or in an unlawful gambling place.

The definition incorporates 2 main concepts: actual custody, and care, control and management. A person can be found to be in possession of an object or a thing if it falls within either of these 2 concepts.

Actual custody of a gambling article refers to an object or a thing carried or found on the individual’s person, and the individual knows or has reason to believe that the object or thing is a gambling article.

Alternatively, a person has possession if the person has the care, control or management of the gambling article. This includes having it in the care, control or management of another person, including storing it with that other person.

A person also has possession of a gambling article if the person drives, flies or otherwise operates (even by remote control) any vehicle, vessel, aircraft or other device conveying or otherwise carrying the gambling article, or it is in or on any place or premises, owned, leased or occupied by, or in the care, control or management of, the person, or is within in any container owned or in the care, control or management of, the person.

The definition has to be read in conjunction with other provisions in clause 15 as there are a number of defences to people found to be in possession.

For example, where a gambling article was in or on premises owned, leased or occupied by an accused, the accused has a defence if the accused can adduce evidence which suggests that the gambling article was brought onto the premises by someone else and the accused did not know that it was there and could not reasonably be expected to have known that the gambling article is at the place or premises. If the accused can satisfy the court of this, then the offence would not be proved. It is then for the prosecution to rebut this evidence beyond reasonable doubt.

Clause 15(6) provides guidance of how to prove a person is in possession of a gambling article by having care, control or management of that gambling article. An accused may use these factors as a defence to a charge of possession if it is alleged that the person had possession of a gambling article by having care, control or management of it. The factors can also be used to assist in determining if a person was in possession of a gambling article even when the person did not physically have possession of it.

Clause 16 contains the definitions of “gambling advertisement” and “inducement to gamble”.

The term “gambling advertisement” (read with the definition of “information or material” in clause 3(1)) is defined broadly to mean any writing, still or moving picture, sign, symbol (whether 3-dimensional or 2-dimensional) or other visual image or audible message, or any combination of 2 or more of those things, that gives publicity to or otherwise promotes or is intended to promote a particular gambling service, gambling services in general, a domain name or uniform resource locator (URL) that relates to a particular gambling service, or any other words that are closely associated with a particular gambling service, whether or not also closely associated with other kinds of services or products.

The term “gambling advertisement” is intended to cover more than just the advertising of an individual gambling service. For example, an advertisement that refers to a website or a website where details of remote gambling services can be found should be regarded as a gambling advertisement.

The term “inducement to gamble” is defined to refer to any document or message containing information or material that contains any offer or giving of a credit, voucher, reward or other benefit to gamble, the making of any offer designed to induce persons to participate, or to increase their participation, in gambling or any offer of an opportunity to gamble, or the offer of a condition or other aspect of any gambling, that includes additional benefits or enhancements connected with that gambling.

An “inducement to gamble” also includes any document or message that invites, or may reasonably be implied to invite, the person receiving it to engage in any form of gambling or to apply to any person, or at any place, with a view to obtaining information or material or advice for the purpose of any gambling or for information or material as to any event in relation to which gambling is generally conducted. An example of an inducement to gamble would be direct marketing material.

Certain things are excluded from being a gambling advertisement. Words, signs or symbols that appear on business documents of gambling service providers, such as any invoice, statement, order form, letterhead, business card, cheque, manual or other document ordinarily used in the course of business, and signs or symbols appearing on land or buildings occupied by gambling service providers are excluded. The Minister is empowered to exclude other things from these definitions, by order in the *Gazette*.

Clause 16(2) broadly defines what is meant by publishing a gambling service advertisement. Examples of what constitutes publishing a gambling advertisement are including the advertisement on a website, including the advertisement in a document (like a newspaper, magazine, leaflet or ticket) that is available or distributed to the public, and including the advertisement in a film, video, television programme or radio programme that is or is intended to be seen or heard by the public. The definition also includes a person selling or hiring the advertisement to the public, or offering it for sale, supply or hire to the public, or displaying, screening or playing the advertisement so that it can be seen or heard in a public place, on public transport or in a workplace.

Clause 17 sets out the application of the Bill, which extends to things, conduct, transactions and matters which occur partly within and outside of Singapore.

The Bill also applies only to advertisements published in Singapore or an inducement to gamble that is, or is intended to be, received by a person in Singapore.

PART 2  
OFFENCES

Part 2 sets out the major offences related to unlawful gambling and gambling operations. The offences in this Part seek to minimise the risk of criminal or unethical activity by making all gambling (except social gambling) unlawful unless it is expressly authorised by licence or class licence.

There are criminal penalties for conducting and participating in unlawful gambling as well as the ancillary actions that allow unlawful gambling to occur, such as arranging unlawful gambling, and knowingly allowing a place to be used for unlawful gambling. However, the criminal penalties in this Part recognise the different levels of egregiousness and set the highest penalties for the person conducting the unlawful gambling operations, a lower punishment for those who do so under direction or arrangements of the former and the lowest punishments for the gambler.

There are also some strict liability offences in this Part where they are necessary in order to ensure confidence in and compliance with the regulatory scheme in the Bill and for the successful control and regulation of gambling activity.

Clause 18 provides for the offence of conducting a betting operation, gaming or a lottery. It is however not an offence if the person is doing so under the authority of a licence granted under clause 54, a class licence or a casino licence within a casino and where the betting operation, gaming or lottery is conducted within the casino, or the person is exempted from this clause.

It is also not an offence if the person is an employee of such a licensee or a class licensee who is conducting the betting operation or conducting gaming or a lottery on behalf of, or in accordance with arrangements made by, his or her employer and within the scope of the authority of the licence or class licence.

It is also not an offence if the person is a gambling service agent (or an employee thereof) of such a licensee or a class licensee who is conducting the betting operation or conducting gaming or a lottery on behalf of, or in accordance with arrangements made by, the licence or class licence and within the scope of the authority of the licence or class licence.

The offence in clause 18 is a strict liability offence, which is an offence that section 26H of the Penal Code 1871 defines to be an offence where there are no fault elements for any of the physical elements of the offence. This means that conduct alone is sufficient to make the defendant culpable.

Even if strict liability applies, the defence of reasonable care in section 26H of the Penal Code 1871, and other defences under the Penal Code 1871 (such as mistake of fact or accident) remain available.

A strict liability offence here reduces risks to the community by providing an adequate deterrent to ensure that gambling occurs in accordance with the necessary controls.

Clause 19 makes it an offence if a person conducts any betting operation, or conducts any gaming or any lottery in or from any place or premises in Singapore that is not an approved gambling venue for the conduct of that betting operation, gaming or lottery (as the case may be), and if the person knows, or ought reasonably to have known, that the place or premises is not an approved gambling venue for the conduct of that betting operation, gaming or lottery.

Clause 20 makes it an offence for an individual to gamble with an unlicensed gambling service provider or at unlawful gambling place.

The inclusion of the requirement in the offence that the individual “knows, or ought reasonably to have known,” that the gambling service provider is unlicensed or the place is an unlawful gambling place is an important safeguard, and ensures that individuals do not commit an offence if unaware and could not have reasonably known that the gambling service or place (as the case may be) were unlawful.

Clause 21 makes it an offence for a person to have a financial interest in a gambling service that is being provided in contravention of clause 18(1) or 19(1).

A “financial interest” in a gambling service is defined to mean an entitlement to receive any of the income from the gambling service (as the case may be) or a percentage or share from any amount of a bet received, negotiated or accepted in the course of carrying on the gambling service.

Clause 21(2) contains an offence-specific defence where a person is not guilty of an offence under this clause if the person proves, on a balance of probabilities, that the person, at the time of acquiring the financial interest in the betting operation or bookmaking, did not know, and had no reasonable cause to suspect, that the betting operation was being or would be carried on in contravention of clause 18(1) or 19(1), and as soon as practicable after becoming aware of that fact, the person took all reasonable steps to divest the person’s financial interest.

While section 105 of the Evidence Act 1893 sets the basic rule that the party asserting a fact should bear the burden of proving it and the offence-specific defence here has a similar effect as a presumption in that the provision requires the accused to discharge the burden of proof for one or more elements of the offence, it is appropriate for the burden of proof to be placed on an accused because the facts in relation to the defence i.e. financial interests, are peculiarly within the knowledge of the accused. Any person accused of this offence is in a position in which the person would not find it difficult to produce the information needed to avoid conviction.

Clause 22 makes it an offence if a person conducts a betting operation involving the placing, making, receiving, accepting or negotiating of any bets on the outcome of any race, competition, sporting event or other event or process taking place in Singapore or elsewhere if that a race, competition, sporting event or other event or process is not approved under clause 70.

Clause 22 also makes it an offence if a person conducts a betting operation, gaming or a lottery that is not in conformity with rules of betting, the game of chance or the lottery approved by the Authority under clause 70 for that activity and person.

Every offence under clause 22 is a strict liability offence. Under section 26H of the Penal Code 1871, a strict liability offence is one where there is no fault elements for any of the physical elements of the offence. This means that conduct alone is sufficient to make the defendant culpable.

Even if strict liability applies, the defence of reasonable care in section 26H of the Penal Code 1871, and other defences under the Penal Code 1871 (such as mistake of fact or accident) remain available.

The intention in applying strict liability to clause 22 offences is to encourage gambling operators to exercise due skill, care and diligence in conducting the particular gambling activity. Committing an offence under clause 22 is highly likely to lead to customers either being misled, exposed to unacceptable gaming integrity issues or being exposed to increased possible harm in the form of problem gambling. A defendant in a clause 22 offence can reasonably be expected, because of his or her professional involvement in the particular industry, to know what the requirements of the law are, so the mental or fault element can justifiably be excluded in these offences.

Clause 23 makes it an offence for an owner or an occupier of a place or premises to use, or allow the place or premises to be used, as an unlawful gambling place.

An unlawful gambling place is defined in clause 3(1) to mean any place or premises used for or in connection with the conduct of any unlawful betting operation, any unlawful gaming or any unlawful lottery, or used for or in connection with any unlawful gambling.

Any place or premises may be regarded as used for or in connection with any of these mentioned purposes even if the place or premises is used for that purpose on only one occasion.

There is a defence to a charge for this offence in clause 23(2). A person is not guilty of an offence under this clause if the person proves, on a balance of probabilities, that the person had no knowledge and could not with reasonable diligence have ascertained that the place or premises (or any part thereof) is to be used as an unlawful gambling place, and as soon as practicable after becoming

aware that the place or premises (or any part thereof) is or is to be used as an unlawful gambling place, the person took all reasonable steps to stop that use.

Unlike the defence for the offence in section 148 of the Women's Charter 1961 relating to suppression of brothels, clause 23(2) requires the accused to show, when entering into the letting of that place to another, that the accused had no knowledge and could not with reasonable diligence have ascertained that the place is to be used as a gambling place. Clause 23(2) contains the additional requirement that steps be taken to stop the gambling place.

While the fundamental principle of criminal law is that the prosecution must prove every element of the offence is displaced and the provision requires the accused to discharge the burden of proof for one or more elements of the offence, reversing the burden of proof is not unjust. The facts in relation to the defence are also peculiarly within the knowledge of the accused, and the accused is in a position which the accused would not find it difficult to produce the information needed to avoid conviction. It is appropriate for the burden of proof to be placed on the accused since it is a standard provision in tenancies and leases that the tenant or lessee must not use the premises for an unlawful purpose.

Clause 24 provides for the offence of organising or managing, or assisting in organising or managing, an unlawful gambling place.

Clause 25 sets out the offence of providing financing (whether money or a money equivalent) for any step taken in the process of organising or conducting an unlawful gambling place.

Clause 25(2) contains an offence-specific defence where a person is not guilty of an offence under this clause if the person proves, on a balance of probabilities, that at the time of providing financing, the person did not know, and had no reasonable cause to suspect, that the financing (whether money or a money equivalent) was for a step taken in the process of organising or conducting an unlawful gambling place.

Clause 26 makes it an offence for an individual to be found in, or to enter or leave, an unlawful gambling place.

However, an individual is not guilty of an offence under this clause if he or she proves, on a balance of probabilities, that he or she did not know and had no reasonable cause to suspect, that the place or premises was an unlawful gambling place and as soon as practicable after becoming aware that the place or premises was an unlawful gambling place, took all reasonable steps to leave the place or premises.

Alternatively, he or she may prove, on a balance of probabilities, that he or she was in, or was entering, the unlawful gambling place for a lawful purpose or with other reasonable excuse.

While the fundamental principle of criminal law that the prosecution must prove every element of the offence, this is displaced here. The purpose of being in an unlawful gambling place or how he or she came to enter it are peculiarly within the knowledge of the accused. The accused would not find it difficult to produce the information needed to avoid conviction.

Clause 27(1) makes it an offence for a person to conduct gaming involving any prohibited gaming machine, or to use or operate, or to allow the use or operation of, in or from Singapore any prohibited gaming machine, for the purposes of gaming activities by another person, where the firstmentioned person knows, or ought reasonably to know, that the gaming machine is a prohibited gaming machine.

A prohibited gaming machine is one which is prohibited by regulations made by the Authority.

Clause 27(2) makes it an offence for a person to conduct gaming involving any gaming machine or gaming machine game, or to use or operate, or to allow the use or operation of, in or from Singapore any gaming machine or gaming machine game, that is not approved under clause 74, for the purposes of gaming activities by another person, where the firstmentioned person knows, or ought reasonably to know, that the gaming machine is not an approved gaming machine or the gaming machine game is not an approved game, as the case may be.

Clause 28 provides for an offence of proxy gambling outside of a gaming machine room. For example, an individual subject to an entry ban requests another individual to play a jackpot machine on his or her behalf. The individual subject to the entry ban is, by virtue of clause 7(5), regarded as participating in a game of chance using a gaming machine located in a gaming machine room and a player thereof, even though he or she is not in the same gaming machine room, and shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Clause 29 provides for the offence of supplying a gaming machine that is not an approved gaming machine. This can be a prohibited gaming machine or one which did not get approved under clause 74 or has the approval cancelled.

Clause 30 sets out the offence of engaging in gambling with an underaged individual, or of engaging in gambling with another person on behalf of an underaged individual.

The penalty for this offence is a fine not exceeding \$300,000 or to imprisonment for a term not exceeding 6 years or to both.

Illustrations of this offence include accepting a bet from or giving or sending a ticket or acknowledgment of a bet to, an underaged individual, allowing an underaged individual to play a gaming machine in any gaming machine room,

selling a ticket in a lottery to an underaged individual and registering an underaged individual as a player in a game of chance, conducted by remote communication.

There is a defence to a charge for an offence under this clause where the accused proves, on a balance of probabilities, that —

- (a) the accused had reasonable grounds to believe and did make reasonable inquiries to ascertain that the gambler was not an underaged individual; or
- (b) the accused had received from the gambler evidence purporting to show that the gambler was not an underaged individual, and that it was reasonable to and the accused did accept that evidence as correct.

Clause 31 deals with the offence of gambling by underaged individuals and excluded persons outside of a casino. The carve out for casino gambling is due to existing bans in the Casino Control Act 2006 for the casino premises.

An underaged individual is prohibited from gambling in or from Singapore. An underaged individual who contravenes this prohibition is liable on conviction to a fine not exceeding \$1,500. However, an underaged individual must not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a fine that is imposed in respect of an offence under this clause. This is over and above the protection under section 42(2) and (3) of the Children and Young Persons Act 1993.

An excluded person is also prohibited from gambling in or from Singapore against an exclusion order made against him or her. An “excluded person” is defined in clause 3(1) to mean an individual who is subject to —

- (a) an exclusion order or a family exclusion order made under section 162, 165 or 165C of the Casino Control Act 2006 against the individual;
- (b) a provisional family exclusion order made under section 164 of the Casino Control Act 2006 against the individual;
- (c) section 165A(3) of the Casino Control Act 2006, which is a general prohibition applicable to every undischarged bankrupt and any person who is on a social assistance programme or subsidy scheme funded by the Government or any statutory body;
- (d) an entry ban made against the individual under clause 79(1) or (3).

By definition, this does not include an individual who has applied for and obtained a self-exclusion order under section 165A(1)(c) of the Casino Control Act 2006.

An excluded person who gambles in contravention of the following is liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both:

- (a) an exclusion order or a family exclusion order made under section 162, 165 or 165C of the Casino Control Act 2006 against the individual;
- (b) a provisional family exclusion order made under section 164 of the Casino Control Act 2006 against the individual;
- (c) section 165A(3) of the Casino Control Act 2006;
- (d) an entry ban made against the individual under clause 73.

It is not an offence if the excluded person disregards his or her own self-exclusion order.

Clause 32(1) makes it an offence for an underaged individual to intentionally enter or remain in any approved gambling venue during a restricted period of the approved gambling venue or to intentionally open or re-open an account with a licensee to engage in general remote gambling.

The “restricted period” of a gambling venue or gaming machine room is defined in clause 3(1) to mean the hours that the licensee concerned —

- (a) is authorised under its licence to provide facilities in the gambling venue or gaming machine room (as the case may be) for others to gamble; and
- (b) is actually using, or allowing the use of, the approved gambling venue or gaming machine room for gambling.

For example, a society authorised to conduct a game of chance such as mahjong in a room within its premises up to 10 p.m. every night, may convert the room for use as a KTV room from 6 p.m. for one day. The restricted period for that day ends at 6 p.m. and it is not an offence for an underaged member to be present in the room after 6 p.m.

Clause 32(2) makes it an offence for an excluded person to intentionally enter or remain in any gaming machine room during a restricted period of the gaming machine room except to perform defined work within the room, or to intentionally open or re-open an account with a licence to engage in general remote gambling, in contravention of the exclusion order or entry ban made against him or her under section 165A(3) of the Casino Control Act 2006.

A “gaming machine room” is by definition in clause 7(6) outside of a casino but is or is part of an approved gambling venue.

However, clause 32 does not apply to banning underaged individuals or excluded persons entering or remaining in certain approved gambling venues. These are premises where a place-based gambling service is lawfully provided for place-based gambling involving participating in any lottery or betting connected with a sporting event happening in Singapore or elsewhere and at which a live broadcast of the sporting event is not provided at the place or premises.

For instance, betting shops or outlets run by Singapore Pools Pte. Ltd. or gambling service agents thereof, where punters can bet in person or use the geo-fenced app provided by Singapore Pools Pte. Ltd. within the outlet premises, and there is no live broadcast provided thereat of the event being wagered or staked on. These betting shops or outlets are usually situated in public housing estates and are by design very open and thus impracticable to set up entry controls. Accidental entry by underaged individuals can occur and it would be unfair to subject them to criminal liability under this clause.

An underaged individual may be liable on conviction of an offence under clause 32(1) to a fine not exceeding \$1,500. An excluded person may be liable on conviction of an offence under clause 32(2) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

However, an underaged individual may avoid liability for entering or remaining in an approved gambling venue if he or she proves, on a balance of probabilities, that he or she did not know or could not reasonably have known that the place or premises is an approved gambling venue or he or she entered or remained in it during the restricted period in order to comply with a direction given by or on behalf of a police officer or other public officer or a public body in exercise of a power under any written law. For example, the underaged individual may be directed by a police officer or fireman to take cover within a gaming machine room during a fire in the vicinity.

There is a similar defence for an excluded person for entering or remaining in a gaming machine room.

In addition, an excluded person by reason of section 165A(1)(a) or (b) of the Casino Control Act 2006 may avoid criminal liability for an offence under clause 32(2) if he or she proves, on a balance of probabilities, that the excluded person did not know or could not reasonably have known that he or she is an excluded person because the electronic transaction system provided by the NCPG to the public to access the list of excluded persons is for any reason unavailable for general use or malfunctions at the material time.

An excluded person by reason of section 165A(1)(a) or (b) of the Casino Control Act 2006 refers to every undischarged bankrupt and any person who is on a social assistance programme or subsidy scheme funded by the Government or any statutory body. These become excluded persons by operation of law without an exclusion order being given to the person individually. The only way any of them may be sure of their status is by checking the electronic transaction system provided by the NCPG to the public to access the list of excluded persons.

Clause 33 is a related offence where an underaged individual uses any evidence that is false in a material particular in relation to the individual in order to gamble in or from Singapore, to enter or remain in an approved gambling venue during a

restricted period of the approved gambling venue or to open or re-open an account with a licensee to engage in general remote gambling.

Likewise, it is an offence if an excluded person uses any evidence that is false in a material particular in relation to the excluded person in order to enter or remain in any gaming machine room during a restricted period of the gaming machine room or to engage in general remote gambling in or from Singapore in contravention of the exclusion order or entry ban made against him or her.

Clause 34 provides for the offence of sending (or causing to be sent) to an underaged individual any inducement to gamble.

However, it is a defence if the person proves, on a balance of probabilities, that the person does not receive any direct or indirect benefit (whether financial or not) for sending or causing to be sent that inducement and the inducement was not sent in the course of any business.

Clause 35 makes it an offence if a person who employs in Singapore an individual who is below 21 years of age (called in this clause a young person) to conduct a betting operation, gaming or a lottery in or from Singapore in accordance with arrangements made by that person.

It is however not unlawful under this clause for a licensee or a class licensee providing a gambling service authorised by or under the licence or class licence thereof to employ or engage a young person (whether or not under a contract of employment) to perform any managerial, clerical, secretarial or administrative work that is wholly performed within enclosed premises.

There is an offence-specific defence where a person is not guilty of an offence under this section if the person proves, on a balance of probabilities, that the person had reasonable grounds to believe and did make reasonable inquiries to ascertain that the individual employed or to be employed was not a young person, or the person had received from the individual employed or to be employed evidence purporting to show that that individual was not a young person, and that it was reasonable to and the person did accept that evidence as correct.

Clause 36 makes it an offence for an individual to be in possession of any thing that may reasonably be suspected of being an unlawful gambling instrument when he or she is —

- (a) present at any unlawful gambling; or
- (b) in or near a place in which any unlawful gambling is taking place or which is habitually used for unlawful gambling.

Clause 37 deals with the offence of providing credit for unlawful gambling.

Clause 38 sets out various offences of unlawful interference with approved gaming machines (including software) or peripheral equipment for approved gaming machines, as well as any relevant gambling equipment that is used in

providing a gambling service authorised under a licence or class licence. This offence replaces section 172 of the Casino Control Act 2006, which is being amended by clause 135 to confine that section to gaming machines situated within a casino; and gaming equipment used in connection with gaming in a casino.

Clause 39 makes it an offence for a person to have possession of a device made or adapted, or intended by the person to be used, for interfering with the normal operation of a requisite surveillance system in an approved gambling venue outside of a casino, or to do anything calculated, or likely to interfere with the normal operation of a requisite surveillance system in an approved gambling venue outside of a casino.

Clauses 40 and 41 provide for additional punishments on conviction for certain offences.

Clause 40 provides that a court may, upon convicting a person of an offence under the Bill, in addition to any other penalty that may be imposed, by order forfeit any equipment, thing, document, or any money or money equivalent or other thing of value used in the commission of the offence and found in the possession of the person when the offence was committed or seized in relation to the offence.

Clause 41(1) provides that a court may, upon convicting a person of an offence under clause 28(2) (proxy gambling by gaming machine) or 30(1)(b) (underaged gambling), by order forfeit all winnings derived by the person from the commission of the offence, and all reward paid to the person by the other person on whose behalf the firstmentioned person engaged in gambling.

Clause 41(2) further provides that if an underaged individual or an excluded person is convicted of an offence under clause 30 or 31, a court may order that the underaged individual or excluded person convicted to forfeit all winnings derived by the underaged individual or excluded person (as the case may be) from the commission of the offence.

## PART 3

### PRESUMPTIONS AND EVIDENCE

Section 105 of the Evidence Act 1893 sets the basic rule that the party asserting a fact should bear the burden of proving it. Part 3 contains provisions which deviate from this basic rule because the absence of a presumption would seriously undermine the policy purpose behind a criminal offence.

None of the presumptions in Part 3 is irrebuttable. The presumptions in this Part are logically probative and the threshold for triggering the presumption bears a sufficiently close and logical relationship with the fact being presumed of the fact they relate to. The reversal of burden of proof is not unfair in these clauses as the accused is in a position in which he or she would not find it difficult to produce

the information needed to avoid conviction. Many of the presumptions presently exist and are necessary for effective prosecution of unlawful gambling activities.

Clause 42 contains a presumption that an individual who is found at a particular time in an unlawful gambling place or escaping from an unlawful gambling place, before, upon or after the entry to the place by a police officer or an authorised officer as authorised to do so under the Bill, is to be presumed, until the contrary is proved, to be or to have been gambling in that unlawful gambling place.

Clause 43 contains presumptions in respect of conduct of betting operations and lotteries.

Clause 44 sets out the circumstances which if proved would give rise to a presumption until the contrary is proved, that an occupier of any premises had used or allowed to be used those premises as an unlawful gambling place.

Clause 45 contains a presumption of assisting. An individual who acts as a look-out, door attendant or guard in respect of any place or premises which are organised or managed as an unlawful gambling place is to be presumed, until the contrary is proved, to have assisted in organising or conducting the unlawful gambling place.

Clause 46 contains a presumption connected with inducements to gamble.

Clause 47 is on evidential matters and corresponds to the averment provisions like sections 8(8) and 11(2) and (3) of the repealed Common Gaming Houses Act 1961. These permit an allegation of fact, or of mixed fact and law, to discharge the prosecutor's evidential burden in relation to a matter viz. a document is a lottery ticket or an account, memorandum, riddle or record of stakes or wagers in or relating to a public lottery, or a gambling article so long as evidence is given by a police officer as to that fact.

While this provision does remove from the prosecution the usual burden of establishing the facts that may constitute an offence, the provision does not reverse the burden of proof and they are only prima facie evidence of the facts alleged, in the absence of evidence to the contrary. The court has still to be satisfied beyond reasonable doubt; the evidence does not enable a jump from prima facie evidence to proof beyond reasonable doubt.

Clause 47 is also confined to formal or technical matters, or the matters are peculiarly within the defendant's knowledge to rebut as otherwise (not unfair), or the defendant has practical means to contradict. None of the assertions of fact goes to a mental element of any offence or a question of law.

Clause 48 is a provision unique to remote gambling. On the trial of any person (called the accused) for an offence under clause 18, 19 or 20 where the offence committed involves remote gambling, it is not necessary for the prosecution to prove the identity of any particular individual facilitated by the accused to gamble in Singapore in contravention of any of those clauses if the remote gambling

transactions are carried out by anyone using equipment or facilities provided by the accused and those facilities are accessed, or are available for access, by end-users in Singapore.

Clause 49 corresponds to section 20(3) of the repealed Common Gaming Houses Act 1961 and section 18(3) of the repealed Betting Act 1960. It provides that an individual who is examined as a witness before a court in any proceedings for an offence under the Bill is exempt from any criminal or civil liability in relation to that offence if the individual receives from the court a certificate in writing to the effect that the individual has made true and faithful disclosure to the best of the individual's knowledge of all things as to which the individual has been examined.

Clause 50 protects informants, corresponding to section 16 of the repealed Betting Act 1960 and section 19 of the repealed Common Gaming Houses Act 1961.

Clause 51 makes clear that clauses 6(2), 8(3) and 10(2) do not affect the law relating to abetment of offences.

## PART 4

### LICENSING

Part 4 consists of 2 Divisions. Division 1 relates to licences to provide gambling services. Division 2 is about class licences for lower-risk gambling services.

Clause 52 empowers the Authority to subdivide licences to be granted under this Part into classes.

Clause 53 provides for applications for or to renew a licence. These must be made to the Authority. The Authority may refuse to consider an application for or to renew a licence that is incomplete or not made in accordance with the clause.

Clause 54 deals with the matters that the Authority has to consider when granting or renewing licences.

A factor is whether the applicant for the licence and where necessary, whether every responsible executive of the applicant and category 1 key officer thereof, is a suitable person to be involved in the provision of the gambling service in the application. The Authority concerned has also to consider whether it is otherwise contrary to the public interest for the licence to be granted to the applicant.

A fee may be prescribed by Regulations for the issue or renewal of a licence. The Authority may grant a renewal of a licence with or without modifying the conditions of the licence. But when it does so, the process for modifying conditions in clause 58 does not apply.

Suitability under clause 55 extends to further cover the person's or individual's criminal antecedence and compliance track record in matters connected with the gambling service in the application, and whether the applicant does or does not have (or is likely or unlikely to have) the financial capacity and ability to provide the gambling service in the application according to provisions of the Bill and the applicable standards prescribed under clause 125.

Clause 56 provides that a licence granted or renewed is valid for such period as may be specified in the licence unless following regulatory action under Part 7, the licence is earlier revoked or suspended.

Clause 57 empowers the Authority, in granting a licence to any person, to impose such conditions as the Authority considers requisite or expedient having regard to licensing objectives as defined in clause 3.

Clause 58 empowers the Authority to add to, delete or modify the conditions of a licence after observing the process prescribed in the clause.

Clause 59 places restrictions on the transfer and surrender of a licence. A licence, and any rights, benefits or privileges under the licence, are not transferable or assignable to any other person unless the licence contains a condition authorising the transfer or assignment, and the Authority consents in writing to the transfer or assignment. The Authority may give consent subject to compliance with such conditions as the Authority thinks fit to impose. These may modify the conditions of the licence, in which case the process in clause 58 does not need to be observed.

A transfer or an assignment, or purported transfer or assignment, of a licence, or of any rights, benefits or privileges under the licence, is void and of no effect if the licence is not capable of transfer or assignment, if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence, or if before the transfer or assignment or purported transfer or assignment, there had been a contravention of a condition subject to compliance with which the Authority's consent is given.

Finally, clause 59 also provides that every licence is not capable of being surrendered without the consent in writing of the Authority. Any surrender or purported surrender of a licence is void if it is without the Authority's consent.

Clauses 60, 61 and 62 deal with another class of regulated persons but who do not require a specific licence to provide gambling services in Singapore. These may be designated, individually or as a class, by the Minister, by an order in the *Gazette*, called a class licence order.

The provision of a gambling service by any person to which a class licence order applies is deemed authorised by the Bill if it is done in accordance with the conditions of the order.

Clause 61 sets out the due process for varying or revoking a class licence order under clause 60.

Clause 62 allows for conditions to be set out in the order made under clause 60. These conditions may include a requirement that the class licensee do or not do such things as are specified in the order.

## PART 5

### GAMBLING VENUE AND GAMES APPROVAL

Part 5 consists of 3 Divisions. Division 1 relates to gambling venue approvals. Division 2 is about approving rules of betting, games of chance and lotteries. Division 3 provides for approvals of gaming machines.

Clause 63 provides for applications for or to renew an approval of a gambling venue for a licensee. These must be made to the Authority. The Authority may refuse to consider an application for or to renew a gambling venue approval that is incomplete or not made in accordance with the clause.

Clause 64 deals with the matters that the Authority has to consider when granting or renewing a gambling venue approval.

Clause 65 provides that a gambling venue approval granted or renewed is valid for such period as may be specified in the gambling venue approval unless following regulatory action under Part 7, the licence is earlier cancelled or suspended.

Clause 66 empowers the Authority, in granting a gambling venue approval to any licensee, to impose such conditions as the Authority considers requisite or expedient having regard to licensing objectives as defined in clause 3.

Clause 67 empowers the Authority to add to, delete or modify the conditions of a gambling venue approval after observing the process prescribed in the clause.

Clause 68 provides that the next few clauses in Division 2 do not apply to gaming machine games.

Clause 69(1) requires a licensee authorised under a licence to provide a gambling service involving the conduct of betting operations, to apply to the Authority for approval under clause 70 of every race, competition, sporting event or other event or process the outcome of which bets are or are likely to be received, accepted or negotiated on in the course of the betting operation.

Clause 69(2), (3) and (4) also requires a licensee authorised under a licence to provide a gambling service involving betting, gaming or a lottery to apply to the Authority for approval under clause 70 of the contents of the rules of betting, gaming or the lottery, as the case may be.

Clause 70 empowers the Authority, in granting approval to any licensee to impose such conditions as the Authority considers requisite or expedient having regard to licensing objectives as defined in clause 3. These may include requirements to prevent cheating or other contravention of the provisions of the Bill and restrictions as to the manner, time and frequency the licensee offers or makes available to people the facility to bet, play the game of chance or participate in the lottery, as the case may be.

Clause 71 provides that approval granted under clause 70 is valid for such period as may be specified in the approval unless following regulatory action under Part 7, the approval is earlier cancelled or the licensee in question applies to cancel the approval, such as when the licensee no longer wants to offer the gambling product.

Clause 72 makes it clear that Division 3 of Part 5 applies in relation to traditional gaming machine (that is, those played by inserting a coin or gaming token into the machine, causing gaming machine credits to be registered by the machine, making a bet on the machine, causing the activation of any process relating to the gaming machine game of the machine), any game of chance installed or to be installed for a gaming machine and any peripheral equipment for a gaming machine.

Clause 73 provides for applications for or to renew an approval under Division 3. These must be made to the Authority by a supplier of the gaming machine or peripheral equipment. The Authority may refuse to consider an application that is incomplete or not made in accordance with the clause.

Clause 74 provides for the granting of approval.

Clause 75 provides that an approval for a gaming machine, gaming machine game or peripheral equipment is valid for such period as may be specified in the approval unless following regulatory action under Part 7, the approval is earlier cancelled or corrective action under clause 78 is made.

Clause 76 empowers the Authority, in granting approval under clause 74 to a licensee to impose such conditions as the Authority considers requisite or expedient having regard to licensing objectives as defined in clause 3.

Clause 77 places restrictions on the transfer and surrender of approval under clause 74.

Clause 78 deals with a situation where it is necessary for the Authority to temporarily suspend the approval of a gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine. This may be done by a corrective action given by the Authority in the circumstances where —

- (a) the gaming machine (and any gaming machine game installed therein) or peripheral equipment has a serious malfunction or the gaming

machine (and any gaming machine game installed therein) or peripheral equipment no longer operates as intended under the standards;

- (b) without an immediate suspension, the continued use or supply of the gaming machine (and any gaming machine game installed therein) or peripheral equipment for a gaming machine jeopardises proper standards of integrity affecting gambling or the conduct of gaming;
- (c) an immediate suspension is necessary so as to maintain public confidence and trust in the credibility, integrity and stability of licensees conducting gaming using gaming machines or peripheral equipment for a gaming machine of the same type; and
- (d) that it is impracticable in the circumstances of the particular case for the Authority to exercise any other power under any provision of this Act to effectively alleviate or minimise those adverse effects.

It is not necessary for the Authority to give any person who may be affected by a suspension under this section a chance to be heard before a notice of corrective action in respect of any gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine to be made is made.

However, a notice of corrective action in respect of any gaming machine (and any gaming machine game installed therein) or any peripheral equipment for a gaming machine continues to be in force until its expiry date, which must not exceed 90 days at the first instance and may be renewed once only for a further period not exceeding 90 days or unless the Authority earlier confirms the corrective action. The Authority remains free to cancel the notice before the expiry date.

The affected supplier may make representations against confirmation of the notice of corrective action before the expiry date. Every supplier and every licensee given a notice of corrective action must comply with the notice as soon as it takes effect.

## PART 6

### HARM MINIMISATION AND INTEGRITY PROTECTION MEASURES

Part 6 comprises 3 Divisions. The first Division deals with the making of entry bans. Division 2 sets out requirements on licensees to support excluded persons and Division 3 relates to gambling advertising and inducements to gamble.

Clause 79 provides for 2 kinds of entry bans against individuals. The entry bans are for a fixed period, banning the individual from entering or remaining in all gaming machine rooms during their respective restricted periods, engaging in general remote gambling, or both.

The first kind of entry ban is made by the Commissioner of Police or other law enforcement agencies. These entry bans may be made against an individual only if the Commissioner of Police (or law enforcement agency) is of the opinion that, because of —

- (a) the individual's conviction (whether in Singapore or elsewhere) for an offence whether or not relating to gambling; or
- (b) the individual's history of criminal activity, whether alone or in association with others and whether or not relating to gambling,

the individual continuing to engage in gambling activities to be covered by the entry ban presents an unacceptable risk to maintaining the proper standards of integrity of any gambling service involving gaming machine rooms or general remote gambling or both or to preventing or reducing criminal influence or exploitation in the management and operation of such regulated activities.

The other kind of entry ban is made by the Authority. These entry bans are on narrower grounds. The Authority may make an entry ban against an individual only if the Authority is of the opinion that —

- (a) the integrity or apparent integrity of any gambling service provided at an approved gambling venue, or any general remote gambling service provided, is likely to be seriously prejudiced because of the character or reputation of an individual in relation to gambling or the criminal activities of the individual relating to gambling, whether alone or in association with others; and
- (b) the entry ban is necessary to effectively alleviate or minimise that prejudice.

Upon making or cancelling an entry ban under this section or Part 8, the Commissioner of Police or Authority (as the case may be) has to ensure that a written notice of the making or cancelling of the entry ban is given to —

- (a) the individual who is or was the subject of the entry ban; and
- (b) the NCPG for inclusion in or deletion from (as the case may be) the list of excluded persons.

Clause 80(1) states that it is not necessary for the Commissioner of Police or the Authority to give any individual who may be affected by an entry ban a chance to be heard before the entry ban to be given is given.

Clause 80(2) provides that where the Commissioner of Police made an entry ban because of information that is classified by the Commissioner of Police as security sensitive information, the Commissioner of Police is not required to provide any reasons for his or her decision other than that the decision was made on public interest grounds under this section.

Clause 81 describes on whom an entry ban is binding and makes clear that it takes effect until expiry or it is cancelled.

Clause 82(1) requires every licensee who is authorised by a licence to conduct gaming involving gaming machines installed in a gaming machine room to take all steps as are reasonably practicable to ensure that an underaged individual or excluded person —

- (a) does not enter or remain, and is not allowed to enter or remain, in the gaming machine room during any restricted period of the gaming machine room; and
- (b) does not gamble and is not allowed to gamble in the gaming machine room during any restricted period of the gaming machine room,

in contravention of clause 31 or 32.

This requirement on the licensee extends to a self-excluded person acting in contravention of his or her voluntary application under section 165A(1)(c) of the Casino Control Act 2006.

Clause 82(2) requires every licensee who is authorised by a licence to provide facilities for general remote gambling must take all steps as are reasonably practicable to ensure that an underaged individual or excluded person does not engage in general remote gambling in or from Singapore in contravention of clause 31 or 32. This requirement also extends to a self-excluded person acting in contravention of his or her voluntary application under section 165A(1)(c) of the Casino Control Act 2006.

Clause 83(1) makes it lawful for a licensee or gambling service agent of a licensee, or an employee of a licensee or a gambling service agent of a licensee, to refuse entry to the licensee's approved gambling venue during the restricted period or to remove or cause to be removed from the licensee's approved gambling venue during the restricted period of the approved gambling venue, any underaged individual or excluded person whose name and particulars are at that time on the list of excluded persons provided or made available by the NCPG to the licensee.

However, clause 83(1) makes clear that in doing so, no more force than is reasonably necessary may be used.

Powers of detention are also conferred on a licensee or gambling service agent of a licensee, or an employee of a licensee or a gambling service agent of a licensee.

Clause 83(3) empowers a licensee or gambling service agent of a licensee, or an employee of a licensee or a gambling service agent of a licensee, to require any individual whom the licensee, gambling service agent or employee has reasonable grounds to suspect is committing or attempting to commit an offence under clause 28, 31, 32 or 33 on an approved gambling venue of the licensee to detain the

individual concerned. The detention can be in a suitable place on or near the approved gambling venue and only until the arrival at the place of detention of a police officer or an authorised officer, but in no case exceeding 2 hours.

As in clause 83(1), detention is lawful only if using no more force than may be reasonably necessary.

Clause 84 makes it lawful for, and requires, a licensee or gambling service agent who has reasonable grounds to suspect that an underaged individual or excluded person is engaging in conduct that is an offence under clause 31 or 32 (whether on an approved gambling venue of the licensee or through remote gambling with the licensee or gambling service agent) to refuse to pay any money or other prize won by the underaged individual or excluded person. The licensee and gambling service agent have to surrender the money or other prize withheld to the Authority on demand.

Clause 85 provides that a person commits an offence if the person advertises unlawful gambling, which includes a place being used, or to be used, for unlawful gambling. It also provides that a person commits an offence if the person does anything else to promote unlawful gambling or that entices the public to participate in unlawful gambling.

The offence under clause 85 is a strict liability offence. Under section 26H of the Penal Code 1871, a strict liability offence is one where there are no fault elements for any of the physical elements of the offence. This means that conduct alone is sufficient to make the defendant culpable.

Even if strict liability applies, the defence of reasonable care in section 26H of the Penal Code 1871, and other defences under the Penal Code 1871 (such as mistake of fact or accident) remain available.

The intention in applying strict liability to a clause 85 offence is to act as a deterrent to unlawful gambling by prohibiting the advertising, promotion or enticing of persons to participate in the illegal activity of unlawful gambling. It also deliberately places an obligation on third parties to ensure that if they accept gambling advertising that they only advertise lawful gambling.

Committing an offence under clause 85 is highly likely to lead to customers either being misled, exposed to unacceptable gaming integrity issues or being exposed to increased possible harm in the form of problem gambling. A defendant in a clause 85 offence can reasonably be expected, because of his or her professional involvement in the advertising or gambling industry, to know what the requirements of the law are, so the mental or fault element can justifiably be excluded in these offences.

Clause 86 contains defences to an offence under clause 85. The defence in clause 86(1) is also available to an offence under clause 34 on sending to an underaged individual any inducement to gamble.

The first defence is for a person who publishes a gambling advertisement or sends an inducement to gamble for or on the direction of a licensee or class licensee.

The second is a general defence for gambling advertisements. The person charged has to prove that the gambling advertisement was published as an accidental or incidental accompaniment to the publication of other matter not forming part of any promotion of gambling, and the person does not receive any direct or indirect benefit (whether financial or not) for publishing that advertisement, in addition to any direct or indirect benefit that the person receives for publishing that other matter.

In other words, a gambling advertisement may be broadcast as an accidental or incidental accompaniment to another matter and the defence can apply provided the broadcaster does not receive any benefit additional to the benefit it receives for broadcasting the other matter. The benefit need not be financial.

For example, this would permit the broadcast of an international sporting event at an overseas venue where a gambling advertisement might be permitted. If however, the broadcaster receives some benefit for the advertising, additional to the benefit arising from broadcasting the sporting event, the defence will not be available to the broadcaster.

The last defence is where the person charged proves that the person is acting in the course of a business of delivering, transmitting or broadcasting communications (in whatever form or by whatever means) or making data available, and the nature of the business is such that persons undertaking it have no control over the nature or content of the communications or data.

Clause 87 empowers the Authority to order any person (whether or not a licensee or class licensee) who has advertised or caused advertising any unlawful gambling (whether or not an offence under clause 85 is committed by the person) —

- (a) to stop the advertising with immediate effect;
- (b) to take such measures as may be reasonable and necessary in the circumstances to remove the advertisements that have already been published in Singapore; and
- (c) to publish a corrective advertisement in such manner and containing such information or material as may be specified by the Authority.

It is an offence to fail to comply with the Authority's order under this clause.

## PART 7

## REGULATORY SANCTIONS

Part 7 sets out the regulatory action that may be taken against a defaulting licensee or class licensee.

Clause 88 sets out the various regulatory actions that the Authority can take against a licensee or class licensee if the Authority is satisfied that the licensee or class licensee is contravening or not complying with, or has contravened or failed to comply with any standard applicable to the licensee or class licensee, or any conditions of its licence or, in the case of a class licensee, any condition of its class licence applicable to the licensee or class licensee, whether or not the licensee or class licensee has been convicted of an offence for the contravention or non-compliance.

There are also other grounds on which the Authority may take regulatory action against licensees, such as —

- (a) the licensee does not or has ceased to provide the gambling service authorised by its licence or class licence for a period of more than 6 continuous months;
- (b) the licensee or class licensee has provided the gambling service authorised by its licence or class licence in such a way that reflects discredit on the manner of conduct of the business of the gambling operators;
- (c) any gambling duty and penalty tax under the Gambling Duties Act 2022 for which the licensee or class licensee is liable to pay is not paid before the end of the time prescribed by that Act; and
- (d) the licensee is, or 2 or more responsible executives or category 1 key officers of the licensee are each, no longer a suitable person to be involved in the conduct of the gambling service authorised by the licence.

The Authority may in serious cases, after observing the prescribed process in clause 90, revoke a licence or disapply a class licence to a particular class licensee. In lieu of revoking the licence or disapplying a class licence, the Authority can impose one or more of the following:

- (a) issue of a letter of censure to the licensee or class licensee concerned;
- (b) add, delete or modify a condition of a licence;
- (c) direct the licensee or class licensee concerned to do, or to refrain from doing, such things as are specified in a direction;
- (d) suspend the licence or disapply a class licence for up to 6 months without any compensation;

- (e) impose a financial penalty not exceeding \$1 million on a licensee or class licensee;
- (f) direct the furnishing by the licensee of any performance bond, guarantee or other form of security, or an additional performance bond, guarantee or other form of security, for all or any of the following:
  - (i) to secure compliance by the licensee with any condition attached to the licence;
  - (ii) to secure compliance by the licensee with any standard of performance applicable to the licensee;
  - (iii) for the purpose of meeting any financial penalty arising out of any regulatory action started or likely to start against the licensee.

Clause 89 sets out the regulatory actions that the Authority can take against a former licensee or former class licensee on similar ground as in clause 88, where regulatory action under clause 88 started but has not been completed before the licence lapsed.

Clause 90 sets out the processes which must be observed before regulatory action can be taken.

Clause 91 provides for immediate regulatory action to be taken by the Authority where it is satisfied that a licensee is contravening or not complying with, or has contravened or failed to comply with —

- (a) any of the conditions of its licence; or
- (b) any provision of a standard applicable to the licensee,

the Authority has reasonable grounds to believe that there is, as a result, a serious and imminent threat or risk to the integrity or apparent integrity of the gambling service provided by the licensee, and that it is impracticable in the circumstances of the particular case for the Authority to complete any regulatory action in accordance with clause 90 to address the default because of the threat or prejudice to gaming integrity.

This is similar to a notice of corrective action for suppliers of gaming machines.

Clause 92 empowers the Authority to give a directive to a licensee (but not a class licensee) prohibiting the licensee from permitting to act as a responsible executive, or a category 1 key officer, of the licensee an individual —

- (a) whom the Authority is of the opinion is no longer a suitable person to be involved in providing a gambling service authorised by the licensee's licence; and

(b) who is specified in the directive.

Such a directive has to relate to an individual specified therein and may, in particular, direct the licensee concerned to suspend for a period specified in the directive (but in no case exceeding 24 months), the individual from the exercise of his or her office, employment or membership (as the case may be) pending consideration being given to the individual's removal (whether under this clause or otherwise) from his or her office, employment or membership.

The directive may alternatively direct the licensee concerned to remove, within the period specified in the directive, the individual from his or her office, employment or membership.

Non-compliance by the licensee renders it open to regulatory action under clause 88.

Clause 93 deals with regulatory action regarding gambling venue approvals.

Clause 94 deals with regulatory action regarding approved games and their rules.

Clause 95 sets out the processes which must be observed before regulatory action can be taken under clauses 93 and 94.

Clauses 96 and 97 relate to regulatory action regarding approvals for gaming machines, gaming machine games and peripheral equipment of gaming machines.

## PART 8

### RECONSIDERATION AND APPEAL

Part 8 contains provisions for appeals to be made to the Minister against certain decisions under the Bill and for these decisions to be reconsidered by the initial decision-maker before there can be an appeal against them.

Clause 98 sets out definitions connected with reconsideration of and appeals against decisions under the Bill. Only certain decisions are defined as appealable and certain persons can be appellants. For example, decisions about approving of games and gaming machines are not appealable but the decision by the Commissioner of Police to make an entry ban against an individual is appealable by that individual.

Clause 99 provides that no appeal to the Minister can be made unless the appellant has applied to the initial decision-maker to reconsider the decision.

Clause 100 prescribes an avenue of appeal to the Minister against appealable decisions after reconsideration.

The appellant has to comply with procedural and administrative requirements for the appeal, such as applying within a prescribed period of 28 days and submitting an appeal in writing which includes the grounds of appeal.

Clause 100 also provides that an appeal against an appealable decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision. Despite an appeal, the appellant must comply with the appealable decision appealed against until the Minister's decision on the appeal. However, the Minister has power to suspend the appealable decision until the determination of the appeal.

Clause 101 provides for the Minister's decision on appeal to be final. The Minister may confirm, vary or substitute the initial decision-maker's decision upon an appeal.

Clause 102 empowers the Minister to designate office-holders in his or her Ministry to hear and determine, in the Minister's place, any appeal made under clause 100.

## PART 9 ENFORCEMENT

Part 9 sets out several powers of enforcement conferred mostly on police officers and authorised officers that are necessary for the administration of the Bill.

Clause 103 provides that a police officer or an authorised officer may exercise the powers set out in this Part only for all or any of the following purposes:

- (a) to detect and investigate offences under this Act or crimes involving dishonesty that involve or relate to gambling or conducting betting operations, gaming or a lottery, whether committed by a licensee or any other person;
- (b) to determine whether there are grounds for taking any regulatory action under Part 7;
- (c) to determine whether information given to the Authority, a police officer or compliance officer or an authorised officer under any provision of the Bill is correct.

Clause 104 makes it clear that the powers of a police officer under the Criminal Procedure Code 2010, particularly those in relation to arrestable and non-bailable offences, are not affected by this Part.

As the offences in clauses 30 and 31 are non-arrestable, clause 105 provides powers to a police officer or an authorised officer who has reasonable grounds to suspect that an individual has committed, is committing, or is attempting to commit, an offence under section 30 or 31 may require the individual in the approved gambling venue or gaming machine room to state his or her correct age, name and address.

If the police officer or authorised officer suspects on reasonable grounds that the age, name or address given in response to the requirement is false, the officer in question requires the individual to produce evidence of its correctness. It is an offence to fail to comply with that requirement.

Likewise, as the offences in clauses 32 and 33 are non-arrestable, clause 106 provides that if a police officer or an authorised officer has reasonable cause to suspect that an individual in an approved gambling venue or gaming machine room during the restricted period of the approved gambling venue or gaming machine room is an underaged individual who has committed, is committing, or is attempting to commit, an offence under clause 32 or 33, the police officer or authorised officer may —

- (a) require the individual in the approved gambling venue or gaming machine room to state his or her correct age, name and address; and
- (b) if it is suspected on reasonable grounds that the age, name or address given in response to the requirement is false, require the individual to produce evidence of its correctness.

It is an offence to fail to comply with that requirement.

Clause 107 provides power to a police officer or an authorised officer to further require the underaged individual or excluded person concerned to declare all winnings derived by the underaged individual or excluded person (as the case may be) from the commission of the offence under clause 30, 31, 32 or 33, and to produce to the police officer or authorised officer all winnings in the possession of the underaged individual or excluded person.

A police officer or an authorised officer may also seize any winnings, and any personal property that reasonably appears to the officer concerned to be winnings, that are produced to the officer concerned or found in the course of a screening activity.

Clause 108 deals with powers of entry into premises, the powers of inspection and seizure. This will enable the on-the-spot inspection of gambling operations at the premises occupied by a licensee, class licensee or persons connected with any of them.

Clause 109 deals with similar powers in relation to conveyances like vessels and vehicles.

Clauses 110 and 111 confer powers to obtain information and examine individuals for the proper administration and enforcement of the Bill without affecting the privilege against self-incrimination.

Clause 112 confers powers of arrest on an authorised officer of any individual whom the authorised officer reasonably believes has committed an arrestable

offence under the Bill. This power to arrest is not exercisable at large, unlike police officers.

The arrest of an individual may be made if the individual and is found in any place or premises that is an approved gambling venue, where a licensee, a class licensee or a gambling service agent of a licensee, has an office or keeps records that relate to any gambling service provided by the licensee or class licensee, or a place or premises occupied by a licensee, a class licensee or a gambling service agent of a licensee and adjacent to either the approved gambling venue or said office.

Alternatively, the individual may have been found escaping from any of those places or premises after the authorised officers has lawfully entered upon the place or premises.

For example, an authorised officer may have entered the approved gambling venue of a club as part of a routine inspection only to come upon a gathering engaged in gambling of an unapproved game or in a room outside of the approved gambling venue. An arrest may be effected of individuals in that gathering as that constitutes unlawful gambling which is an arrestable offence under clause 19 or 22.

An authorised officer may exercise all or any of the powers in relation to investigations into an arrestable offence conferred on a police officer by the Criminal Procedure Code 2010 in any case relating to the commission of an arrestable offence under any provision of the Bill, and in any case where an arrestable offence involving gambling is disclosed under any other written law in the course of an investigation under the Bill.

Clause 113 sets out the offences involving obstruction of a police officer or an authorised officer in the discharge of their duties under the Bill. For example, wilfully preventing the police officer or authorised officer from entering or re-entering any premises or any part of those premises where authorised under the Bill, or wilfully delaying the police officer or authorised officer from entering or re-entering those premises or any part of those premises.

Clause 114 sets out offences connected with disobeying requirements made by a police officer or an authorised officer or a compliance officer under this Part or of giving false information, etc.

Clause 115 empowers the Authority or an authorised officer to compound any offence under the Bill which is prescribed as a compoundable offence.

An offence which is prescribed by regulations as a compoundable offence may be compounded by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is lower. In addition, the person may be required to do, or to refrain from doing, such things as

are specified in an offer of composition (called conditions of composition). These conditions of composition need the concurrence (general or specific) of the Public Prosecutor, because under section 243 of the Criminal Procedure Code 2010, the exercise of any power of composition is subject to any general or special directions of the Public Prosecutor.

Division 3 of Part 9 contains special enforcement powers to deal with remote gambling, corresponding to Part 4 of the Remote Gambling Act 2014.

Clause 116 contains various definitions used only in connection with Division 3 of Part 9.

The term “unlawful remote gambling activity” is defined as any conduct that is an offence under clause 18 by the provision of a remote gambling service with a Singapore-customer link or a Singapore-based remote gambling service, or under clause 20(1) of unlawful gambling using remote communication.

This refers to providing a remote gambling service not under a licence or exempted from clause 18, or unlawful gambling under clause 20(1). This term is integral to the operation of clause 118 relating to the giving of payment blocking orders.

Clause 117 empowers the Authority to direct the Info-communications Media Development Authority (IMDA) established by section 3 of the Info-communications Media Development Authority Act 2016 to give an internet service provider an access blocking order. An access blocking order requires an internet service provider to take reasonable steps to disable access to a particular online location. The IMDA must give such an access blocking order when an authorised officer makes such a direction.

The Authority can make a direction after receiving a complaint or on its own initiative. However, the Authority can only do so if satisfied that the services of an internet service provider have been or are being used to access or facilitate access to certain online locations, procedures in clause 117(4) (where applicable) have been taken to require the owner or operator of the online location to take down material on that online location that offend the Bill and the officer has balanced the various considerations in clause 117(2).

The types of online locations that may be the subject of an access blocking order are —

- (a) an online location through which a remote gambling service is provided in contravention of clause 18;
- (b) an online location that is or may be used by individuals present in Singapore to gamble in contravention of clause 20;
- (c) an online location that contains an invitation to young persons to gamble in contravention of clause 34; or

- (d) an online location that is otherwise a remote gambling service advertisement published in Singapore in contravention of clause 85.

Clause 117(4) sets out the procedures for an authorised officer to follow before making the direction to the IMDA in relation to an invitation to young persons to gamble or a remote gambling service advertisement. A notice must be sent to the owner or operator of the online location that is intended to be the subject of the access blocking order and the internet service provider. The notice is to require the owner or operator of the online location to stop inviting young persons to gamble or stop publishing a remote gambling service advertisement in contravention of clause 34 or 85 (as the case may be) on that online location. A notice to the owner or operator of the online location may be dispensed with if reasonable effort has been made to send the notice to the online location owner or operator.

An internet service provider which does not comply with any access blocking order issued against it by the IMDA will be guilty of an offence for each online location specified in the access blocking order and not blocked in accordance with the terms of that order. The penalty is a fine not exceeding \$20,000 for every day during any part of which that access blocking order is not fully complied with, up to a total of \$500,000 for each offence.

Clause 118 empowers the Authority to direct the Monetary Authority of Singapore (MAS) to give a financial institution a payment blocking order, or an authorised officer to give a financial transaction provider a payment blocking order, in relation to a person if the Authority is satisfied that the person is participating or has participated in any unlawful remote gambling activity (as defined in clause 116).

A payment blocking order requires a financial institution or a financial transaction provider —

- (a) not to accept credit, or proceeds of credit, extended to that person;
- (b) not to accept any cheque, bank draft, or similar instrument which is drawn by or in favour of that person;
- (c) not to make or accept any electronic funds transfer, or any funds transmission, to or from that person; or
- (d) to block payments, or otherwise prevent or prohibit transactions, generally where these use merchant category codes (or equivalents) customarily associated with gambling transactions.

The MAS must give such a payment blocking order to a financial institution when the Authority directs it to do so.

Clause 119 allows persons affected by an access blocking order or a payment blocking order to apply to the Authority to reconsider its direction to the IMDA or MAS, or the Authority's order, as the case may be. An affected person may only

appeal to the Minister under Part 8 after the Authority has notified the affected person of the outcome of its review under this clause.

Clause 120 provides immunity from suit for an internet service provider or an officer or agent of such provider, or a financial institution, a financial transaction provider, or an officer or agent of a financial institution or financial transaction provider, for anything done or omitted to be done with reasonable care and in good faith in complying with any access blocking order or payment blocking order. The immunity extends to cover such acts or omission in compliance with purported access blocking orders or payment blocking orders, since the orders may be invalidated on judicial review.

## PART 10 ADMINISTRATION

Part 10 is a general Part dealing with the appointment of authorised officers and compliance officers for the Bill in order to administer the Bill.

Clause 121 makes the administration of the Bill a function of the Authority. The powers of the Authority under the Gambling Regulatory Authority of Singapore Bill 2022 are thus available to the Authority in administering the Bill, such as formation of committees and delegation of powers. However, clause 121(2) sets limits by providing that the powers conferred or duties imposed upon the Authority by any provision of the Bill are non-delegable to a wholly-owned subsidiary company of the Authority or to a person engaged as a contractor by the Authority.

Clause 122 provides for the appointment of authorised officers from among individuals performing duties in the Authority as well as civil servants and employees of other public authorities. The Authority may delegate the exercise of all or any of the powers conferred or duties imposed upon it by any provision of the Bill (except the power of delegation or making subsidiary legislation) to any authorised officer.

Clause 123 provides for the appointment of compliance officers by the Authority with the approval of the Minister. These are outsourced enforcement officers assisting the Authority in the administration of the Bill. The individuals must be at least 18 years of age and they are not a public sector employee. However, they must have suitable qualifications or experience.

Each compliance officer must be issued with an identification card. That identification card must be carried at all times by the officer when exercising powers under the Bill. A compliance officer whose appointment as such ceases must return to the Authority any identification card issued.

They can only exercise powers expressly conferred on them under the Bill viz. powers to gather information in clause 110, and they are limited to what the

Authority sets, such as when, and where in Singapore, and the circumstances in which a compliance officer may exercise all or any of those powers.

## PART 11 MISCELLANEOUS

Part 11 consists of 10 general provisions.

Clause 124 corresponds to sections 3 and 21 of the repealed Common Gaming Houses Act 1961 and section 1(5) of the repealed Betting Act 1960. Clause 124(1) declares every unlawful gambling place to be a common and public nuisance contrary to law.

Clause 124(3) provides that where it appears to the Minister that any non-citizen is a professional gambler or is engaged in the promotion of gambling in a public place, the Minister may issue an order banishing that person from Singapore for such period and generally in such manner as to the Minister seems expedient.

Clause 125 confers powers on the Authority to issue one or more standards applicable to licensees, class licensees or suppliers of gaming machines, or specified types of licensees, class licensees or suppliers of gaming machines, or to approve as a standard applicable to licensees, class licensees or suppliers of gaming machines, or specified types of licensees, class licensees or suppliers of gaming machines, any document prepared by a person other than the Authority if the Authority considers the document as suitable.

Standards are not subsidiary legislation (breach of which can be an offence) but are quasi-laws operating more like licence conditions breach of which results in a regulatory sanction under Part 7.

Clause 126 and the First Schedule confer on the Authority, with the approval of the Minister, to make Regulations to give effect to the Bill.

Clause 127 provides for the incorporation by reference on a dynamic basis in regulations, of codes of practice, standards, requirements, specifications and other documents, as in force or published at a particular time or as in force or published from time to time.

Clause 128 confers legislative power in the Minister, by order in the *Gazette*, to exempt any person or class of persons from all or any of the provisions of the Bill, either generally or in a particular case and subject to such conditions as the Minister may impose.

Clause 129 requires all regulations and orders made under the Bill, like the Regulations and the class licence order under clause 60, to be presented to Parliament as soon as possible after their publication in the *Gazette*.

Clauses 130 and 131 are standard provisions providing for the liability of officers of offenders who are corporations or unincorporated associations or partnerships.

Clause 132 confers on a Magistrate's Court and a District Court jurisdiction to try any offence under the Bill and to punish accordingly despite any limits set under other written law like the Criminal Procedure Code 2010.

Clause 133 deals with the service of documents permitted or required by the Bill to be served on a person. Clause 133 does not deal with service of court documents like summonses, as these are regulated by the Rules of Court or other written laws.

## PART 12

### AMENDMENTS TO CASINO CONTROL ACT 2006

Part 12 contains 2 clauses with consequential and related amendments to the Casino Control Act 2006.

Clause 134 makes amendments to several provisions in the Casino Control Act 2006 in connection with exclusion orders under that Act, and to expand the harm minimisation measures that may be ordered by the NCPG to cover general remote gambling and gambling in gaming machine rooms.

The amendments basically extend exclusion orders to cover general remote gambling and gambling in gaming machine rooms outside of the casino. Contravention of these exclusion orders (except by self-exclusion) is made an offence.

Clause 135 makes other amendments to the Casino Control Act 2006 in connection with offences which are similar to those in the Bill.

A new section 170D is introduced containing a new offence of proxy gambling in relation to casino premises. The provision is similar to that in clause 28.

Finally, section 172 of the Casino Control Act 2006 is amended to confine its scope to gaming machines situated within a casino, and gaming equipment used in connection with gaming in a casino.

## PART 13

### REPEALS, AMENDMENTS TO OTHER ACTS AND FINAL PROVISIONS

Part 13 is made up of 5 clauses and makes consequential amendments to other Acts, repeals the Betting Act 1960, the Common Gaming Houses Act 1961 and the Remote Gambling Act 2014 and contains saving and transitional provisions consequent on their repeal.

Clause 136 makes a related amendment to section 5(3A) of the Civil Law Act 1909 to render valid and enforceable contracts for betting, contracts to engage in gaming activity or participate in a lottery if the betting, gaming activity or lottery is lawful.

The validity and enforceability of existing contracts by persons exempted under the repealed Common Gaming Houses Act 1961, the repealed Betting Act 1960, or pursuant to authorisation under the repealed Private Lotteries Act 2011 and the repealed Remote Gambling Act 2014, respectively, are unaffected.

Clause 137 provides for a staged repeal of the Private Lotteries Act 2011. The provisions of that Act are first to be amended to close off any applications for permits to conduct lotteries under the repealed Private Lotteries Act 2011 without affecting permits already granted or applied for. This may be done ahead of when the Bill comes into force. When the Bill comes into force, clause 137(3) then repeals the Private Lotteries Act 2011.

Clause 138 makes consequential amendments to other Acts like the Organised Crime Act 2015 and the Road Vehicles (Special Powers) Act 1960.

Clause 139 repeals the Betting Act 1960, the Common Gaming Houses Act 1961 and the Remote Gambling Act 2014.

Clause 140 and the Second Schedule contain saving and transitional provisions. When the Bill comes into force, the Bill will apply to existing holders of permits and certificates of exemption granted under the Private Lotteries Act 2011 and the Remote Gambling Act 2014, subject to the modifications in the Second Schedule.

The Second Schedule also contains a transitional provision that will apply to persons who are exempt under the repealed Betting Act 1960, the repealed Common Gaming Houses Act 1961 or the repealed Remote Gambling Act 2014 on the eve of the repeal of that Act. Such a person can continue to provide that gambling service for a fixed period ranging from 2 to 5 months. The person can continue to do so after that period only if a class licence made under clause 60 applies to the person. Alternatively, the person can do so for those months and, if, within that period, the person applies for a licence under Part 4, the person may continue to provide that gambling service for longer but until the date on which the Authority grants a licence to the person, or the date that the application is refused or withdrawn.

Clause 140 also confers power on the Minister to amend the Second Schedule by prescribing such additional provisions of a saving or transitional nature consequent on the enactment of the clause as the Minister may consider necessary or expedient. The amendment may be done by order in the *Gazette* but within a 2-year time limit.

## EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

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