

Madras Betting Tax Act, 1935

20 of 1935

[19 November 1935]

CONTENTS

1. Short title, extent and commencement
2. Application of the Act and savings
3. Definitions
4. Levy of totalizator tax
5. Levy of tax on bets made with bookmakers
6. Accounts and returns
7. Levy of tax in cases not falling under sections 4 and 5
8. Inspectors
9. Exemptions
10. Power of State Government to make rules

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PREAMBLE

An Act to provide for the levy of a tax on certain forms of betting in the Presidency of Madras.

WHEREAS it is necessary to make an addition to the public revenues of the Presidency of Madras and for that purpose to provide for the levy of a tax on certain forms of betting;

It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 22nd October 1935, Part IV, pages 318-319.

1. Short title, extent and commencement :-

(1) This Act may be called the Madras Betting Tax Act, 1935.

(2) It extends to the whole of the Presidency of Madras.

(3) (a) This section shall come into force at once.

(b) The remaining provisions of this Act shall come into force in the district of Chingleput-Madras on the 15th day of November 1935.

(c) The ¹[State Government] may, by notification in the ²[Official Gazette], direct that all or any of the remaining provisions of this Act shall come into force in any other local area on such date as may be specified in such notification:

³[Provided that no such notification shall be published in respect of any area included in a cantonment without the previous sanction of the ⁴(Central Government).]

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2. These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

3. This proviso was added by section 2 of the Madras Betting Tax (Amendment) Act, 1936 (Madras Act XIV of 1936).

4. These words were substituted for the words "Governor-General in Council" by the Adaptation Order of 1937.

2. Application of the Act and savings :-

(1) This Act shall apply only to betting at meetings for horse-races and pony-races.

(2) Nothing in this Act shall affect the provisions of the Madras City Police Act, 1888 (Madras Act III of 1888), or of the Madras Gaming Act, 1930 (Madras Act III of 1930), regarding the time and place at which betting on horse-races may take place.

3. Definitions .

3. Definitions :-

In this Act, unless there is anything repugnant in the subject or context--

(a) "backer" includes any person who bets at a totalizator or with a book-maker;

(b) "bet" includes wager; and "betting" includes wagering;

(c) "book-maker" means a person who carries on the business of making bets with the public in general;

(d) "director" means the person (whether an individual, a corporate body or an association) primarily responsible for the holding of a race-meeting;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "race-meeting" means an assembly of persons for horse-racing or pony-racing to which the public have access whether on payment or otherwise; and

(g) "totalizator" means any machine, instrument or contrivance for enabling persons to make bets with one another on the principle of a common pool.

4. Levy of totalizator tax :-

(1) The ¹[State Government] may, by notification in the ²[Official Gazette], from time to time, direct that a tax (hereinafter referred to as the totalizator tax) shall be levied on backers in respect of all moneys paid by them into any totalizator by way of stakes or bets.

(2) Every notification issued under sub-section (1) shall specify the local area in which, the rate at which, and the date from which, the

totalizator tax shall be levied:

3[Provided that the rate shall not exceed twelve and a half per cent of every sum paid into the totalizator.]

(3) Such portion of the moneys paid into the totalizator as is equivalent to the amount of the totalizator tax calculated at the rate specified in the notification aforesaid shall be deemed to have been paid by the backer on account of the totalizator tax and to have been received by the director on behalf of the **1**[State Government].

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2. These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

3. This proviso was substituted for the Original proviso by section 2(i) of the Madras Betting Tax (Amendment) Act, 1947 (Madras Act XX of 1947).

5. Levy of tax on bets made with bookmakers :-

(1) The **1**[State Government] may, by notification in the **2**[Official Gazette], from time to time, direct that a tax (hereinafter referred to as the betting tax) shall be levied on book-makers in respect of all moneys (exclusive of the amount of the bets) paid or agreed to be paid by them to backers in consequence of the winning by the latter of bets made in a place within the race enclosure which the director has, with the sanction of the **1**[State Government], set apart for the purpose of such betting.

(2) Every notification issued under sub-section (1) shall specify the local area in which, the rate at which, and the date from which, the betting tax shall be levied:

1[Provided that the rate shall not exceed twelve and a half per cent of every sum paid out by a book-maker to a winning backer, the amount of the bet being excluded.]

(3) The betting tax shall be collected, and paid to the **1**[State Government], in such manner as may be prescribed.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2. These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

6. Accounts and returns :-

The director of every race-meeting at which betting takes place shall--

(a) cause accounts to be kept in the prescribed manner of all sums paid into every totalizator used, and of all sums paid or agreed to be paid by book-makers to backers in consequence of bets won by the latter at such meeting;

(b) forward at the time, in the manner, and to the officer, prescribed in this behalf, a return showing the total amount of the moneys paid into every totalizator used at such meeting and whenever required, make over to the prescribed officer the amount of totalizator tax collected at such meeting; and

(c) furnish such other reports and returns as may be prescribed.

7. Levy of tax in cases not falling under sections 4 and 5 :-

The director of every race-meeting held in any local area in respect of which a notification has not been issued under section 4 or section 5 shall pay to the **1**[State Government] by way of tax, in respect of such meeting, such amount not exceeding five hundred

rupees as may be prescribed.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

8. Inspectors :-

(1) The ¹[State Government] may appoint persons, and may authorize them to appoint other persons, for any local area, to inspect race-meetings and the accounts of betting thereat.

(2) Every person appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860) and shall be given free access to every race-meeting held in the local area for which he has been appointed and to every place where betting is conducted at such race-meeting, and to all books of account

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

9. Exemptions :-

The ¹[State Government] may, by notification in the ²[Official Gazette], exempt any race-meeting from--

(a) the totalizator tax leviable under section 4, or

(b) the betting tax leviable under section 5, or

(c) the tax leviable under section 7.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation

Order of 1950.

2. There words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

10. Power of State Government to make rules :-

(1) The ¹[State Government] may, by notification in the ²[Official Gazette], make rules--

(a) with reference to all matters expressly required or allowed by this Act to be proscribed, and

(b) to carry out all or any of the purposes of this Act and not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, the ¹[State Government] shall have power to make rules regarding the manner in which any tax payable under this Act may be recovered. ³[Such rules may provide for the recovery of the tax as an arrear of land revenue.]

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2. There words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

3. This sentence was added by section 3 of the Madras Betting Tax (Amendment) Act, 1936 (Madras Act XIV of 1936).