

PARLIAMENT OF CEYLON

1st Session 1960-61



Control of Publications on Horse-racing Act, No. 44 of 1961

Date of Assent: June 17, 1961

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 25, payable in advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, POST OFFICE BOX 500, Secretariat, Colombo 1

Price: 20 cents.

Postage: 10 cents

*Control of Publications on Horse-Racing Act,
No. 44 of 1961*

L. D.—O. 64/59.

AN ACT TO PREVENT THE PRINTING, PUBLICATION OR COMMUNICATION OF ANY MATTER RELATING TO HORSE-RACING IN OR OUTSIDE CEYLON, THE IMPORTATION OF ANY NEWSPAPER, BOOK, MAGAZINE OR OTHER PUBLICATION WHICH IN THE OPINION OF THE PRINCIPAL COLLECTOR OF CUSTOMS OR OTHER OFFICER AUTHORISED BY HIM CONTAINS WHOLLY OR MAINLY MATTERS CONNECTED WITH HORSE-RACING, AND THE SALE OR DISTRIBUTION OF ANY ARTICLE SO PRINTED, PUBLISHED, COMMUNICATED OR IMPORTED, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Control of Publications on Horse-racing Act, No. 44 of 1961.

Short title.

2. No person shall—

(a) print, publish or communicate any matter connected with, or incidental to, or descriptive of, the running of racehorses in or outside Ceylon or any race-meeting held or to be held in or outside Ceylon, or

Prohibition of the printing, publication or communication, or the importation, of any matter relating to horse-racing and the sale or distribution thereof.

(b) import any newspaper, book, magazine or other publication which, in the opinion of the Principal Collector of Customs or other officer authorised by him in that behalf, contains wholly or mainly any matter connected with, or incidental to, or descriptive of, the running of racehorses, or any race-meeting held or to be held, in or outside Ceylon, or

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- (c) distribute or sell, or offer for sale, any article printed, published, communicated or imported in contravention of the preceding provisions of this section:

Provided, however, that the preceding provisions of this section shall have no application to—

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- (a) the publication by an approved racing club in conformity with the provisions of the Lotteries Ordinance of any notice or advertisement relating to the promotion or conduct of any lottery in connection with a horse-race, or

- (b) the printing, publication, distribution or sale in conformity with the provisions of this Act of the official race-card of an approved racing club, or

- (c) the communication by an approved racing club to the owner or trainer of any racehorse, or by that owner or trainer to that club, of any matter connected with the running of such racehorse, or

- (d) the publication by an approved racing club of the finding in any inquiry or investigation by that club into the running of any racehorse or any matter connected therewith, or

- (e) the printing or publication by an approved racing club—

- (i) of the programme of races for any racing season in accordance with the constitution of that club,

- (ii) of the racing calendar required to be published by that club in accordance with the rules of that club,

- (iii) of the list of entries of horses for the races to be run at any race-meeting for the purpose of distribution only to owners and trainers of such horses and to officials of that club, and

- (iv) of the lists of the handicaps allotted to horses entered, and of the acceptances of horses, for the races to be run on any day for the purpose of distribution only to the owners and trainers of such horses and to persons performing any official duties on that day, or

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(f) the printing, publication, distribution or sale at the end of each racing year by an approved racing club of the results of the race-meetings held by that club during that year, or

(g) the importation by any person with the prior approval of the Minister of any book or other literature printed or published in any other country relating to the form of, and other matters connected with, racehorses in that country, or

(h) the importation by an approved racing club conducting any lottery under the Lotteries Ordinance in connection with any horse-race to be run outside Ceylon, of any publication containing the entries for that race and the results of that race.

3. (1) No person shall print the official race-card of an approved racing club except at the request of the secretary of that club.

Printing of
the official
race-card of
an approved
racing club.

(2) Where an approved racing club desires to have an official race-card printed, the secretary of that club shall, not earlier than forty-eight hours before the time of commencement of the race-meeting to which that official race-card will apply, make a request in writing to a printer (hereafter in this Act referred to as the "authorised printer"), to print the official race-card.

Every such request shall—

(a) contain the name of the authorised printer and the place at which such printer carries on his business of printing, and

(b) specify the number of copies of the official race-card required to be printed.

A copy of such request shall be transmitted immediately to the Permanent Secretary by the secretary making the request.

(3) No authorised printer shall—

(a) print any copies of an official race-card in excess of the number specified in the request of the secretary, or

(b) communicate the contents of an official race-card required to be printed by him to any other person.

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(4) An authorised printer shall maintain at the place at which he carries on his business of printing a register of the number of copies of any official race-card which he has printed and delivered from time to time at the request of the secretary of any approved racing club. Every such register shall be open for inspection at such place to the Permanent Secretary or other person authorised by him to make such inspection.

Sale of the
official race-
card of an
approved racing
club.

4. (1) No person other than a person authorised in that behalf in writing by the secretary of an approved racing club shall sell an official race-card.

(2) An official race-card shall not be sold by an approved racing club—

(a) except at such places as are set apart by that club for the purpose within the several enclosures of the race-course, or

(b) to any person other than to a person who is admitted to the race-meeting to which that official race-card applies either as a member of that club or on his paying the fee charged by that club for admission to that race-meeting, or

(c) earlier than two hours before the time fixed for the commencement of the first race specified in that official race-card.

Application of
the Customs
Ordinance and
Post Office
Ordinance.

Cap. 185.

Cap. 146.

5. (1) The Customs Ordinance shall apply in relation to any newspaper, book, magazine or other publication the importation of which is prohibited by section 2 of this Act in like manner as that Ordinance applies in relation to articles the importation of which into Ceylon is prohibited by any Ordinance.

(2) The Post Office Ordinance shall in relation to the transmission by post of newspapers, books, magazines or other publications have effect as though in section 19 of that Ordinance the following new paragraph were inserted immediately after paragraph (d) of that section:—

“(dd) any newspaper, book, magazine or other publication which contains wholly or mainly any matter connected with, or incidental to, or descriptive of, the running of racehorses, or any race-meeting held or to be held, in or outside Ceylon;”.

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6. (1) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence under this Act.

Offences.

(2) Subject as otherwise provided, where an offence under this Act is committed by a body of persons, then,—

(a) if that body of persons is a body corporate, every director and other officer of that body corporate, and

(b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence.

(3) Subject as otherwise provided, where an offence under this Act is committed by an approved racing club, the secretary and every steward of that club shall be deemed to be guilty of that offence.

(4) A director or an officer of a body corporate, or a partner of a firm, or the secretary or a steward of an approved racing club, shall not be deemed to be guilty of an offence under this Act if he proves that that offence was committed without his knowledge and that he exercised all such diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions and in all the circumstances.

7. Every person who commits an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Punishment
for offences
under this
Act.

8. No suit or prosecution shall lie—

(a) against the Principal Collector of Customs or the Postmaster-General for any act which in good faith is done or purported to be done by any officer of the Customs or the Postmaster-General's Department on the direction of the Principal Collector of Customs or the Postmaster-General, as the case may be; or

(b) against any such officer for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Principal Collector of Customs or the Postmaster-General.

Protection for
action taken
under this Act.

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Interpretation.

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

“ approved racing club ” means the Ceylon Turf Club or the Galle Gymkhana Club;

“ official race-card ” means the programme of a race-meeting to be held by an approved racing-club on any day, such programme containing the race results of previous race-meetings held by that club; and

“ race-meeting ” has the same meaning as in the Betting on Horse-racing Ordinance.

Cap. 36.