

GAMBLING ACT
B.E.2478 (1935)**

In the Name of His Majesty King Ananda Mahidol
The Council of Regency
(By the Notification of the President of the House of Representatives
Dated 20th Day of August B.E. 2478)
Captain Aditya Dibabha Abhakara
Chao Phraya Yommaraj
General Chao Phraya Bijendrayothin
Enacted on the 31st Day of January B.E. 2478;
Being the 2nd Year of the Present Reign

Whereas the House of Representatives has resolved that it is expedient to amend and compile the Acts on Gambling again.

Be it, therefore, enacted by the Royal Command, by and with the advice and consent of the House of Representatives, as follows:

Section 1. This Act is called the “Gambling Act, B.E.2478”.

Section 2¹. This Act shall come into force as from the day of its publication in the Government Gazette.

Section 3. As from the day where this Act comes into force, the Gambling Act B.E. 2473 and laws, rules, by-laws which are contrary to or inconsistent with the provisions of this Act shall be repealed, except for Section 853, 854 and 855 of the Civil and Commercial

* Translated by Artra Khunthongjan under contract for the Office of the Council of State of Thailand's Law for ASEAN project. Initial Version – pending review and approval by the Office of the Council of State.

** As amended up to the Gambling Act, (No.8) B.E.2505 (1962)

¹ Government Gazette, Vol. 52, Page 1978, dated 1st February B.E. 2478.

Code.

Section 4. It is prohibited to permit an organisation of, a participation or a gambling in games specified in List A annexed to this Act, or in similar games or any other harmful games which the responsible Minister has additionally prohibited by means of a Ministerial Regulation. However, when the Government considers appropriate to permit any kind of game at a particular place under any conditions, the permission shall be issued by means of a royal decree.

Games specified in List B annexed to this Act, or similar games or any other games which the responsible Minister has additionally prohibited by means of a Ministerial Regulation, shall be permitted for the direct or indirect benefit of the host only upon license when the responsible Minister or the licensing officer considers appropriate, or when a Ministerial Regulation permits the play of such games without license.

In the play of games above-mentioned in the paragraph 2, there shall be gambling only upon license permitting the organisation thereof, or when a Ministerial Regulation permits the play of such games without license.

In games number 5 to 15 in List B, or in similar games or any other games which the responsible Minister has additionally specified by means of a Ministerial Regulation, the prize cannot be awarded in the form of money. And the awarded prize cannot be returned or bought back or exchanged within the premises where the event or the play is taking place, or in any contiguous area.

Section 4bis². In any games other than those mentioned in Section 4, there shall be gambling, or the play thereof shall be permitted for gambling, only when such games are named and their conditions for gambling are specified in a Ministerial Regulation.

The term “games” in the precedent paragraph shall inclusively means guessing and predicting.

Section 5. Any person who organises a game in which it is normal to gamble money or other possessions, shall be presumed to have organised it for his own benefit. And any person who plays the game shall also be presumed to have gambled money or other possessions.

Section 6. Any person present in the play of a game which is held in violation of

² Section 4bis was added by the Gambling Act, (No.4) B.E.2485.

the provisions of this Act or the terms of a Ministerial Regulation or the license issued under this Act, shall be presumed to have also played the game, except the person who merely watches the play in public festivities or in festivals or in public places.

Section 7. All license shall specify :

(1) Restrictions and conditions of the gambling game in explicit terms.

(2) Place, date and opening hours during which the game is permitted to be played. In case of license for lottery, raffle or sweepstake, shall also be indicated the number tickets to be sold and the place, date and time of the draw.

(3) Whether the number of players is fixed , and that it is prohibited for persons under 20 years of age or those who have not come of age to play the game, except the play that comes under List B, number 16.

Section 8. Arrangements for premium gifts or prizes by means of taking a chance in any manner in the course of a business or an occupation must be permitted in advance by the licensing officer

Section 9. As to lottery, raffle and sweepstake, or any game of chance promising money or other benefits to any of the players, game tickets must be sent to the licensing officer for a seal before putting on the market.

Pending the permission of the games mentioned the precedent paragraph, it is prohibited to make public announcements of, or to directly or indirectly invite any person to participate in the games.

Section 9bis.³ Pending the draw, no one shall be permitted to offer to sell, or to sell lottery tickets brought to market under Section 9 at a price higher than that fixed on the tickets.

Section 9ter.⁴ Any person who violates Section 9bis shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand baht or to both.

Section 10. Stakes seized from the play of games held in violation of the

³ Section 9bis was added by the Gambling Act, (No.8) B.E.2505.

⁴ Section 9ter was added by the Gambling Act, (No.8) B.E.2505.

provisions of this Act or the terms of a Ministerial Regulation or the license issued under this Act, shall be entirely confiscated, except possessions which have not been put at stake.

The court is empowered under criminal law to confiscate equipments in use in such games.

Any published announcements or documents destined to invite other people to participate in games as mentioned in Section 9 paragraph 2 may be seized and destroyed by the police or *Ampheo* officials. If such announcements or documents are sent by post to a recipient who resides in the Kingdom, a postal officer may seize the announcements or documents though upon notice to the recipient. If the recipient argues that the announcements or documents are not related to gambling, he may bring the case to court within one month from the date of notification by the postal officer. In the event where the recipient does not file a case to the court, or the court upholds the seizure, the postal officer shall be empowered to destroy such announcements or documents seized.

However, the postal officer is not permitted to open and envelop or a parcel by dint of the provisions in this Section, unless there are signs on the outside demonstrating that the envelop or the parcel contains premises subject to confiscation and destruction under this Act.

Section 11. The licensing officer has the right to recall a license where there is sufficient grounds to believe that the licensee has violated this Act, or a Ministerial Regulation or the license issued under this Act

Section 12.⁵ Whoever organises a game, or deceives people by trickery, or assists in making advertisement or announcement of the game, or invites people directly or indirectly to participate or to gamble in the game which is held without permission of the authority, or with such permission but is played in an unconventional manner. Or whoever participates or gambles in a game held in violation of the provisions of this Act or a Ministerial Regulation or the statements on the license shall be liable as follows :

(1) Where the offence comes under games number 1 to 16 of List A, or raffle as part of number 16 of List B or similar games, the offender shall be liable to imprisonment for a term of three months to three years and to a fine of five hundred baht to five thousand baht, except where the offender is a player or gambler who is called client, in which case the offender is liable to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand baht or to both.

⁵ Section 12 was amended by the Gambling Act, (No.7) B.E.2504.

(2) Where the offence comes under any other games mentioned in this Act, the offender shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand baht or to both, except where the offence comes under Section 4bis, in which case the offender shall be liable to imprisonment for a term not exceeding on year or to a fine not exceeding one thousand baht or to both.

Section 13. Whoever violates the provisions of Section 4 concerning receiving back or buying back or exchanging prizes is liable to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred baht or to both.

Section 14. Whoever violates the provisions of Section 8 is liable to imprisonment for a term not exceeding one year or to a fine from fifty baht to two thousand baht or to both.

Section 14bis.⁶ Whoever has served his sentence for violating this Act violates this Act again within the period of three years after the discharge :

(1) shall be liable to a double of the normal penalty if the penalty for the offence in the current case is an imprisonment and a fine.

(2) shall be liable to both imprisonment and a fine if the penalty for the offence in the current case is an imprisonment or a fine.

Section 15.⁷ Apart from the penalties already provided in this Act, in the case where there is an informer guiding to an arrest of the offender, the Public Prosecutor shall request to the court to grant reward to the informer. And the court shall also order in the judgment that the offender pay the reward to the informer by half of the amount of the fine. If the offender does not pay such reward, it shall be deducted from the seized possessions of which the court will issue a confiscation order once the case becomes final, or from a fine paid to the court.

Section 16.⁸ The Minister in charge under this Act is empowered to impose on the licensee of the game number 16 of List B a payment of tax not exceeding ten percent of the gross income, the licensee of the game number 19 of List B a payment of tax not exceeding

⁶ Section 14bis was added by the Gambling Act, (No.3) B.E.2485.

⁷ Section 15 was amended by the Gambling Act, (No.5) B.E.2490.

⁸ Section 16 was amended by the Gambling Act, (No.6) B.E.2503.

ten percent of the net income, and the licensee of the game number 18 and 20 of List B a payment of tax not exceeding ten percent of the total of the game tickets sold before the deduction of expenses.

By means of a Ministerial Regulation, the Minister in charge under this Act may impose on the licensee of the game number 17, 18 and 19 of List B an additional payment of tax not exceeding two point five percent in order to finance the local municipality where the gambling takes place under the license.

Section 16bis.⁹ The tax due under Section 16 and the fees under Section 17 shall be fixed by the Minister in charge under this Act according to local situations.

Section 17. The Minister of Interior shall be responsible for the implementation of this Act, and is empowered to issue Ministerial Regulations, to appoint responsible officials to proceed under this Act, to fix fees and to set up conditions on gambling and to prescribe regulations for the purpose of implementing this Act.

A Ministerial Regulation shall come into force upon publication in the Government Gazette.

Countersigned by:
(in accordance with the cabinet resolution)

Phraya Nitisart Paisalya
Minister

⁹ Section 16bis was added by the Gambling Act, (No.2) B.E.2482.

List A

1. Lottery A,B
2. *Po-pan*
3. *Po-kam*
4. *Tua*
5. *Pad-Kao*
6. *Jab yi ki*
7. Domino
8. *Biabok* or odd/even or *E-Jong*
9. Three-card Monte
10. *Mai -Sam-An*
11. *Chang-Nga* or Poker
12. *Mai-Dam*, *Mai-Daeng* or *Pla-Dam Pla-Daeng* or *E-Dam E-Daeng*
13. *E-Pong-krob*
14. *Kam-Tad*
15. *Mai-Mun* or all roulette-like games
16. *Hua-Toh* or puzzle
17. Games in which animal torture is practiced, for example, by tying animals with a knife or spines or by poisoning them in a fight, or by setting fire on the back of turtles in a turtle race, or other games in which animals are tortured in similar manners.
18. Pool, *Tee-Phee*
19. *Yon-jim*
20. *Si-Ngao-lak*
21. *Kluk-klik*
22. *Nam-tao* and its derivatives
23. High-Low
24. Spin of coin
25. *E-pong-sad*

List B

1. Games in which animals are put to fight or to race such as bullfight, cockfight, fishfight or

horse race etc, other than games mentioned in number 17 of List A

2. Bull running
3. Boxing, wrestling
4. Boat racing, rowing
5. Image guessing
6. Quoit
7. Tossing of coins or any object in any kind of container
8. Fishing
9. Drawing lots by any means
10. Shooting
11. Pitching at face, animals or any object
12. *Tao-Kham-Dan*
13. *Mak-Kaew*
14. *Mak-Hua-Daeng*
15. Bingo
16. Lottery, raffle or any game of luck promising money or other benefit to any of the players
17. Totalisator of any game
18. Sweepstake of any game
19. Bookmaking of any game
20. Sale of lottery, raffle or sweepstake tickets which are not issued in Siam, but legally held in the issuing country
21. Mah-jong, domino, card games
22. Backgammon
23. Billiard
24. *Khong-Oy*