

**Wagering Your Freedom – Part Three**

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To wrap up our series of articles on gambling, this week we will look at the law in practice, and see how it is applied to real-world situations. Regular readers will recall that gambling in Thailand is regulated by the Gambling Act and its implementing legislation. The Act prohibits betting on games of chance or skill unless the organizer possesses a license or an exemption has been made where a license is not required. It is not required for promoters to display their license when hosting an event. However, most organizers will do so as the knowledge that a gambling event is sanctioned by the government and is therefore legal, would be an obvious marketing draw for participants. In practice, if you don't see a license prominently displayed, it would be wise to check with the organizer as to the legal status of the event.



In our first example, a local pub with a few shuffleboards organises a league night when people come and pay a 100 baht entry fee to participate. That night's winner takes half of the money as a prize, and the rest is divided among the other top finishers. The bar itself gets no cut of the cash, but obviously

makes money on the increased patronage as a result. Under the act, each person who paid the entry fee is subject to a fine of up 1,000 baht and up to one year imprisonment because, although shuffleboard is not specifically mentioned as a betting game in the proscribed lists attached to the act, the entry fee is considered a wager or bet on the game, and is therefore illegal. In addition, the bar owner can be subject to the same penalty as he is the organiser of the event.

What if there is not an organised league and it's just two friends wagering the next round of drinks over a game of snooker? No money is put on the table and a handshake seals the deal. Under the act, placing a wager of either money or goods on games, be they games of chance or skill, is considered gambling and is therefore illegal without a licence.

Although the likelihood of being cited in violation of the Gambling Act in this instance is small to none (unless you are unknowingly wagering with a government official), ignorance of the law is never an excuse, so it is important to know the practical reach of the Gambling Act.

Do the rules change if you are in your own home? Say, for example, you decide to have your colleagues over one night for a game of low-stakes poker and a few drinks with the guys. You do not charge anyone to play, and each person brings some beverages to share with the group. During a previous game, one colleague felt cheated due to his lack of skill, and declined to participate this time. Seeking revenge for the perceived wrongdoing, he decides to tip off the police that a bunch of foreigners are gathered together and gambling inside your home. The police come to your door and demand entrance, in which case they find numerous decks of cards and everyone sitting around a table with stacks of baht coins in front of them.

If arrested, each one of the participants could face two years in jail and a fine of up to 2,000 baht because poker is included on List B of the Gambling Act. You as the homeowner (or renter) could be facing double penalization as both a player and the organiser of the event. In addition, a little-known law that is still in force today, which could further increase the penalties levied against you, is the Playing Cards Act BE 2486 (1943). Under Section 8 of this Act, no person shall possess more than 120 playing cards unless they have been stamped with the seal of the Excise Department. How they came up with 120 instead of say 108 ( $52 + 2 \text{ jokers} \times 2 \text{ decks} = 108$ ) defies common logic. You and your friends happen to be playing with decks of novelty cards you acquired during your overseas travels, and were not purchased in Thailand. The penalty for possessing more than 120 cards of this nature is a fine equal to four times the price of the same kind of playing cards sold by the Excise Department with a minimum penalty of 500 baht. In addition, those caught in violation of this law could face up to three years in prison.

All packs of cards, whether locally produced or imported, bear a government tax seal. In order to make sure you are not in illegal possession of playing cards, under Section 12 of the law, a competent official has the power to enter into anywhere between sunrise and sunset to conduct a search.

Finally, in our last example, we will use a situation that is very common in North America. During March of every year, the National Collegiate Athletics Association holds their annual single elimination college basketball tournament (aka the Final Four). Offices nationwide organise pools, whereby employees fill out a bracket, guessing the winners of each of the 64 total games taking place over the month. The person who guesses the most number of games correctly wins a prize such as a gift certificate or perhaps cash. In Thailand, this practice is legal as long as the participants do not need to pay in order to

enter the contest. If an entry fee is required, it falls under the Gambling Act, and a licence would be required to organise the office pool.

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