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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli John Dalli, M.P., Ministru tal-Finanzi, u moqri għall-Ewwel darba fis-Seduta tat-8 ta' Ottubru, 2001.

ATT biex jipprovdi għar-regolament ta' lotteriji u logħbiet oħra u attivitajiet ta' logħob f'Malta, għat-twaqqif ta' Awtorità dwar il-Lotteriji u l-Logħob, u għal kull fini oħra li għandha x'taqsam ma' dan, inkluż l-emendar u l-konsolidazzjoni ta' liġijiet eżistenti li għandhom x'jaqsmu ma' dan.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable John Dalli, M.P., Minister of Finance, and read the First time at the Sitting of the 8th October, 2001.

AN ACT to make provision for the regulation of lotteries and other games and gaming operations in Malta, for the setting up of a Lotteries and Gaming Authority, and for any other purposes connected therewith including the amendment and consolidation of existing laws relating thereto.

RICHARD J. CAUCHI
Clerk of the House of Representatives

ATT TA' L-2001 DWAR LOTTERIJI U LOGĦOB IEĦOR

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ABBOZZ TA' LIĠI
msejjaħ

ATT biex jipprovdi għar-regolament ta' lotteriji u logħbiet oħra u attivitajiet ta' logħob f'Malta, għat-twaqqif ta' Awtorità dwar il-Lotteriji u l-Logħob, u għal kull fini oħra li għandha x'taqsam ma' dan, inklużi l-emendar u l-konsolidazzjoni ta' liġijiet eżistenti li għandhom x'jaqsmu ma' dan.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, ħareġ b'liġi dan li ġej:-

Taqsima I - PRELIMINARI

Titolu fil-qosor u bidu fis-seħħ.

1. (1) It-titolu ta' dan l-Att hu Att ta' l-2001 dwar Lotteriji u Logħob Ieħor.

(2) Id-disposizzjonijiet ta' dan l-Att jidħlu fis-seħħ f'dik id-data li l- Ministru jista' b'avviż fil-Gazzetta jew regolamenti jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet u għanijiet differenti ta' dan l-Att.

Taqsima II - TIFSIRIET

Tifsir.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra:

"apparat għal-logħob" tfisser kull apparat elettriku, elettroniku jew mekkaniku, biljett jew kull ħaġ'oħra li tintuża jew tkun maħsuba biex tintuża f'dak li għandu x'jaqsam ma' l-operazzjoni, l-promozzjoni jew il-bejgħ ta' xi logħba u, jew fil-logħob, u tinkludi totalizzatur;

"apparat rilevanti għal-logħob" tfisser apparat elettriku, elettroniku jew mekkaniku li jintuża jew ikun maħsub biex jintuża f'dak li għandu x'jaqsam ma' l-operazzjoni, l-promozzjoni jew il-bejgħ ta' xi logħba u, jew fil-logħob, u tinkludi totalizzatur;

"Awtorità" tfisser l-Awtorità dwar il-Lotteriji u l-Logħob mwaqqfa taħt l-artikolu 9 ta' dan l-Att;

"Bord għall-Kontroll ta' Korsa għat-Tiġrijiet" tfisser Bord għall-Kontroll ta' Korsa għat-Tiġrijiet maħtur għar-rigward ta' xi korsa approvata għat-tiġrijiet mill-Ministru responsabbli għall-isport taħt l-artikolu 45 ta' dan l-Att;

"*Chief Executive*" tfisser iċ-*Chief Executive* maħtur taħt l-artikolu 14(1) ta' dan l-Att;

"detentur ta' liċenza" tfisser u tinkludi detentur ta' liċenza għal Lotterija Nazzjonali u detentur ta' liċenza għal logħbiet oħra;

"Direttorati" tfisser dawk id-direttorati li l-Awtorità tista' twaqqaf taħt l-artikolu 13 ta' dan l-Att;

"ġog tat-tombla" tfisser kombinazzjoni ta' kartelli tat-tombla li fuqhom in-numri, simboli jew stampi kollha li jipparteċipaw f'logħba tat-tombla jiġu stampati jew xort'oħra rappreżentati elettronikament, u li permezz tagħhom ġugatur jipparteċipa f'dik il-logħba tat-tombla;

"ġugata" tfisser il-valur ekonomiku li l-ġugatur ta' logħba, jew xi ħadd ieħor f'ismu, ikollu jħallas sabiex il-ġugatur jipparteċipa f'dik il-logħba u li huwa jista' jitlef, għalkollox jew f'parti minnu, mar-riżultat tal-logħba;

"kartella tat-tombla" tfisser l-unità ta' logħba tat-tombla li fuqha x'uħud minn numri, simboli jew stampi li jipparteċipaw f'dik il-logħba tat-tombla jiġu stampati jew xort'oħra rappreżentati elettronikament, u li bihom ġugatur jista' jipparteċipa f'dik il-logħba tat-tombla, kif jiddependi mir-regoli ta' dik il-logħba tat-tombla;

"klabb approvat tat-tiġrijiet" tfisser klabb tat-tiġrijiet li dwaru jkun hemm ċertifikat ta' approvazzjoni validu maħruġ mill-Ministru responsabbli għall-isport taħt l-artikolu 44 ta' dan l-Att;

"klabb tat-tiġrijiet" tfisser u tinkludi klabb, organizzazzjoni, kumpannija jew xi assoċjazzjoni oħra jew korp ta' persuni li jkollu b'għan tiegħu jew bħala wieħed mill-għanijiet tiegħu l-organizzazzjoni u t-tmexxija ta' tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb fuq korsa għat-tiġrijiet, sew jekk dak il-klabb, organizzazzjoni, kumpannija, assoċjazzjoni jew korp ikun is-sid ta' dik il-korsa għat-tiġrijiet sew jekk ma jkunx, u meta korsa għat-tiġrijiet tkun tappartjeni lil xi individwu, din tinkludi lil dak l-individwu;

"korsa għat-tiġrijiet" tfisser kull art li tintuża jew tkun maħsuba biex tintuża għal tiġrijiet taż-żwiemel u, jew klieb fuqha;

"korsa approvata għat-tiġrijiet" tfisser kull korsa għat-tiġrijiet u kull art li tmiss magħha, li dwar dik il-korsa għat-tiġrijiet u l-art li tmiss magħha jkun hemm ċertifikat ta' approvazzjoni validu maħruġ mill-Ministru responsabbli għall-isport taħt l-artikolu 43 ta' dan l-Att;

"laqgħa approvata" tfisser laqgħa li fiha tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb, iżda mhux provi ta' tiġrijiet, isiru f'xi korsa approvata għat-tiġrijiet bl-approvazzjoni tal-Bord għall-Kontroll ta' Korsa għat-Tiġrijiet maħtur għal dik il-korsa approvata ta' tiġrijiet taħt l-artikolu 45 ta' dan l-Att;

"liċenza annwali ta' sala għal-logħob tat-tombla" tfisser liċenza ta' sala għal-logħob tat-tombla li tibqa' sseħħ għal perjodu ta' sena mid-data meta tinħareġ kif provdut fil-partita 1(1) tat-Tieni Skeda li tinsab ma' dan l-Att, u li tiġġedded għal perjodi oħra ta' sena kull wieħed kif provdut fil-partita 1(3) tagħha; u "detentur ta' liċenza annwali ta' sala għal-logħob tat-tombla" tiftiehem skond hekk;

"liċenza biex isiru mħatri f'korsa għat-tiġrijiet" tfisser liċenza biex topera mħatri f'korsa għat-tiġrijiet u, jew sweepstakes mogħtija mill-Awtorità lil klabb approvat tat-tiġrijiet jew lil xi persuna oħra taħt l-artikolu 42 ta' dan l-Att, u "detentur ta' liċenza għat-tqegħid ta' mħatri f'korsa għat-tiġrijiet" tiftiehem skond hekk;

"liċenza staġjonali ta' sala għal-logħob tat-tombla" tfisser liċenza ta' sala għal-logħob tat-tombla li tibqa' sseħħ għal dak il-perjodu kontinwu mid-data meta tinħareġ kif provdut fil-partita

1(2) tat-Tieni Skeda li tinsab ma' dan l-Att, u li tiġġedded għal dawk il-perjodi ulterjuri kif provdut fil-partita 1(3) tagħha; u "detentur ta' liċenza staġjonali ta' sala għal-logħob tat-tombla" tiftiehem skond hekk;

"logħba" tfisser u tinkludi logħba ta' l-ażżard u logħba ta' l-ażżard u abbiltà, imma ma tinkludix (i) ġrajja ta' sport, għalkemm tinkludi mħatra dwar l-isport u kull logħba oħra li l-operazzjoni jew il-logħob tagħha jkun jiddependi minn ġrajja ta' sport jew minn sett ta' ġrajjiet ta' sport jew ir-riżultat jew riżultanza ta' dawn u (ii) logħba li tintlagħab permezz ta' "makna tad-divertiment" hekk kif din il-frażi tinsab imfissra fir-Regolamenti ta' l-1988 dwar ir-Restrizzjoni ta' l-Użu ta' Makni tad-Divertiment, pubblikati bl-Avviż Legali 43 ta' l-1988; u "logħob" tfisser li tilgħab xi logħba;

"logħba awtorizzata" tfisser logħba awtorizzata mill-Awtorità li tiġi operata minn detentur ta' liċenza skond il-liċenza li jkollu jew logħba operata minn persuni jew entitajiet oħra eżentati minn kull ħtieġa ta' xi liċenza jew awtorizzazzjoni jew li jkollhom permess joperaw dik il-logħba mingħajr il-ħtieġa ta' xi liċenza jew awtorizzazzjoni skond dan l-Att jew regolamenti li jsiru taħtu;

"logħba bla skop ta' profitt" tfisser logħba organizzata minn organizzazzjoni bla skop ta' profitt, li r-rikavat nett tagħha jkun maħsub għal xi skop reliġjuż, filantropiku, kulturali, edukattiv, soċjali jew ċiviku jew għal xi skop ieħor hekk kif il-Ministru jista' b'ordni fil-Gazzetta jippreskrivi; u "liċenza għal logħba bla skop ta' profitt" tfisser liċenza biex topera logħba bla skop ta' profitt mogħtija mill-Awtorità lil xi organizzazzjoni bla skop ta' profitt taħt l-artikolu 37 ta' dan l-Att, u "detentur ta' liċenza għal logħba bla skop ta' profitt" tiftiehem skond hekk;

"logħba ta' l-ażżard" tfisser logħba għall-flus u, jew premjijiet b'valur ta' flus, li r-riżultati tagħha jkunu għalkollox aċċidentali;

"logħba ta' l-ażżard u abbiltà" tfisser logħba għall-flus u, jew premjijiet b'valur ta' flus, li r-riżultati tagħha ma jkunux għalkollox àċidentali imma jiddependu, sa ċertu limitu, fuq l-abbiltà tal-parteċipant;

"logħba ta' komunikazzjoni kummerċjali" tfisser logħba li tkun organizzata bil-għan li tippromwovi jew tinkoraġixxi l-bejgħ ta' oġġetti jew servizzi, u li ma tikkostitwix attività ekonomika minnha nnifisha, u fejn kull ħlas meħtieġ li jsir mill-parteċipant iservi biss biex jikseb l-oġġetti jew servizzi promossi u mhux biex jipparteċipa fil-logħba, għalkemm jista' jkun hemm kondizzjoni li

persuna tixtri l-oġġetti jew servizzi promossi sabiex tipparteċipa fil-logħba; u "liċenza ta' logħba ta' komunikazzjoni kummerċjali" tfisser liċenza biex topera logħba ta' komunikazzjoni kummerċjali mogħtija mill-Awtorità lil persuna taħt l-artikolu 40 ta' dan l-Att, u "detentur ta' liċenza ta' logħba ta' komunikazzjoni kummerċjali" tiftiehem skond hekk;

"logħba tal-mezzi tax-xandir" tfisser logħba li tkun organizzata mis-sid jew l-operatur ta' stazzjon tar-radju jew tat-televiżjoni, jew sub-kuntrattur tiegħu, fejn il-parteċipazzjoni ta' ġugaturi fiha ssir bil-preżenza jew bħala riżultat tal-presenża tagħhom matul it-trasmissjoni jew ir-reġistrazzjoni tal-programm li fih dik il-logħba tkun organizzata jew b'xi intervent daparti tagħhom b'kull mezz ta' komunikazzjoni mill-bogħod matul jew wara t-trasmissjoni jew ir-reġistrazzjoni tal-programm li matulu dik il-logħba tkun organizzata; u "liċenza għal logħba tal-mezzi tax-xandir" tfisser liċenza biex topera logħba tal-mezzi tax-xandir mogħtija mill-Awtorità lis-sid jew operatur ta' stazzjon tar-radju jew tat-televiżjoni jew sub-kuntrattur tiegħu taħt l-artikolu 41 ta' dan l-Att, u "detentur ta' liċenza għal logħba tal-mezzi tax-xandir" tiftiehem skond hekk;

"logħba tat-tombla" tfisser logħba ta' l-ażżard, magħrufa wkoll bħala "bingo", li fiha l-ġugatur juża ġog tat-tombla jew kartella tat-tombla jew rappreżentazzjoni elettronika tagħhom li jkun fiha numri, simboli jew stampi, u li tintlagħab mill-ġugatur billi jimmarka, jgħatti jew jikxef dawk in-numri, simboli jew stampi hekk kif ikunu identiċi għal numri, simboli jew stampi mtellgħin għal għarrieda, sew manwalment sew elettronikament, u mirbuħa mill-ġugatur li jkun l-ewwel li jimmarka, jgħatti jew jikxef arranġament ta' numri speċifikat bil-quddiem, simboli jew stampi fuq il-ġog tat-tombla jew kartella tat-tombla;

"logħba tat-tombla kummerċjali" tfisser kull logħba tat-tombla, li ma tkunx logħba tat-tombla operata minn organizzazzjoni bla skop ta' profitt skond liċenza għal logħba bla skop ta' profitt;

"logħba żgħira" tfisser kull logħba li fiha il-valur aggregat fis-suq ta' kull premju li jista' jintrebaħ f'dik il-logħba ma jkunx jeċċedi l-ammont ta' mitt lira jew dak l-ammont li jkun anqas hekk kif jista' jiġi preskritt dwar logħba żgħira kif speċifikat b'regolamenti rilevanti li jsiru taħt l-artikolu 78(2)(ġ);

"logħbiet oħra" tfisser u tinkludi logħbiet bla skop ta' profitt operati minn detenturi ta' liċenza għal logħba bla skop ta' profitt, logħbiet tat-tombla kummerċjali operati minn detenturi ta' liċenza

għal sala għal-logħob tat-tombla, logħbiet ta' komunikazzjoni kummerċjali operati minn detenturi ta' liċenza ta' logħba ta' komunikazzjoni kummerċjali, logħbiet tal-mezzi tax-xandir operati minn detenturi ta' liċenza għal logħba tal-mezzi tax-xandir, u mħatri f'korsa għat-tiġrijiet u *sweepstakes* operati minn detenturi ta' liċenza għat-tqegħid ta' mħatri f'korsa għat-tiġrijiet, skond il-liċenza rispettiva tagħhom u taħt dawk il-pattijiet u l-kondizzjonijiet li jista' jiġi preskritt bis-saħħa ta' regolamenti, jew bil-liċenza rispettiva tagħhom; u "detentur ta' liċenza għal logħbiet oħra" tiftiehem skond hekk;

"lotterija" tfisser kull logħba ta' l-ażżard fejn il-premjijiet jitqassmu bix-xorti jew għal għarrieda fost il-parteċipanti fil-logħba;

"Lotterija Nazzjonali" tfisser b'mod ġenerali dawk il-logħbiet kollha kif ikunu preskritti biex ikunu parti mil-Lotterija Nazzjonali bis-saħħa ta' regolamenti taħt dan l-Att, u li l-pattijiet u l-kondizzjonijiet tagħhom u affarijiet oħra li jirrigwardawhom huma wkoll preskritti b'regolamenti jew fil-liċenza għal-Lotterija Nazzjonali; u "liċenza għal-Lotterija Nazzjonali" tfisser liċenza biex topera l-Lotterija Nazzjonali mogħtija taħt l-artikolu 26(3) ta' dan l-Att lil kumpannija reġistrata f'Malta, u "detentur ta' liċenza għal Lotterija Nazzjonali" tiftiehem skond hekk;

"mezzi ta' komunikazzjoni fil-bogħod" tinkludi kull mezz li, mingħajr il-preżenza fiżika simultanja ta' żewġ persuni jew aktar, tista' tintuża għall-komunikazzjoni, trasmissjoni, trasport u twassil ta' informazzjoni (inkluża informazzjoni fl-għamla ta' *data*, test, xbihat, ħoss jew diskors) jew għall-għemil ta' kuntratt bejn dawk il-persuni; dawk il-mezzi jistgħu jkunu materjal stampat mingħajr indirizz jew b'indirizz, ittra normali, reklamar ta' l-istampa b'formola fejn tista' ssir ordni, katalogu, telefon b'intervent uman (inklużi telefonati li jsiru mill-pubbliku matul logħbiet tar-radju u t-televiżjoni) jew bla ebda intervent uman (bħalma huma makna għal komunikazzjoni awtomatika, *audiotext*), radju, *videophone* (telefon bl-iskrin), *videotext* (*microcomputer* u skrin tat-televiżjoni) b'*keyboard* jew skrin interattiv, posta elettronika, makna *facsimile* (*fax*), u televiżjoni (*teleshopping*), u kull mezz ieħor ta' komunikazzjoni, trasmissjoni, trasport u twassil ta' informazzjoni bil-fil, radju, mezzi ottiċi, mezzi elettromanjetiċi jew b'xi mezz elettroniku li jkun;

"mħatra" tfisser logħba li fiha l-ġugatur ikun meħtieġ jipprevedi xi riżultat jew riżultanza dwar xi ġrajja waħda jew sett

ta' ġrajjiet; u "tqegħid ta' mħatri" tiftiehem bħala l-logħob ta' mħatra;

"mħatra dwar l-isport" tfisser mħatra fuq xi ġrajja ta' sport jew sett ta' ġrajjiet ta' sport u tinkludi mħatra li ssir f' korsa għat-tiġrijiet;

"mħatra f'korsa għat-tiġrijiet" tfisser mħatra fuq tiġrija jew tiġrijiet taż-żwiemel jew fuq tiġrija jew tiġrijiet tal-klieb li ssir f'korsa għat-tiġrijiet; u "tqegħid ta' mħatri f'korsa tat-tiġrijiet" tiftiehem bħala l-logħob ta' mħatra li ssir f'korsa għat-tiġrijiet;

"Ministru" tfisser il-Ministru responsabbli għall-finanzi;

"organizzazzjoni bla skop ta' profitt" tfisser organizzazzjoni bla skop ta' profitt domiċiljata f'Malta bħalma huma soċjetajiet reliġjużi, klabbs tal-banda, movimenti taż-żgħażagħ, soċjetajiet kulturali, soċjetajiet litterarji, klabbs li jippromwovu l-belli arti, klabbs sportivi u assoċjazzjonijiet sportivi, soċjetajiet karitatevoli, soċjetajiet filantropiċi, klabbs tat-partiti politiċi u partiti politiċi, *trades union*, klabbs soċjali jew xi assoċjazzjoni oħra jew korp ta' persuni, jew xi persuna individwali, li jkollhom bi skop għanijiet ta' xorta reliġjuża, filantropika, kulturali, edukattiva, soċjali jew ċivika, u li jkunu approvati bil-miktub bħala organizzazzjoni bla skop ta' profitt mill-Awtorità għall-għanijiet ta' dan l-Att, u li dwarhom dik l-approvazzjoni ma tkunx ġiet revokata;

"President" tfisser il-President ta' l-Awtorità, u tinkludi l-Viċi President jew persuna oħra maħtura biex tagħmilha ta' President kif hemm imsemmi fiċ-ċirkostanzi maħsubin fl-artikolu 9(3) ta' dan l-Att;

"sala għal-logħob tat-tombla" tfisser dawk il-postijiet li dwarhom tkun ingħatat liċenza ta' sala għal-logħob tat-tombla lil kumpannija reġistrata f'Malta biex hemm isiru logħbiet tat-tombla kummerċjali; u "liċenza ta' sala għal-logħob tat-tombla" tfisser liċenza biex topera logħbiet tat-tombla kummerċjali f'sala għal-logħob tat-tombla mogħtija mill-Awtorità taħt l-artikolu 38 ta' dan l-Att lil kumpannija reġistrata f'Malta u tinkludi liċenza annwali ta' sala għal-logħob tat-tombla u liċenza staġjonali ta' sala għal-logħob tat-tombla, u "detentur ta' liċenza għal sala għal-logħob tat-tombla" tiftiehem skond hekk;

"sena finanzjarja" tfisser perjodu ta' tnax-il xahar li jtemm fil-31 ta' Diċembru ta' xi sena li tkun:

Iżda l-ewwel sena finanzjarja ta' l-Awtorità għandha tibda għaddejja mad-dħul fis-seħħ tat-Taqsima IV ta' dan l-Att u għandha ttemm fil-31 ta' Diċembru tas-sena li tiġi minnufih wara;

"servizz ta' soċjetà informatika" għandu jkollha l-istess tifsira bħalma hu mogħti lilha fl-artikolu 2(1) ta' l-Att ta' l-2001 dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi;

Att III ta' l-2001.

"sessjoni tat-tombla" tfisser perjodu ta' żmien stabbilit minn qabel li matulu jsiru għadd ta' logħbiet tat-tombla;

"*shareholding* kwalifikanti" tfisser parteċipazzjoni azzjonarja diretta f'kumpannija li tkun tirrappreżenta ħamsa fil-mija jew aktar tal-kapital ta' l-ishma maħruġ minn dik il-kumpannija jew tad-drittijiet ta' vot konnessi ma' dak il-kapital azzjonarju jew li tagħmilha possibbli li tiġi eserċitata influwenza sinifikattiva fuq it-tmexxija tal-kumpannija, u "azzjonarju kwalifikanti" tiftiehem skond hekk;

"spettur" tfisser persuna maħtura mill-Awtorità taħt l-artikolu 17 ta' dan l-Att biex tkun spettur;

"sussidjarja" għandha l-istess tifsira bħalma jingħata lill-frażi "impriża sussidjarja" fl-Att dwar il-Kumpanniji;

Kap. 386.

"*sweepstake*" tfisser logħba li għandha x'taqsam ma' tiġrija jew tiġrijiet taż-żwiemel li jsiru f'korsa għat-tiġrijiet u li jintlagħbu kif provdut fil-partita 1 tal-Ħames Skeda li tinsab ma' dan l-Att;

"totalizzatur" tfisser il-mekkaniżmu għat-tqegħid ta' mħatri f'korsa għat-tiġrijiet magħruf bħala t-totalizzatur jew *pari-mutuel*, jew kull makna oħra jew strument ieħor ta' mħatri ta' dik l-għamla li tintuża jew tkun maħsuba biex tintuża f'dak li għandu x'jaqsam ma' tqegħid ta' mħatri f'korsa tat-tiġrijiet, sew jekk dan jitħaddem elettrikament, elettronikament, mekkanikament, manwalment jew xort'oħra;

"uffiċjal pubbliku" għandha l-istess tifsira bħalma hu mogħti lilha bl-artikolu 124 tal-Kostituzzjoni, iżda ma tinkludix mħallef jew maġistrat tal-qrati.

(2) Ħlief kif xort'oħra espressament provdut f'dan l-Att, ebda ħaġa f'dan l-Att m'għandha tippreġudika it-tħaddim ta', jew

għandha titqies li tissostitwixxi jew tidderoga minn xi disposizzjonijiet ta', l-Att dwar il-Logħob u l-Att dwar il-Prevenzjoni ta' Xiri ta' Players. Kap. 400. Kap. 263.

Taqsima III - PRINĊIPJI ĠENERALI

3. (1) Logħba li ma tkunx logħba awtorizzata, jew li ma tkunx awtorizzata biex issir taħt xi liġi f'Malta li ma tkunx dan l-Att, tkun projbita milli tintlagħab minn xi persuna f'Malta. Logħbiet li jistgħu jintlagħbu minn persuni f'Malta.

(2) Id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu japplikaw ukoll għal kull logħba offruta direttament jew indirettament minn barra l-pajjiż jew minn ġo Malta lil persuni f'Malta permezz ta' xi mezz ta' komunikazzjoni fil-bogħod.

4. Mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 78(2)(ġ), ebda logħba awtorizzata ma tista' tiġi organizzata fuq ir-riżultati ta' logħbiet operati minn xi detentur ta' liċenza ta' każinò taħt l-Att dwar il-Logħob, jew xi detentur ta' liċenza taħt dan l-Att, jew fuq ir-riżultati ta' xi logħba li tkun leġittimament organizzata barra minn Malta, mingħajr l-approvazzjoni bil-quddiem u bil-miktub ta' l-Awtorità, u jekk dik l-approvazzjoni tingħata, il-logħba awtorizzata rilevanti tista' għaldaqshekk tiġi organizzata kif hawn qabel imsemmi biss bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet bħal ma jista' jiġi speċifikat mill-Awtorità fl-approvazzjoni tagħha, liema pattijiet u kondizzjonijiet jistgħu *inter alia* jagħmlu l-approvazzjoni suġġetta għall-kondizzjoni li l-persuna li lilha tingħata dik l-approvazzjoni tfittex u tikseb il-kunsens bil-quddiem biex hekk torganizza il-logħba awtorizzata rilevanti mingħand id-detentur ta' liċenza ta' każinò jew id-detentur ta' liċenza li jkun qed jopera l-logħba li fuq ir-riżultati tagħha dik il-logħba awtorizzata rilevanti għandha tiġi organizzata jew, skond ma jista' jkun il-każ, mingħand il-persuna li tkun qegħda leġittimament torganizza l-logħba barra minn Malta li fuq ir-riżultati ta' dik il-logħba, għandha tiġi organizzata l-logħba awtorizzata rilevanti: Logħba msejsa fuq ir-riżultat ta' logħbiet.

Iżda fil-każ ta' logħbiet awtorizzati operati minn detentur ta' liċenza, l-approvazzjoni ta' l-Awtorità hawn qabel imsemmija u kull patt u kondizzjoni rilevanti ma jistgħux jiġu inkorporati fil-liċenza rispettiva maħruġa lil dak id-detentur ta' liċenza.

5. Kull logħba li ma tkunx logħba awtorizzata, jew li ma tkunx awtorizzata biex issir taħt xi liġi f'Malta li ma tkunx dan l-Att, jew li ma tkunx logħba li tkun operata mid-detentur ta' permess mogħti taħt regolamenti magħmulin taħt l-artikolu 78(3) ta' dan l-Att skond dak il- Logħbiet li jistgħu jiġu operati ċċ. minn persuni f'Malta.

permess, tkun projbita milli tiġi operata, promossa jew mibjugħa minn xi persuna f'Malta.

Reati kontra din it-Taqsima ta' l-Att.

6. Ikun reat kontra dan l-Att li xi persuna:

(a) topera, tippromwovi, tbiegħ, jew tipparteċipa fi, jew b'xi mod li jkun tgħin jew tħajjar l-operat, promozzjoni jew bejgħ ta' logħba bi ksur ta' l-artikoli 3 jew 4 ta' dan l-Att; jew

(b) topera, tippromwovi jew tbiegħ jew b'xi mod li jkun tgħin jew tħajjar l-operat, promozzjoni jew bejgħ ta' logħba bi ksur ta' l-artikolu 5 ta' dan l-Att:

Iżda r-responsabbiltajiet u l-obbligi ta' provdituri ta' servizz ta' soċjetajiet informatiċi f'dak li għandu x'jaqsam ma' logħbiet għandhom jiġu regolati bid-disposizzjonijiet ta' l-artikoli 22 sa 25 ta' l-Att ta' l-2001 dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi, u ebda ħaġa f'dan l-artikolu jew f'xi disposizzjoni oħra ta' dan l-Att m'għandha tippreġudika l-operat ta' l-artikoli imsemmija 22 sa 25 ta' l-Att ta' l-2001 dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi.

Importazzjoni eċċ. ta' apparat rilevanti għal-logħbiet.

7. (1) Ħadd ma għandu jimporta, jagħmel manutenzjoni jew jipprovdi xi apparat rilevanti għal-logħob kemm-il darba dik il-persuna ma jkollhiex liċenza valida maħruġa mill-Awtorità jew kemm-il darba dik il-persuna ma tkunx eżenti minn dik il-ħtieġa ta' liċenza dwar dak l-apparat rilevanti għal-logħob skond regolamenti magħmulin taħt dan l-Att.

(2) Applikazzjoni għal liċenza biex timporta, tagħmel manutenzjoni jew tipprovdi apparat rilevanti għal-logħob għandha ssir f'dik il-forma u b'dak il-mod meħtieġ mill-Awtorità jew kif ikunu preskritti b'regolamenti, u fl-għoti ta' tali liċenza l-Awtorità tista' tassoġġettaha għal dawk il-kondizzjonijiet ħekk kif tista' tqis li jkun adatt jew li jista' jiġi preskritt b'regolamenti. L-Awtorità tista' tordna t-tħassir jew is-sospensjoni ta' kull tali liċenza f'dawk iċ-ċirkostanzi li jista' jiġi preskritt b'regolamenti jew f'dik il-liċenza nnifisha.

(3) Persuna li timporta, tagħmel manutenzjoni jew tforni, jew b'xi mod li jkun tgħin jew tħajjar l-importazzjoni, il-manutenzjoni jew il-forniment ta' xi apparat rilevanti għal-logħob bi ksur tas-subartikolu (1) ta' dan l-artikolu, tkun ħatja ta' reat kontra dan l-Att.

Projbizzjoni dwar l-età.

8. (1) Mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 39 ta' dan l-Att, persuna li toffri għall-bejgħ jew tbiegħ xi logħba lil persuna taħt is-sittax il-sena tkun ħatja ta' reat.

(2) Persuna bħal dik imsemmija fis-subartikolu (1) ta' dan l-artikolu tista' tiddefendi ruħha billi ġġib prova li kienet talbet u kisbet mingħand il-persuna taħt is-sittax il-sena, provi dokumentarji li jirrigwardaw l-età tagħha, u li dik il-prova mogħtija minn dik il-persuna taħt l-età kienet *prima facie* turi li hija ma kienetx taħt l-età preskritta.

Taqsima IV - TWAQQIF U FUNZJONIJIET TA' L-AWTORITÀ DWAR IL-LOTTERIJI U L-LOGĦOB

Twaqqif u kompożizzjoni ta' l-Awtorità dwar il-Lotteriji u l-Logħob.

9. (1) Ikun hemm korp, li jkun magħruf bħala l-Awtorità dwar il-Lotteriji u l-Logħob, li jkun magħmul minn President u erba' membri oħra.

(2) Il-President u l-membri ta' l-Awtorità jkunu maħtura mill-Ministru għal perjodu, li ma jkunx aktar minn tliet snin, bħalma jista' jiġi speċifikat fl-istrument tal-ħatra, imma l-membri hekk maħtura jistgħu jiġu maħtura mill-ġdid meta jiskadi l-perjodu tal-kariga tagħhom.

(3) Il-Ministru jista' jinnomina wieħed mill-membri l-oħra ta' l-Awtorità bħala Viċi President u l-membru hekk nominat ikollu kull poter u jwettaq il-funzjonijiet kollha tal-President matul in-nuqqas jew inabilità tiegħu li jagħmilha ta' president jew filwaqt li l-President ikun qiegħed vaganza jew matul xi vakanza fil-kariga ta' president. Il-Ministru jista' wkoll, f'kull ċirkostanza msemmija hawn qabel f'dan is-subartikolu, jaħtar lil xi persuna oħra li jagħmilha ta' president u f'dak il-każ, id-disposizzjonijiet ta' qabel ta' dan is-subartikolu għandhom japplikaw dwar dik il-persuna.

(4) Persuna ma tkunx kwalifikata li jkollha l-kariga bħala membru ta' l-Awtorità jekk hija -

(a) tkun Ministru, Segretarju Parlamentari jew membru tal-Kamra tad-Deputati;

(b) tkun imħallef jew maġistrat tal-qrati tal-ġustizzja;

(ċ) ikollha interess finanzjarju jew xort'oħra f'xi impriża jew attività li direttament tinvolvi xi logħbiet jew logħob, jew f'xi detentur ta' liċenza, li x'aktarx jolqtu t-twettiq tal-funzjonijiet tagħha bħala membru ta' l-Awtorità;

(d) tkun persuna falluta;

(e) tkun instabet ħatja ta' xi reat punibbli bi priġunerija għal perjodu ta' sitt xhur jew iżjed;

(f) tkun instabet ħatja ta' xi reat taħt dan l-Att jew xi Att ieħor li jirrigwarda l-lotteriji jew il-logħob, jew xi reat kontra l-fiduċja pubblika.

(5) Bla ħsara għad-disposizzjonijiet ta' dan l-artikolu, il-kariga ta' membru ta' l-Awtorità ssir vakanti -

(a) meta jiskadi l-perjodu tiegħu tal-kariga, jew

(b) jekk jirriżenja, jew

(ċ) jekk ikun hemm ċirkostanzi li jiskwalifikaw lil dak il-membru milli jibqa' fil-kariga bħala membru ta' l-Awtorità; jew

(d) jekk jitneħħa mill-kariga skond dan l-artikolu.

(6) Membru ta' l-Awtorità tista' jitneħħa mill-kariga mill-Ministru jekk, fil-fehma tal-Ministru, dak il-membru ma jkunx idoneu biex jibqa' fil-kariga jew ma jkunx baqa' kapaċi li jaqdi dmirijietu sew bħala membru.

(7) Jekk membru jirriżenja jew jekk il-kariga ta' membru ta' l-Awtorità tkun xort'oħra vakanti jew jekk membru ma jkunx, għal liema raġuni tkun, kapaċi jwettaq il-funzjonijiet tal-kariga tiegħu, il-Ministru jista' jaħtar persuna, li tkun kwalifikata biex tiġi maħtura bħala membru, sabiex tkun membru temporanju ta' l-Awtorità. Persuna hekk maħtura għandha, bla ħsara għad-disposizzjonijiet tas-subartikoli (5) u (6) ta' dan l-artikolu, ttemm milli tkun tali membru meta tinħatar persuna biex timla l-vakanza jew, skond ma jista' jkun il-każ, meta l-membru li ma jkunx kapaċi jwettaq il-funzjonijiet tal-kariga tiegħu jerġa' jassumi dawk il-funzjonijiet.

(8) Membru ta' l-Awtorità li jkollu xi interess dirett jew indirett f'xi kuntratt magħmul jew propost li jkun magħmul mill-Awtorità, li ma jkunx interess li jiskwalifika lil dak il-membru milli jibqa' fil-kariga bħala membru ta' l-Awtorità, għandu jiżvela ix-xorta ta' l-interess tiegħu fl-ewwel laqgħa ta' l-Awtorità wara li jkun sar jaf bil-fatti rilevanti. Dak l-iżvelar għandu għaldaqstant jiġi reġistrat fil-minuti ta' l-Awtorità, u l-membru li jkollu interess kif hawn qabel imsemmi għandu jirtira minn kull laqgħa li fiha jiġi diskuss dak il-kuntratt. Kull tali żvelar għandu jitwassal lill-Ministru mingħajr dewmien. Meta l-interess tal-membru ikun tali li jiskwalifikah milli jibqa' fil-kariga bħala membru ta' l-Awtorità, huwa għandu jirrapporta l-fatt minnufih lill-Ministru u jagħti r-riżenja tiegħu.

Personalità ġuridika u rappreżentanza ta' l-Awtorità.

10. (1) L-Awtorità għandha tkun korp ġuridiku b'personalità ġuridika distinta u għandha tkun kapaċi, bla ħsara għad-disposizzjonijiet ta' dan l-Att, li tagħmel kuntratti, li tikseb, iżżomm u tneħħi kull xorta ta' proprjetà għall-għanijiet tal-funzjonijiet tagħha, li tħarrek u tiġi mħarrka, u li tagħmel dak kollu u twettaq dawk it-transazzjonijiet kollha hekk kif ikunu inċidentali jew iwasslu għall-eserċizzju jew twettiq tal-funzjonijiet tagħha taħt dan l-Att, inkluż is-self jew it-tislif ta' flus.

(2) Mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 57 ta' dan l-Att, ir-rappreżentanza legali u ġuridika ta' l-Awtorità għandha tvesti fiċ-*Chief Executive*:

Iżda l-Awtorità tista' taħtar lil xi wieħed jew iżjed mill-membri, uffiċjali jew impjegati tagħha biex jidhru għal, u għan-nom ta' l-Awtorità f'xi proċedimenti ġudizzjarji u f'xi att, kuntratt, instrument jew dokument ieħor ikun li jkun:

Iżda wkoll dwar kull ħaġa li tinkwadra fil-funzjonijiet vestiti f'xi Direttorat mill-Awtorità, ir-rappreżentanza legali u ġuridika ta' l-Awtorità għandha wkoll tvesti fil-kap ta' dak id-Direttorat jew f'dak il-membru, uffiċjal jew impjegat ta' l-Awtorità, hekk kif l-Awtorità tista' taħtar jew tawtorizza għal dak l-għan.

(3) Dokument li jiftieħem bħala istrument magħmul jew maħruġ mill-Awtorità u ffirmat miċ-*Chief Executive*, jew minn kap ta' Direttorat għar-rigward ta' kull ħaġa li tinkwadra fil-funzjonijiet vestiti fid-Direttorat relattiv mill-Awtorità, għandu jiġi riċevut bi prova u għandu, sakemm ma tingiebx prova kuntrarja, jitqies bħala istrument magħmul jew maħruġ mill-Awtorità.

Funzjonijiet ta' l-Awtorità.

11. (1) Il-funzjonijiet ta' l-Awtorità jkunu -

(a) li toħroġ Liċenza għal-Lotterija Nazzjonali u liċenzi biex jiġu operati logħbiet oħra u tissorvelja l-operat ta' detenturi ta' liċenza biex tiżgura li detenturi ta' liċenza jħarsu l-pattijiet u l-kondizzjonijiet tal-liċenza u d-disposizzjonijiet ta' dan l-Att u ta' regolamenti taħt dan l-Att u kull direttiva applikabbli maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu;

(b) li toħroġ permessi lil bejjiegħa ta' logħbiet li jagħmlu parti mil-Lotterija Nazzjonali skond l-artikolu 36 ta' dan l-Att;

(ċ) li tistħarreġ dwar kemm detenturi ta' liċenza u l-provdituri prinċipali tagħhom ikunu idonei, u biex tiżgura li kull min ikun involut fl-operat, promozzjoni jew bejgħ ta' logħbiet awtorizzati operati minn dawk id-detenturi ta' liċenza jkun adatt u

idoneu biex iwettaq il-funzjonijiet tiegħu relattivi għal dawk il-logħbiet;

(d) li tiżgura li d-detenturi ta' liċenza jippubblikaw ir-regoli tal-logħbiet awtorizzati operati minnhom skond il-liċenza tagħhom b'dak il-mod li jista' jitqies adatt mill-Awtorità;

(e) li tuża l-poteri kollha vestiti fiha b'din jew b'kull liġi biex tiżgura li l-logħbiet u l-logħob jinżammu ħielsa minn kull attività kriminali, u biex tipprevjeni, tikxef u tiżgura l-prosekuzzjoni ta' kull reat kontra dan l-Att, li ma jkunx reat li jorigina taħt xi disposizzjoni tat-Taqsima VIII ta' dan l-Att;

(f) li tiżgura li logħbiet awtorizzati jiġu operati u reklamati b'mod ġust u responsabbli skond il-liġi;

(ġ) li tirregola permezz ta' liċenza l-importazzjoni, l-provvista u l-manutenzjoni ta' apparat rilevanti għal-logħbiet, u li jiżgura li dawn ikunu siguri u sodisfaċenti għall-użu li jkunu maħsuba għalih;

(ħ) li tissorvelja, tattendi u tivvalida kull tlugħ tal-Lotterija Nazzjonali u ta' dawk il-logħbiet awtorizzati l-oħra hekk tqis li jkun meħtieġ;

(i) li tirċievi u tinvestiga lmenti minn konsumaturi li jkunu jirrigwardaw il-logħbiet;

(j) li tagħti pariri lill-Ministru fuq żviluppi, ħtiġiet u riskji ġodda fil-logħob u li tagħmel dawk il-proposti hekk kif tista' tqis meħtieġa jew spedjenti biex twieġeb għal dan;

(k) li tagħti pariri lill-Ministru fuq l-għemil ta' regolamenti;

(l) li toħroġ direttivi skond ma tkun awtorizzata li toħroġ bis-saħħa ta' dan l-Att jew ta' kull liġi oħra jew ta' regolamenti magħmulin taħtu;

(m) li taqdi kull funzjoni oħra li tista' minn żmien għal żmien tingħatalha b'dan l-Att jew b'kull liġi oħra jew b'regolamenti magħmulin taħthom.

Relazzjonijiet bejn il-Ministru u l-Awtorità.

12. (1) Il-Ministru jista', dwar kull ħaġa li jidhirlu li tolqot l-interess pubbliku, minn żmien għal żmien jagħti lill-Awtorità ordnijiet bil-miktub ta' xorta ġenerali, mhux inkonsistenti mad-disposizzjonijiet

ta' dan l-Att, dwar il-politka li għandha tiġi segwita fit-twettiq tal-funzjonijiet vestiti fl-Awtorità minn jew taħt dan l-Att, u l-Awtorità għandha, malli tkun tista', tagħti seħħ lil dawk id-direttivi.

(2) L-Awtorità għandha tagħti lill-Ministru faċilitajiet biex jikseb informazzjoni dwar il-proprjetà u l-attivitajiet tagħha u tipprovdilu prospetti, kontijiet u informazzjoni oħra f'dan ir-rigward, u tagħtih kull faċilità biex ikun jista' jivverifika l-informazzjoni li tingħatalu, b'dak il-mod u f'kull waqt li huwa jista' raġonevolment ikun jeħtieġ. .

Tmexxija ta' l-affarijiet ta' l-Awtorità.

13. (1) Bla ħsara għad-disposizzjonijiet l-oħra ta' dan l-Att, l-affarijiet u x-xogħol ta' l-Awtorità jkunu jaqgħu taħt ir-responsabbiltà ta' l-Awtorità nnifisha imma ħlief kif hawn qabel imsemmi, t-tmexxija esekuttiva ta' l-Awtorità, l-amministrazzjoni u l-organizzazzjoni tagħha u l-kontroll amministrattiv ta' l-uffiċjali u l-impjegati tagħha, jkunu r-responsabbiltà taċ-*Chief Executive* ta' l-Awtorità, li jkollu wkoll dawk il-poteri l-oħra kollha li jistgħu minn żmien għal żmien jiġu lilu delegati mill-Awtorità.

(2) L-Awtorità tista' teżerċita il-funzjonijiet tagħha permezz ta' Direttorati li jistgħu jiġu mwaqqfa minnha minn żmien għal żmien u għal dak l-iskop li jista' jvesti f'kull wieħed mid-Direttorati hekk mwaqqfa u kif soġġetti għas-sorveljanza u l-kontroll totali taċ-*Chief Executive*, dawk il-funzjonijiet tagħha li jirrigwardaw jew ikunu anċillari għal kull ħaġa li dwarha l-imsemmi Direttorat ikun responsabbli hekk li dak id-Direttorat ikun jista' jagħti seħħ lil kull politka ta' l-Awtorità u xort'oħra jwettaq b'mod effettiv u effiċjenti l-funzjonijiet ta' l-Awtorità fil-qasam ta' attività rispettiv tiegħu.

(3) Kull wieħed mid-Direttorati hekk imwaqqfa jitmexxa minn persuna li jew tkun uffiċjal pubbliku li jkun qed iwettaq dmirijietu ma' l-Awtorità jew impjegat ta' l-Awtorità jew persuna mqabbda taħdem għall-Awtorità skond ftehim magħmul bejn l-Awtorità u impriża pubblika jew privata, li f'kull każ ikollha esperjenza adegwata jew konoxxenza fil-qasam ta' l-operat ta' dak id-Direttorat.

(4) L-Awtorità u kull wieħed mid-Direttorati jistgħu jeżerċitaw xi wieħed jew iżjed mill-funzjonijiet sew direttament sew permezz ta' l-uffiċjali jew l-impjegati jew l-aġenti tagħhom jew permezz ta' xi aġenzija awtorizzata għal dak l-għan, jew permezz ta' persuna oħra li magħha jkun sar ftehim għat-twettiq ta' xi waħda jew iżjed minn dawk il-funzjonijiet:

Iżda ebda ħaġa f'dan is-subartikolu m'għandha tawtorizza lill-Awtorità li tiddelega b'kuntratt xi waħda mill-funzjonijiet tagħha regolatorji jew ta' għoti ta' liċenzi, għalkemm l-Awtorità tista' tiddelega

b'kuntratt kull waħda mill-funzjonijiet tagħha jew tipprokura mingħand xi persuna xi servizzi għall-għanijiet li twettaq il-funzjonijiet regolatorji tagħha jew ta' għoti ta' liċenzi.

(5) Meta f'dan l-Att għandha ssir xi ħaġa minn jew kontra jew għar-rigward ta' l-Awtorità, jew ikollu jew jista' jingħata avviż lill-Awtorità, sew dik il-ħaġa sew dak l-avviż jistgħu wkoll jintgħamlu minn jew kontra jew għar-rigward ta' jew jingħataw lid-Direttorat li taħt il-ġurisdizzjoni tiegħu tkun taqa' dik il-ħaġa minħabba f'xi delega ta' funzjonijiet lil dak id-Direttorat mill-Awtorità; u għall-għanijiet hawn qabel imsemmija kull riferenza f'dan l-Att għall-Awtorità tinkludi riferenza għad-Direttorat adatt.

Ħatra ta' *Chief Executive* u ta' kapijiet ta' Direttorati.

14. (1) Iċ-*Chief Executive* u l-kapijiet tad-Direttorati għandhom jiġu maħtura mill-Awtorità wara konsultation mal-Ministru għal dak il-perjodu li jista' jiġi stabbilit mill-Awtorità fl-ittra ta' ħatra tagħhom:

Iżda l-ewwel *Chief Executive* jinħatar mill-Ministru.

(2) Il-kondizzjonijiet li jappartjenu għall-kwalifika għall-ħatra ta' persuni bħala membri ta' l-Awtorità fl-artikolu 9 ta' dan l-Att għandhom ukoll jappartjenu għall-ħatra taċ-*Chief Executive* u tal-kapijiet tad-Direttorati.

(3) Iċ-*Chief Executive* għandu jattendi għal dawk il-laqgħat ta' l-Awtorità kif jiġi mitlub mill-imsemmija Awtorità, imma m'għandux jivvota f'dawk il-laqgħat.

(4) Iċ-*Chief Executive* ikun responsabbli għall-implimentazzjoni ta' l-iskopijiet ta' l-Awtorità fl-eserċizzju tal-funzjonijiet tagħha, u mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi qabel huwa għandu -

(a) jassumi kull responsabbiltà għas-sorveljanza u l-kontroll totali tad-Direttorati;

(b) jassenja lil kull Direttorat dawk id-dmirijiet li huma minħabba, jew skond, id-disposizzjonijiet ta' dan l-Att vestiti f'dak id-Direttorat;

(ċ) jikkoordina l-operat tad-Direttorati;

(d) jiżviluppa l-istrateġiji meħtieġa għall-implimentazzjoni ta' l-iskopijiet ta' l-Awtorità;

(e) jagħti pariri lill-Awtorità dwar kull ħaġa li hija tista' tirriferilu jew dwar kull ħaġa li huwa jikkonsidra meħtieġa jew spedjenti; u

(f) jwettaq dawk id-dmirijiet l-oħra li l-Awtorità tista' tassenjalu minn żmien għal żmien.

Dispożizzjonijiet dwar il-proċedimenti ta' l-Awtorità.

15. (1) Il-laqgħat ta' l-Awtorità jissejħu mill-President daqstant kemm jista' jkun meħtieġ, imma mill-anqas darba fix-xahar, jew b'inizjattiva tiegħu jew fuq talba ta' xi żewġ membri oħra ta' l-Awtorità.

(2) Il-President u mill-anqas żewġ membri oħra ta' l-Awtorità jagħmlu *quorum*. Id-deċiżjonijiet għandhom jiġu adottati b'maġġoranza sempliċi tal-voti tal-membri preżenti u li jivvotaw. Il-President ikollu vot inizjali u jekk jiġri li jkun hemm votijiet indaqs, ikollu wkoll vot deċiżiv. Minħajr preġudizzju għall-ħtiġiet l-oħra ta' dan l-Att, ebda deċiżjoni ma tkun valida jekk ma jkollhiex l-appoġġ ta' mill-inqas żewġ membri ta' l-Awtorità.

(3) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, l-Awtorità tista' tirregola l-proċedura tagħha nnifisha.

(4) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu, ebda att jew proċediment ta' l-Awtorità m'għandu jkun invalidat biss minħabba għaliex ikun hemm xi vakanza fost il-membri.

(5) Kull att magħmul minn xi persuna li taġixxi bonafidi, bħala membru ta' l-Awtorità ikun validu bħallikieku kien membru minkejja li wara jinkixef xi difett fil-ħatra jew kwalifiki tiegħu. Ebda att jew proċediment ta' l-Awtorità m'għandu jiġi investigat minħabba fil-ksur, minn xi membru, tad-dispożizzjonijiet ta' l-artikolu 9(8) ta' dan l-Att.

Poteri ta' l-Awtorità.

16. (1) Minħajr preġudizzju għal kull poter li jiġi eżerċitat bis-saħħa tad-dispożizzjonijiet ta' dan l-Att jew ta' kull liġi oħra, l-Awtorità tista' f'kull waqt tinnotifika detentur ta' liċenza b'avviż fejn titolbu, b'dak il-mod u f'dak iż-żmien raġonevoli hekk kif jista' jiġi speċifikat fl-avviż, iġib miegħu jew jipprovdi għall-ispezzjon minn jew għan-nom ta' l-Awtorità, kotba, dokumenti, informazzjoni jew kull ħaġ'oħra li l-Awtorità tkun taf, jew ikollha tassew raġun għaliex taħseb, li jkunu fil-pussess ta' detentur ta' liċenza, jew li hu jkun jaf bihom, bil-għan li twettaq il-funzjonijiet kollha tagħha taħt l-artikolu 11 ta' dan l-Att.

(2) Jekk mingħajr skuża raġonevoli xi ħtieġa li tiġi imposta bl-avviż li jiġi notifikat bis-saħħa tas-subartikolu (1) ta' dan l-artikolu ma titħarisx, id-detentur ta' liċenza jkun ħati ta' reat taħt dan l-Att.

Setturi.

17. (1) L-Awtorità għandha, f'konsultazzjoni mal-Ministru, taħtar setturi li jkollhom dawk il-poteri u funzjonijiet hekk kif ikunu jew jistgħu jiġu lilhom assenjati minn jew taħt dan l-Att jew kull liġi oħra jew minn jew taħt regolamenti magħmulin taħthom. L-ispetturi jistgħu, fit-twettiq tal-funzjonijiet u fl-eżerċizzju tal-poteri tagħhom, ikunu mgħejjuna minn, jew imsieħba ma' dawk l-esperti li l-Awtorità tista' tordna.

(2) Setturi li jiġu hekk maħtura għandhom ikunu uffiċjali ta' l-Awtorità u għandhom jaġixxu taħt l-istruzzjonijiet ta' l-Awtorità, li taġixxi permezz taċ-*Chief Executive*.

(3) L-Awtorità għandha tara li jinħareġ lil kull settur dokument ta' identità li jkun jispeċifika l-isem u l-kariga ta' l-ispettur u jkun fih ritratt riċenti ta' l-ispettur.

(4) Persuna maħtura biex tkun settur għandha, meta ttemm milli tkun settur, treġġa' lura d-dokument ta' identità lill-Awtorità.

Poteri ta' Setturi.

18. (1) Settur għandu, bil-għan li jaċċerta li d-disposizzjonijiet ta' dan l-Att, jew ta' regolamenti magħmulin taħtu, jew li l-kondizzjonijiet ta' liċenza maħruġa taħthom jkunu qegħdin jitħarsu, u li l-ammont sħiħ ta' drittijiet, dazju, taxxa jew kull somma oħra li titħallas taħt dan l-Att jew regolamenti magħmulin taħtu jkunu qegħdin jitħallsu, għandu dawn il-poteri li ġejjin u kull poter ieħor bħalma jista' minn żmien għal żmien jingħata mill-Awtorità f'konsultazzjoni mal-Ministru, jiġifieri:

(a) li teħtieġ, bil-miktub jew bil-fomm kif jidhirlu xieraq, persuna li l-ispettur jifhem, fuq bażi raġonevoli, li jkollha fil-pussess tagħha jew taħt il-kontroll tagħha, xi apparat għal-logħob, kotba jew xi dokumenti oħra jkunu li jkunu u li jkollhom x'jaqsmu ma' logħbiet, l-operat ta' logħbiet jew, ġeneralment, il-logħob:

(i) li ġġib dawk l-apparat, kotba jew dokument oħra lill-ispettur għall-ispezzjon jew testjar tiegħu; jew

(ii) jattendi quddiem l-ispettur f'ħin u post raġonevoli speċifikati mill-ispettur u hemm iwieġeb għal dawk il-mistoqsijiet jew jipprovdi dik l-informazzjoni, li jirrigwardaw l-apparat għal-logħob, kotba jew dokumenti skond ma jispeċifika l-ispettur;

(b) li teħtieġ, bil-miktub jew bil-fomm kif jidhirlu xieraq, detentur ta' liċenza jew persuna li taġixxi għan-nom ta' detentur ta' liċenza:

(i) li ġġib għand l-ispettur għall-ispezzjon dak il-ktieb jew dokument jew kull ħaġa oħra li jkun qed iżomm jew fil-kontroll tiegħu li jirrigwardaw l-operat ta' loġħbiet awtorizzati kif jispeċifika l-ispettur; jew

(ii) jattendi quddiem l-ispettur f'ħin u post raġonevoli li jiġi speċifikat mill-ispettur u hemm iwieġeb dawk il-mistoqsijiet, jipprovdi dik l-informazzjoni, jew jipproduċi dak il-ktieb jew dokument jew kull ħaġ'oħra li jirrigwardaw l-operat ta' loġħbiet awtorizzati kif l-ispettur jispeċifika;

(ċ) li jispezzjona jew jittestja kull apparat għal-loġħob, jispezzjona dak il-ktieb jew dokument, u jagħmel kopji jew jieħu noti dwar dak il-ktieb jew dokument għar-rigward ta' l-operat ta' loġħbiet kif l-ispettur iqis meħtieġ;

(d) li jordna detentur ta' liċenza, bil-miktub jew bil-fomm kif jidhirlu xieraq, biex ma jużax dwar l-operat, promozzjoni jew bejgħ ta' loġħbiet awtorizzati, xi apparat għal-loġħob li l-ispettur iqis li ma jkunx sodisfaċenti għall-użu li għalih ikun maħsub;

(e) li jirċievi u , jekk l-ispettur iqis li jkun hekk xieraq li jagħmel, jinvestiga xi lmenta dwar aspett tal-operazzjoni ta' loġħba u jagħmel rapport tar-riżultat ta' investigazzjoni bħal dik lill-Awtorità;

(f) li jsejjaħ biex jgħinuh:

(i) xi spettur ieħor; jew

(ii) impjegat ta' detentur ta' liċenza li, fil-fehma ta' l-ispettur, ikun kompetenti biex jassisti lill-ispettur fl-eżerċizzju tal-poteri tiegħu jew fit-twettiq ta' dmirijietu; u

(ġ) li teħtieġ persuna li tkun dieħla jew tinsab f'xi post fejn loġħba tkun qed tiġi offruta għall-bejgħ, jew meta jkunu qegħdin jiġu organizzati jew operati xi loġħbiet, jew meta jkun qed isir xi loġħob, biex turi dokumenti ta' identifikazzjoni u, jew prova ta' kemm għandha età,

u direttiva mogħtija minn spettur lil detentur ta' liċenza skond il-paragrafu (d) ta' dan is-subartikolu għandha titqies bħala direttiva maħruġa mill-Awtorità skond dan l-Att għall-għanijiet ta' dan l-Att.

(2) Spettur għandu jagħmel rapport dwar it-twettiq tal-funzjonijiet tiegħu taħt dan l-Att lill-Awtorità.

(3) Persuna li, mingħajr skuża raġonevoli, tostakola jew tonqos milli tassisti lil xi spettur fit-twettiq tal-funzjonijiet u poteri tiegħu u fl-għemil ta' dmirijietu taħt is-subartikolu (1) ta' dan l-artikolu jew taħt l-artikolu 19, tkun ħatja ta' reat taħt dan l-Att.

Ieddijiet ta' spetturi.

19. Spettur jista' f'kull ħin raġonevoli, filwaqt li juri d-dokument ta' identità tiegħu, jidħol u jibqa' f'xi post meta jiġu offruti xi logħbiet għall-bejgħ, jew meta xi logħbiet jkunu qegħdin jiġu organizzati jew operati, jew meta jkun hemm għaddej xi logħob, għall-għanijiet li:

(a) jara l-logħob;

(b) josserva kull operazzjoni ta' detenturi ta' liċenza jew ta' bejjiegħa ta' logħbiet jew, ġeneralment, ta' logħob;

(ċ) jaċċerta ruħu jekk l-operat ta' detenturi ta' liċenza jew ta' bejjiegħa ta' logħbiet jew ta' logħbiet ikunx qed isir, jiġi sorveljat u amministrat kif imiss;

(d) jaċċerta ruħu jekk id-disposizzjonijiet ta' dan l-Att, jew ta' regolamenti magħmulin taħtu, jew ta' liċenzi maħruġa taħtu, jkunux qegħdin jitħarsu; u

(e) f'kull rigward ieħor, jeżerċita l-poteri tiegħu jew iwettaq dmirijietu.

Segretezza professjonali. Kap. 377.

20. Mingħajr preġudizzju għad-disposizzjonijiet ta' l-Att dwar is-Segretezza Professjonali, kull informazzjoni żvelata lill-Awtorità jew lil xi membru, uffiċjal jew impjegat tagħha, liċ-*Chief Executive*, xi Direttorat jew spettur, u kull dokument li jiġi prodott konformi mad-disposizzjonijiet ta' dan l-Att, għandha tkun sigrieta u konfidenzjali u tista' ma tiġix żvelata jew prodotta ħlief għall-għanijiet ta' dan l-Att, jew lill-polizija għall-għanijiet ta' xi investigazzjoni jew prosekuzzjoni ta' xi reat kontra dan l-Att jew meta jiġi ħekk mitlub li jsir minn xi qorti tal-ġustizzja fi proċeduri kriminali għal reat kontra dan l-Att jew f'xi proċeduri ċivili li jirrigwardaw l-operat, promozzjoni jew bejgħ ta' xi logħba, jew ġeneralment, il-logħob.

Taqsima V - UFFIĊJALI U IMPJEGATI TA' L-AWTORITÀ

Ħatriet ta' persunal.

21. Mingħajr preġudizzju għad-disposizzjonijiet ta' dan l-Att, il-ħatriet ta' uffiċjali u ta' impjegati oħra ta' l-Awtorità għandhom isiru mill-istess Awtorità. Il-pattijiet u l-kondizzjonijiet ta' l-impieg għandhom jiġu stabbiliti mill-Awtorità.

Ħatriet u funzjonijiet ta' uffiċjali u impjegati ta' l-Awtorità.

22. L-Awtorità għandha taħtar u timpjega, b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet kif tista' tistabbilixxi skond l-artikolu 21 ta' dan l-Att, lil dawk l-uffiċjali u impjegati ta' l-Awtorità li jistgħu minn żmien għal żmien ikunu meħtieġa għat-twettiq kif imiss u effiċjenti tal-funzjonijiet ta' l-Awtorità.

Uffiċjali pubbliċi li jitqabbdu jagħmlu dmirijiet ma' l-Awtorità.

23. (1) Il-Prim Ministru jista', fuq talba ta' l-Awtorità, minn żmien għal żmien jordna li xi uffiċjal pubbliku jitqabbad jaqdi dmirijietu ma' l-Awtorità f'dik il-kapàità u b'seħħ minn dik id-data bħalma tista' tiġi speċifikata fl-ordni tal-Prim Ministru.

(2) Il-perjodu li matulu ordni kif hawn qabel imsemmi għandu japplika għal kull uffiċjal speċifikat fih għandu, kemm-il darba l-uffiċjal ma jirtirax mis-servizz pubbliku jew xort'oħra jtemm milli jibqa' fil-kariga f'data li tiġi qabel, jew kemm-il darba tiġi speċifikata data differenti f'dak l-ordni, jtemm milli jibqa' jseħħ wara sena mid-data effettiva ta' dak l-ordni kemm-il darba l-ordni ma jiġix qabel revokat mill-Prim Ministru.

Status ta' uffiċjali pubbliċi mqabbda jagħmlu xogħol ma' l-Awtorità.

24. (1) Meta uffiċjal jitqabbad jagħmel dmirijiet ma' l-Awtorità taħt xi disposizzjoni ta' l-artikolu 23 ta' dan l-Att, dak l-uffiċjal għandu, matul iż-żmien li fih dak l-ordni jkollu seħħ dwaru, jkun taħt l-awtorità amministrattiva u l-kontroll ta' l-Awtorità imma huwa għandu, għal kull fini u raġuni oħra, jibqa' jiġi kkunsidrat u ttrattat bħala uffiċjal pubbliku.

(2) Mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, uffiċjal li jitqabbad jagħmel xi dmir kif hawn qabel imsemmi -

(a) m'għandux matul iż-żmien li dwaru hekk jitqabbad -

(i) jkun prekluż milli japplika għal trasferiment għal xi dipartiment tal-Gvern skond il-pattijiet u l-kondizzjonijiet ta' servizz marbuta mal-kariga taħt il-Gvern li huwa kellu fid-data meta huwa jiġi hekk imqabbad jagħmel dawk id-dmirijiet; jew

(ii) jkun hekk impjegat b'mod li r-rimunerazzjoni u l-kondizzjonijiet ta' servizz tiegħu jkunu inqas favorevoli minn dawk li jkunu marbuta mal-kariga tiegħu taħt il-Gvern li kellu fid-data hawn qabel imsemmija jew li kienet tkun marbuta ma' dik il-ħatra, matul dak il-perjodu, li kieku dak l-uffiċjal ma kienx tqabbad jagħmel dmirijiet ma' l-Awtorità; u

(b) ikollu jedd li s-servizz tiegħu ma' l-Awtorità kkunsidrat bħala servizz mal-Gvern għall-għanijiet ta' kull pensjoni, gratwità jew benefiċċju taħt l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjoni tar-Romol u l-Orfni u ta' kull jedd jew privileġġ li għalihom huwa jkollu dritt, u jkun responsabbli għal kull ħaġa li kieku jkun responsabbli għaliha, ħlief għall-fatt li jkun tqabbad jagħmel dawk id-dmirijiet ma' l-Awtorità.

Kap. 93.
Kap. 58.

(3) Meta applikazzjoni ssir kif provdut fis-subartikolu (2)(a)(i) ta' dan l-artikolu, l-istess konsiderazzjoni għandha tiġi lilha mogħtija bħallikieku l-applikant ma kienx ġie mqabbad jagħmel servizz ma' l-Awtorità.

(4) L-Awtorità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet bħalma jista' minn żmien għal żmien jiġi stabbilit mill-Ministru dwar in-nefqa ta' pensjonijiet u gratwitajiet li uffiċjal imqabbad jagħmel dmirijiet ma' l-Awtorità jkun qala' kif hawn qabel imsemmi matul il-perjodu li fih ikun ġie hekk imqabbad.

Offerta ta' impieg permanenti ma' l-Awtorità lil uffiċjali pubbliċi imqabbda jagħmlu dmirijiet ma' l-Awtorità.

25. (1) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri għal kull uffiċjal imqabbad jagħmel dmirijiet ma' l-Awtorità taħt id-disposizzjonijiet ta' l-artikolu 23 ta' dan l-Att, impieg permanenti ma' l-Awtorità b'rimunerazzjoni u pattijiet u kondizzjonijiet mhux inqas favorevoli minn dawk li jgawdu dawk l-uffiċjali fid-data meta ssir dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet inklużi f'xi offerta magħmula kif hawn qabel imsemmi m'għandhomx jitqiesu bħala inqas favorevoli unikament minħabba li ma jkunux f'kull rigward identiċi ma' jew aħjar minn dawk li jgawdu l-uffiċjali involuti fid-data meta ssir dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet, kollha kemm huma flimkien, fil-fehma tal-Prim Ministru joffru benefiċċji sostanzjalment ekwivalenti jew aħjar.

(3) Kull uffiċjal li jaċċetta impieg permanenti ma' l-Awtorità li jiġi lilu offrut taħt id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għandu, għal kull fini li ma tkunx dik ta' l-Ordinanza dwar il-Pensjonijet u ta' l-Att dwar il-Pensjoni tar-Romol u l-Orfni, jitqies bħala

li jkun temm milli jkun fis-servizz tal-Gvern u li jkun daħal fis-servizz ma' l-Awtorità fid-data meta huwa jkun aċċetta, u għall-għanijiet ta' l-Ordinanza u ta' l-Att imsemmi, sakemm dan japplika fil-każ tiegħu, servizz ma' l-Awtorità għandu jitqies bħala servizz mal-Gvern fi ħdan kull tifsira li hemm fihom rispettivament.

(4) Kull tali uffiċjal kif hawn qabel imsemmi li, minnufih qabel ma jaċċetta impieg permanenti ma' l-Awtorità kellu jedd jibbenefika taħt l-Att dwar il-Pensjoni tar-Romol u l-Orfni, jibqa' jkun hekk intitolat li jibbenefika taħtu għal kull fini bħallikieku s-servizz tiegħu ma' l-Awtorità kien servizz mal-Gvern.

(5) L-Awtorità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet kif jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru għar-rigward tan-nefqa ta' kull pensjoni u gratwità li jaqla' uffiċjal li jkun aċċetta impieg permanenti ma' l-Awtorità kif hawn qabel imsemmi matul il-perjodu li jibda fid-data meta dak l-uffiċjal jaċċetta.

Taqsima VI - IL-LOTTERIJA NAZZJONALI

Operazzjoni jew konċessjoni għall-operat tal-Lotterija Nazzjonali.

26. (1) Il-Ministru jista' jopera l-Lotterija Nazzjonali huwa nnifsu jew jiddeċiedi li jikkonċedi l-operat tal-Lotterija Nazzjonali lil xi persuna oħra skond id-disposizzjonijiet ta' dan l-Att:.

Iżda Il-Ministru jista' ma joperax il-Lotterija Nazzjonali fi żmien li matulu tkun għadha sseħħ Liċenza għal-Lotterija Nazzjonali:

Iżda wkoll, il-Ministru jista' jopera l-Lotterija Nazzjonali għal dak iż-żmien li matulu tkun sospiża Liċenza għal-Lotterija Nazzjonali skond l-artikolu 35 ta' dan l-Att.

(2) Meta l-Lotterija Nazzjonali tiġi operata mill-Ministru, l-Ministru għandu jeżerċita dawk il-poteri kollha li jistgħu jkunu meħtieġa jew spedjenti għall-għanijiet ta' dik l-operazzjoni u d-disposizzjonijiet ta' dan l-Att li jirrigwardaw il-Lotterija Nazzjonali, li ma jkunux dawk li jirrigwardaw il-ħruġ ta' liċenzi u l-Liċenza għal-Lotterija Nazzjonali, għandhom japplikaw u jkollhom seħħ b'kull modifika jew adattament meħtieġa kif dawn japplikaw u jkollhom seħħ dwar il-Lotterija Nazzjonali kif operata minn detentur ta' liċenza għal Lotterija Nazzjonali.

(3) Meta l-Ministru jiddeċiedi li jikkonċedi l-operat tal-Lotterija Nazzjonali lil xi persuna oħra, l-Awtorità, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att il-Ministru, jista'

b'liċenza jawtorizza persuna topera l-Lotterija Nazzjonali. Tkun persuna waħda biss li jista' jkollha liċenza topera l-Lotterija Nazzjonali fl-istess żmien. Ebda persuna, li ma tkunx il-Ministru, ma tista' topera l-Lotterija Nazzjonali kemm-il darba dik il-persuna ma jkollhiex liċenza valida għal-Lotterija Nazzjonali.

(4) Il-funzjonijiet ta' l-Awtorità li jirrigwardaw il-Lotterija Nazzjonali u d-detentur ta' liċenza għal Lotterija Nazzjonali taħt dan l-Att għandhom jibdew iseħħu minnufih wara l-għoti ta' Liċenza għal-Lotterija Nazzjonali mill-Ministru għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att.

Kemm iddum liċenza għal-Lotterija Nazzjonali.

27. (1) Il-Liċenza għal-Lotterija Nazzjonali għandha tibqa' fis-seħħ għal dak il-perjodu kif l-Awtorità wara konsultazzjoni mal-Ministru, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att kif il-Ministru, jista' jispeċifika fil-liċenza, liema perjodu għandu jibda għaddej f'dik il-ġurnata hekk kif jista' jiġi speċifikat fil-liċenza bħala d-data minn meta l-liċenza għandha ssir effettiva. Dik id-data tista' tiġi wara, imma mhux qabel, id-data tal-ħruġ tal-liċenza.

(2) Kemm-il darba Liċenza għal-Lotterija Nazzjonali ma tiġix qabel imħassra, din tkun tista' tiġġedded mill-Awtorità għal perjodu wieħed ulterjuri hekk kif l-Awtorità wara konsultazzjoni mal-Ministru tista' tistabbilixxi.

(3) It-tiġdid tal-liċenza mill-Awtorità għandu jkun bla ħsara għal kull tħaris mid-detentur ta' liċenza għal Lotterija Nazzjonali, matul il-perjodu oriġinali ta' operazzjoni ta' tali liċenza, tad-disposizzjonijiet ta' dan l-Att u ta' regolamenti magħmulin taħtu kif dawn japplikaw għalih u tal-pattijiet u l-kondizzjonijiet ta' tali liċenza, u bla ħsara għall-aċċettazzjoni mill-Awtorità ta' l-applikazzjoni bil-miktub għal dak it-tiġdid li ssir mid-detentur ta' liċenza lill-Awtorità -

(a) sa dik id-data qabel ma jiskadi l-perjodu oriġinali tal-liċenza kif speċifikat fil-liċenza; u

(b) li jkun fiha dik l-informazzjoni kif speċifikata fil-liċenza bħala meħtieġa jew spedjenti biex l-Awtorità tkun tista' tistabbilixxi jekk għandhiex iġġedded dik il-liċenza jew le.

(4) Wara li tiġi ppreżentata l-applikazzjoni għat-tiġdid ta' Liċenza għal-Lotterija Nazzjonali, l-Awtorità tista' titlob lill-applikant jipprovdi kull informazzjoni oħra, b'żjieda ma' dik provduta flimkien ma' l-applikazzjoni, bħalma jista' jitqies li jkun meħtieġ bil-għan li tiġi deċiża dik l-applikazzjoni.

Applikazzjoni għal-liċenza għal-Lotterija Nazzjonali.

28. (1) Applikazzjoni għal liċenza għal-Lotterija Nazzjonali issir minn, jew għan-nom ta', jew dwar kumpannija reġistrata jew li għandha tkun reġistrata f'Malta li jkollha jew ikun se jkollha bħala skop uniku l-operat tal-Lotterija Nazzjonali skond il-Liċenza għal-Lotterija Nazzjonali taħt dan l-Att u l-għemil ta' kull ħaġa oħra inċidentali jew li twassal għall-kisba ta' dak l-iskop u t-twettiq ta' kull attività oħra li tista' tiġi awtorizzata fil-liċenza mill-Awtorità u , għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att, mill-Ministru. Dik l-applikazzjoni għandha ssir fl-għamla u bil-mod meħtieġ mill-Awtorità, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att mill-Ministru, u dik l-applikazzjoni għandu iktar minn hekk ikun fiha jew ikollha magħha dik l-informazzjoni, dawk id-dokumenti u partikolaritajiet kif l-Awtorità, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att il-Ministru, jista' jkun jeħtieġ jew li jista' jiġi preskritt b'regolamenti.

(2) Fil-każ ta' applikazzjoni għall-għoti ta' Liċenza għal-Lotterija Nazzjonali lil kumpannija li ma tkunx għadha ġiet reġistrata f'Malta, l-applikazzjoni għandu jkollha magħha rabta li ssir mill-applikant li jirreġistra kumpannija f'Malta kif provdut fis-subartikolu (1) ta' dan l-artikolu malli tingħatalu l-informazzjoni mill-Awtorità, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att mill-Ministru, li l-liċenza tkun se tingħata lil dik il-kumpannija meta din tiġi ffurmata.

(3) Wara li tiġi ppreżentata applikazzjoni għall-għoti ta' Liċenza għal-Lotterija Nazzjonali, l-Awtorità, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att il-Ministru, jista' jeħtieġ lill-applikant jipprovdi kull informazzjoni oħra, b'żjieda ma' dik provduta flimkien ma' l-applikazzjoni, kif tista' tkun meħtieġa bil-għan li tiġi deċiża dik l-applikazzjoni.

Għoti tal-liċenza għal-Lotterija Nazzjonali.

29. (1) L-Awtorità, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att il-Ministru, m'għandhomx joħorġu Liċenza għal-Lotterija Nazzjonali lil xi persuna kemm-il darba dik il-persuna ma tkunx kumpannija reġistrata f'Malta li jkollha bi skop uniku tagħha l-operat tal-Lotterija Nazzjonali skond il-Liċenza għal-Lotterija Nazzjonali taħt dan l-Att u l-għemil ta' kull ħaġa oħra bħal dik li tkun inċidentali jew li twassal għall-ksib ta' dak l-iskop u t-twettiq ta' kull attività oħra bħalma tista' tkun awtorizzata fil-liċenza mill-Awtorità u , għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att, mill-Ministru, u kemm-il darba l-Awtorità jew, skond ma jista' jkun il-każ, il-Ministru jkunu sodisfatti li:-

(a) kull min għandu jew ikollu fil-pussess tiegħu parteċipazzjoni azzjonarja kwalifikanti fil-kumpannija għandu jkun

kemm hu possibbli idoneu u adatt li jibbenefika mill-operat tal-kumpannija tal-Lotterija Nazzjonali u li jeżerċita d-drittijiet ta' sħubija b'dak il-mod li jkun jiżgura l-operazzjoni kif imiss tal-Lotterija Nazzjonali mill-kumpannija;

(b) id-direttur jew diretturi tal-kumpannija għandhom kemm hu possibbli jkunu idonei u adatti biex imexxu l-affarijiet tal-kumpannija u jeżerċitaw il-funzjonijiet u d-dmirijiet tagħhom bħala diretturi b'dak il-mod li jkun jiżgura l-operazzjoni kif imiss tal-Lotterija Nazzjonali mill-kumpannija;

(ċ) kull min l-Awtorità jkun jidħrilha li kemm hu possibbli jkun jista' jmexxi l-kummerċ jew xi parti mill-kummerċ ta' l-operazzjoni tal-Lotterija Nazzjonali jkun idoneu u adatt għaldaqstant;

(d) il-kumpannija jkollha, jew ikun se jkollha meta toħroġ il-liċenza, il-mezzi finanzjarji u tekniċi u l-maestrija meħtieġa biex tkun tista' topera l-Lotterija Nazzjonali sew u biex twettaq kull obbligazzjoni tagħha taħt dan l-Att;

(e) il-kumpannija tkun se tikseb, sa sebat ijiem mid-data meta toħroġ il-liċenza, u li żżomm għaż-żmien ta' wara, garanzija bankarja kif hemm imsemmmi fl-artikolu 31(5) kif provdut u skond l-imsemmi artikolu 31(5) u (6); u

(f) il-kumpannija tkun persuna idonea u adatta biex tkun id-detentur tal-Liċenza għal-Lotterija Nazzjonali u biex topera l-Lotterija Nazzjonali, u li tkun se tħares f'kull rigward id-dispożizzjonijiet ta' dan l-Att u regolamenti magħmulin taħtu u applikabbli għalih u l-pattijiet u l-kondizzjonijiet tal-liċenza u d-direttivi maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u applikabbli għalih.

(2) Meta l-Awtorità, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att il-Ministru, jagħmel deċiżjoni preliminari li joħroġ Liċenza għal-Lotterija Nazzjonali lil xi kumpannija partikolari reġistrata f'Malta, l-Awtorità jew, skond ma jista' jkun il-każ, il-Ministru għandhom, qabel ma joħorġu dik il-liċenza, jaraw li jiġi ppubblikat avviż fil-Gazzetta tal-ħsieb li jkollhom li joħorġu dik il-liċenza, li fih jagħmlu sejħa għal kull min jista' jkun interessat li jagħmel l-ilmenti tiegħu, jekk ikun hemm, fejn joġġezzjona għall-ħruġ tal-liċenza lil dik il-kumpannija.

(3) Dik l-oġġezzjoni li hemm imsemmija fis-subartikolu (2) ta' dan l-artikolu għandha ssir bil-miktub u għandu jkun fiha

ġustifikazzjoni raġonevoli għall-fatt li tkun qegħda ssir, u tiġi riċevuta mill-Awtorità jew mill-Ministru, skond ma jista' jkun il-każ, fi żmien wieħed u għoxrin ġurnata mid-data tal-pubblikazzjoni ta' l-avviż fil-Gazzetta.

(4) L-Awtorità jew il-Ministru, skond ma jista' jkun il-każ, għandu jikkonsidra kull oġġezzjoni magħmula u riċevuta minnha kif ħawn qabel imsemmi qabel ma tagħmel xi deċiżjoni finali dwar il-ħruġ tal-liċenza.

(5) L-għoti ta' Liċenza għal-Lotterija Nazzjonali ma teżonerax lid-detentur ta' liċenza milli jikseb kull liċenza, permess jew awtorizzazzjoni oħra li jistgħu jkunu meħtieġa taħt kull liġi oħra.

Għamla tal-liċenza tal-Lotterija Nazzjonali.

30. Il-Liċenza għal-Lotterija Nazzjonali għandha tkun f'dik l-għamla hekk kif tista' tiġi approvata mill-Awtorità, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att mill-Ministru, u għandha fost l-oħrajn tispeċifika:

(a) id-data tal-ħruġ tagħha;

(b) il-perjodu effettiv ta' validità tagħha;

(ċ) l-isem, l-uffiċċju reġistrat u n-numru ta' reġistrazzjoni tad-detentur ta' liċenza;

(d) l-indirizz f'Malta speċifikat mid-detentur ta' liċenza fejn jista' jiġi notifikat bid-dokumenti;

(e) l-isem u l-indirizz ta' l-azzjonarji kwalifikanti, diretturi u managers tad-detentur ta' liċenza;

(f) it-tip u l-partikolaritajiet ta' logħbiet li jistgħu jiġu operati taħt il-liċenza;

(ġ) kull ħaġa bħal dik li tirrigwarda l-apparat għal-logħbiet li jkun permess li jintuża taħt il-liċenza hekk kif l-Awtorità tqis li jkun meħtieġ jew spedjenti li tispeċifika;

(ħ) l-inqas għadd, speċifikazzjonijiet u tip ta' postijiet minn fejn logħbiet li jistgħu jiġu operati taħt il-liċenza jistgħu jiġu offruti għall-bejgħ, u l-inqas ħin tal-ftuħ ta' dawk il-postijiet;

(i) dawk il-partikolaritajiet l-oħra li l-Awtorità, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att

il-Ministru, iqisu meħtieġa jew spedjenti, jew li jista' jiġi preskritt b'regolamenti.

Il-Liċenza għal-Lotterija Nazzjonali ma tkun meħtieġa tispeċifika ebda ħaġa elenkata fil-paragrafi (f) jew (ħ) meta u sal-limitu li kull tali ħaġa jkunu diġà speċifikati f'regolamenti magħmulin taħt dan l-Att.

Liċenza għal-Lotterija Nazzjonali kondizzjonijiet u varjazzjonijiet u revokazzjonijiet relattivi.

31. (1) Fl-għoti ta' Liċenza għal-Lotterija Nazzjonali l-Awtorità, u għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att il-Ministru, jistgħu jassoġġettawha għal dawk il-kondizzjonijiet hekk kif jistgħu jqisu li jkun adatt, u wara l-għoti ta' tali liċenza l-Awtorità tista' minn żmien għal żmien tvarja jew tirrevoka kull kondizzjoni hekk imposta, jew timponi kondizzjonijiet ġodda:

Iżda l-Awtorità tista' ma tvarjax kull kondizzjoni jew timponi xi kondizzjoni ġdida fil-liċenza għal-Lotterija Nazzjonali mingħajr il-kunsens tad-detentur ta' liċenza jekk il-liċenza tkun tipprovdi li xi kondizzjoni bħal dik tista' biss tiġi mibdula, jew li xi kondizzjoni ġdida bħal dik tista' biss tiġi imposta, bil-kunsens tad-detentur ta' liċenza:

Iżda wkoll mingħajr preġudizzju għall-proviso li jiġi minnufih qabel dan, meta l-Awtorità tqis li jkun hekk adattat li tibdel xi kondizzjoni jew timponi xi kondizzjoni ġdida fil-liċenza għal-Lotterija Nazzjonali, l-Awtorità għandha, b'avviż bil-miktub, tgħarraf lid-detentur ta' liċenza bl-intenzjoni li jkollha li tibdel dik il-kondizzjoni jew timponi dik il-kondizzjoni ġdida, u tinterpella lil dak id-detentur ta' liċenza biex jgħid għaliex, f'dak il-perjodu li tista' tistabbilixxi fl-avviż u li ma jkunx wieħed ta' inqas minn wieħed u għoxrin jum wara l-ħruġ ta' l-imsemmi avviż, dik il-kondizzjoni m'għandhiex tiġi mibdula jew imposta, u jkun id-dmir ta' l-Awtorità li tikkonsidra kull risposta mogħtija mid-detentur ta' liċenza qabel ma tibdel il-kondizzjoni jew timponi l-kondizzjoni l-ġdida.

(2) Il-kondizzjonijiet f'liċenza għal-Lotterija Nazzjonali jistgħu jimponu dawk il-ħtiġiet kif jistgħu jitqiesu li jkunu meħtieġa biex jitħarsu mid-detentur ta' liċenza wara li l-liċenza tkun temmet milli tibqa' sseħħ.

(3) Liċenza għal-Lotterija Nazzjonali tista' timponi kondizzjonijiet li jkunu jeħtieġu lid-detentur ta' liċenza:

(a) li jikseb il-kunsens ta' l-Awtorità qabel ma jagħmel xi ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza; u

(b) li jirriferixxi kull ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza lill-Awtorità għall-approvazzjoni.

(4) Liċenza għal-Lotterija Nazzjonali għandha tinkludi kondizzjoni li tkun teħtieġ li d-detentur ta' liċenza jħallas lill-Awtorità, f'kull waqt kif jista' jiġi stabbilit minn jew taħt il-liċenza, dawk l-ammonti ta' flus mir-rikavat tal-bejgħ ta' logħbiet li jiffurmaw parti mil-Lotterija Nazzjonali u, jew kull ammont, dritt, imposta u, jew taxxa li jistgħu jiġu ħekk stabbiliti, liema ammonti, drittijiet, imposti u, jew taxxi jkunu b'żjieda ma' dawk li d-detentur ta' liċenza għal Lotterija Nazzjonali jista' jkun meħtieġ iħallas taħt xi liġi li ma tkunx dan l-Att.

(5) Liċenza għal-Lotterija Nazzjonali għandha tinkludi kondizzjoni li tkun teħtieġ lid-detentur ta' liċenza li joħroġ, mhux iktar tard minn sebat ijiem mid-data tal-ħruġ tal-liċenza, garanzija bankarja maħruġa minn bank jew istituzzjoni ta' kreditu jew finanzjarja aċċettabbli għall-Awtorità, għaf-favur ta' l-Awtorità u f'isimha proprju u għan-nom tal-Gvern, għal dak l-ammont li jista' jiġi speċifikat fil-liċenza jew li jista' jiġi preskritt b'regolamenti, biex jiġi żgurat:

(a) il-ħlas u tqassim ta' premjijiet mid-detentur ta' liċenza lir-rebbieħa ta' logħbiet li jagħmlu parti mil-Lotterija Nazzjonali;

(b) il-ħlas ta' drittijiet, taxxi, imposti jew kull ammont ieħor li jitħallas mid-detentur ta' liċenza lill-Awtorità skond il-liċenza; u

(ċ) il-ħlas mid-detentur ta' liċenza ta' kull multa jew ammenda jew penali amministrattiva imposta fuqu taħt Taqsima XII ta' dan l-Att jew taħt regolamenti magħmulin taħt dan l-Att.

(6) Garanzija bankarja bħal dik imsemmija fis-subartikolu (5) ta' dan l-artikolu għandha titħallas lill-Awtorità malli din titlobha l-ewwel darba u ma jkun hemm ebda responsabbiltà fuq il-bank jew istituzzjoni ta' kreditu jew finanzjarja relattivi li jkunu ħarġu l-garanzija bankarja li jivverifikaw jekk dik it-talba tkunx waħda ġustifikata jew le. Il-garanzija bankarja tibqa' valida sakemm tgħaddi sena wara l-iskadenza tal-liċenza, u għandha tkun bla ħsara għal kull patt u kondizzjoni oħra li jistgħu jiġu speċifikati fil-liċenza jew li jista' jiġi preskritt b'regolamenti.

(7) Liċenza għal-Lotterija Nazzjonali għandha wkoll tinkludi kondizzjoni li tkun teħtieġ lid-detentur ta' liċenza li jippreżenta lill-Awtorità u, jew jippubblika, b'dak il-mod u f'kull waqt li jistgħu jiġu speċifikati fil-liċenza, il-kontijiet verifikati tad-detentur ta' liċenza

u kull kont, rapport, prospett u dikjarazzjoni oħra li jistgħu jiġu speċifikati fil-liċenza.

(8) Liċenza għal-Lotterija Nazzjonali għandha titqies li tinkludi kondizzjoni li d-detentur ta' liċenza għandu f'kull waqt matul il-perjodu ta' operazzjoni tal-liċenza jkollu bħala skop uniku l-operat tal-Lotterija Nazzjonali konformi mal-Liċenza għal-Lotterija Nazzjonali taħt dan l-Att u li jagħmel dawk l-affarijiet l-oħra kollha ħekk kif ikunu inċidentali jew iwasslu għall-ksib ta' dak l-iskop u t-twettiq ta' attivitajiet li jistgħu jiġu awtorizzata fil-liċenza mill-Awtorità u, għall-ewwel darba wara d-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att, mill-Ministru.

Bidliet fil-proprjetà jew fit-tmexxija tad-detentur ta' liċenza eċċ.

32. (1) Mingħajr preġudizzju għas-subartikoli li ġejjin ta' dan l-artikolu, jkun id-dmir tad-detentur ta' liċenza għal Lotterija Nazzjonali u ta' l-azzjonarji kwalifikanti u diretturi tiegħu li javżaw lill-Awtorità minnufih –

(a) b'kull bidla fil-Board ta' Diretturi jew tmexxija tad-detentur ta' liċenza, jew b'kull bidla materjali fl-informazzjoni u d-dokumentazzjoni provduti skond l-artikolu 28(1) u (3) jew b'kull informazzjoni jew dokumentazzjoni oħra provduti mid-detentur ta' liċenza skond kull disposizzjoni oħra ta' dan l-Att jew ta' regolamenti magħmulin taħtu jew skond kondizzjonijiet marbutin mal-Liċenza għal-Lotterija Nazzjonali; u

(b) b'kull risoluzzjoni jew risoluzzjoni maħsuba, jew b'kull rikors jew rikors maħsub fil-Qorti, jew b'kull azzjoni oħra, għax-xoljiment u l-istralċ tad-detentur ta' liċenza għal Lotterija Nazzjonali,

ħekk kif isiru jafu b'dawk il-bidliet, risoluzzjonijiet jew risoluzzjonijiet maħsuba, rikorsi jew rikorsi maħsuba jew azzjonijiet.

(2) Meta minħabba fil-bidla bħalma hemm imsemmi fil-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu, sew jekk l-Awtorità tkunx ġiet avżata b'dik il-bidla skond dak is-subartikolu sew jekk le, toriġina sitwazzjoni li kieku din kienet teżisti fil-waqt ta' l-applikazzjoni għall-għoti tal-Liċenza għal-Lotterija Nazzjonali, kienet tiskwalifika lid-detentur ta' liċenza milli jikseb liċenza skond l-artikolu 29(1) ta' dan l-Att, l-Awtorità għandha b'avviż tinforma lid-detentur ta' liċenza b'dan, u jekk is-sitwazzjoni ma tkunx ġiet rimedjata għas-sodisfazzjon ta' l-Awtorità fi żmien xahar kalendarju mill-avviż mogħti għaldaqshekk mill-Awtorità, l-Awtorità għandha tħassar il-liċenza u d-disposizzjonijiet ta' l-artikolu 35(4) u (5) għandhom mutatis mutandis japplikaw f'dawk iċ-ċirkostanzi:

Iżda l-Awtorità m'għandhiex toħroġ avviż kif hawn qabel imsemmi iktar tard minn tliet xhur kalendarji wara li tiġi avżata mid-detentur ta' liċenza jew mill-azzjonarji kwalifikanti jew diretturi tiegħu bil-bidla skond is-subartikolu (1) ta' dan l-artikolu.

(3) Fiċ-ċirkostanzi msemmija fil-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu, sew jekk l-Awtorità tkun ġiet avżata b'dawk iċ-ċirkostanzi skond dak is-subartikolu sew jekk le, l-Awtorità tista' toħroġ dawk id-direttivi lid-detentur ta' liċenza għal Lotterija Nazzjonali, lill-azzjonarji kwalifikanti u, jew id-diretturi tiegħu hekk kif tista' tqis li jkun adatt f'dawk iċ-ċirkostanzi.

(4) Kull nuqqas min-naħa tad-detentur ta' liċenza jew ta' l-azzjonarji kwalifikanti jew diretturi tiegħu li jħarsu d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, jew kull direttiva lilhom maħruġa mill-Awtorità skond subartikolu (3) ta' dan l-artikolu, għandu jikkostitwixxi reat kontra dan l-Att.

(5) Minkejja kull ħaġa li tinsab f'xi liġi oħra, tkun meħtieġa l-approvazzjoni bil-miktub ta' l-Awtorità qabel ma persuna tkun tista' leġittimament -

(a) takkwista *shareholding* kwalifikanti fid-detentur ta' liċenza għal Lotterija Nazzjonali;

(b) iżżid *holding* eżistenti li ma jkunx shareholding kwalifikanti hekk li jsir *shareholding* kwalifikanti f'dak id-detentur ta' liċenza;

(ċ) iżżid *shareholding* kwalifikanti f'dak id-detentur ta' liċenza hekk li jsir daqs jew ikun jeċċedi għaxra fil-mija jew għoxrin fil-mija jew tletin fil-mija jew erbgħin fil-mija jew ħamsin fil-mija tal-kapital azzjonarju maħruġ mid-detentur ta' liċenza jew tal-jeddijiet għall-vot konnessi ma' dak il-kapital azzjonarju, jew li d-detentur ta' liċenza jsir is-sussidjarju ta' dik il-persuna;

(d) tnaqqas *shareholding* kwalifikanti eżistenti f'dak id-detentur ta' liċenza hekk li jinżel għal inqas minn ħamsin fil-mija jew erbgħin fil-mija jew tletin fil-mija jew għoxrin fil-mija jew għaxra fil-mija tal-kapital azzjonarju maħruġ mid-detentur ta' liċenza jew tal-jeddijiet għall-vot konnessi ma' dak il-kapital azzjonarju, jew id-detentur ta' liċenza jtemm milli jkun is-sussidjarju ta' dik il-persuna;

(e) tnaqqas *shareholding* kwalifikanti eżistenti f'dak id-detentur ta' liċenza ħekk li jtemm milli jibqa' *shareholding* kwalifikanti; jew

(f) tiżvesti ruħha minn *shareholding* kwalifikanti f'dak id-detentur ta' liċenza.

(6) Il-Ministru jista' b'ordni fil-Gazzetta jew b'regolamenti jibdel jew ineħħi kull wieħed mill-perċentwali msemmija fil-paragrafi (ċ) u (d) tas-subartikolu (5) ta' dan l-artikolu.

(7) Is-subartikolu (5) ta' dan l-artikolu għandu japplika sew jekk xi ishma minn dawk rilevanti jkunu ishma elenkati fuq xi *Stock Exchange* sew jekk le.

(8) Ikun id-dmir tad-detentur ta' liċenza għal Lotterija Nazzjonali u tad-diretturi tiegħu li javżaw lill-Awtorità minnufih malli jsiru jafu li xi persuna tkun bi ħsiebha tieħu xi waħda mill-azzjonijiet stabbiliti fis-subartikolu (5) ta' dan l-artikolu, u għandhom iżommu lura milli jirreġistraw l-azzjoni rilevanti skond il-liġi jew milli jieħdu xi azzjoni oħra dwar dak kollu sakemm jaslu struzzjonijiet mill-Awtorità. Kull nuqqas mid-detentur ta' liċenza għal Lotterija Nazzjonali u d-diretturi tiegħu li jħares id-disposizzjonijiet ta' dan is-subartikolu jikkostitwixxi reat kontra dan l-Att.

(9) Minkejja kull ħaġa li tinsab f'xi liġi oħra, tkun meħtieġa l-approvazzjoni bil-miktub ta' l-Awtorità qabel ma d-detentur ta' liċenza għal Lotterija Nazzjonali jista' leġittimament -

(a) ibiegħ jew jiddisponi min-negozju tiegħu jew parti sinifikanti minnu;

(b) jingħaqad ma' xi kumpannija oħra;

(ċ) jgħaddi minn xi rikostruzzjoni, diviżjoni jew konverżjoni fl-istatus tiegħu ta' kumpannija għal kull għamla oħra ta' soċjetà kummerċjali; jew

(d) iżid jew inaqqas il-kapital azzjonarju tiegħu nominali jew maħruġ jew inkella jagħmel xi bidla materjali fil-jeddijiet għall-votazzjoni.

(10) Ikun id-dmir tad-diretturi u ta' l-azzjonarji kwalifikanti tad-detentur ta' liċenza għal Lotterija Nazzjonali li javżaw lill-Awtorità minnufih malli jsiru jafu li d-detentur ta' liċenza jkun bi ħsiebu jieħu xi

waħda mill-azzjonijiet stabbiliti fis-subartikolu (9) ta' dan l-artikolu, u fin-nuqqas ikunu ħatja ta' reat kontra dan l-Att.

(11) Persuna li jkollha ħsieb tieħu xi azzjoni stabbilita fis-subartikolu (5) ta' dan l-artikolu u d-detentur ta' liċenza għal Lotterija Nazzjonali li jkollu ħsieb li jieħu xi azzjoni stabbilita fis-subartikolu (9) ta' dan l-artikolu għandhom javżaw lill-Awtorità bil-miktub b'dak il-mod u metodu, u ma' dak l-avviż għandha tintehmeż dik l-informazzjoni, li jistgħu jkunu meħtieġa mill-Awtorità.

(12) Fi żmien xahrejn mit-twassil ta' dak l-avviż jew it-twassil ta' dik l-informazzjoni li l-Awtorità tista' teħtieġ, skond liema jkun l-iktar tard, l-Awtorità għandha toħroġ avviż -

(a) li jagħti approvazzjoni inkondizzjonata għat-teħid ta' l-azzjoni;

(b) li jagħti approvazzjoni għat-teħid ta' l-azzjoni bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet li l-Awtorità tista' tqis adatti; jew

(ċ) li jirrofta approvazzjoni għat-teħid ta' l-azzjoni, fejn jinforma lill-persuna involuta jew, skond ma jista' jkun il-każ, lid-detentur ta' liċenza għal Lotterija Nazzjonali bir-raġunijiet għaliex tkun irroftat,

u jekk l-Awtorità tonqos milli toħroġ avviż bħal dak fi żmien dak il-perjodu ta' xahrejn, għandu jitqies li l-Awtorità tkun ħarġet avviż skond il-paragrafu (a) ta' dan is-subartikolu.

(13) Jekk xi persuna jew id-detentur ta' liċenza għal Lotterija Nazzjonali jieħu xi azzjoni stabbilita fis-subartikoli (5) u (9) ta' dan l-artikolu mingħajr ma qabel jikseb l-approvazzjoni ta' l-Awtorità skond dan l-artikolu, jew jieħu xi tali azzjoni mingħajr ma jħares xi patt u kondizzjoni speċifikati mill-Awtorità fl-għoti ta' dik l-approvazzjoni skond is-subartikolu (12)(b) ta' dan l-artikolu, dawn ikunu ħatja ta' reat kontra dan l-Att. Iktar minn hekk, jekk persuna jew d-detentur ta' liċenza għal Lotterija Nazzjonali jieħu jew ikun bi ħsiebu jieħu xi waħda mill-imsemmija azzjonijiet mingħajr ma jikseb dik l-approvazzjoni jew mingħajr ma jħares dawk il-pattijiet u kondizzjonijiet, għaldaqshekk, mingħajr preġudizzju għall-poter ta' l-Awtorità li jissospendi jew jirrevoka l-Liċenza għal-Lotterija Nazzjonali skond l-artikolu 35 ta' dan l-Att, meta dan ikun japplika, u mingħajr preġudizzju għal kull piena oħra li tista' tkun imposta taħt dan l-Att, l-Awtorità jkollha l-poter:

(a) toħroġ direttiva fejn tiddikjara l-azzjoni bħala nulla u bla ebda effett, liema direttiva tkun effettiva kontra kull min ikun involut f'dik l-azzjoni minkejja d-disposizzjonijiet ta' kull liġi oħra; jew

(b) toħroġ direttiva lil dik il-persuna jew, skond ma jista' jkun il-każ, lid-detentur ta' liċenza għal Lotterija Nazzjonali -

(i) biex iżżomm lill-persuna jew lil dak id-detentur ta' liċenza milli jieħu l-azzjoni;

(ii) li tkun teħtieġ lill-persuna jew lil dak id-detentur ta' liċenza li jieħu dawk il-passi jew kull azzjoni oħra li jistgħu jiġu meħtieġa biex ireġġgħu lura l-posizzjoni li tkun teżisti minnufih qabel ma tkun ittieħdet l-azzjoni, f'dak il-perjodu li jista' jiġi speċifikat mill-Awtorità fid-direttiva;

(iii) biex iżżomm lill-persuna jew lil dak id-detentur ta' liċenza milli jeżerċita drittijiet li jirriżultaw mill-azzjoni, inkluż id-dritt li jirċievi ħlasijiet; jew

(iv) biex iżżomm lill-persuna jew lil dak id-detentur ta' liċenza milli jieħu xi azzjoni bħal dik jew xi azzjoni fi ħdan il-kategoriji stabbiliti fis-subartikoli (5) u (9) ta' dan l-artikolu,

u dik il-persuna jew, skond ma jista' jkun il-każ, id-detentur ta' liċenza għal Lotterija Nazzjonali għandhom iġarsu kull tali direttiva lilhom maħruġa mill-Awtorità skond dan il-paragrafu (b), u fin-nuqqas ta' dan ikunu ħatja ta' reat kontra dan l-Att.

Detentur ta' liċenza jista' ma jassenjax jew jittrasferixxi l-liċenza.

33. (1) Liċenza għal-Lotterija Nazzjonali tista' ma tiġix assenjata jew trasferita mid-detentur ta' liċenza għal Lotterija Nazzjonali lil xi persuna oħra.

(2) Id-detentur ta' liċenza għal Lotterija Nazzjonali ma jistax iċedi l-Liċenza għal-Lotterija Nazzjonali matul il-perjodu tal-liċenza.

(3) It-trasferiment jew l-assenjament tal-Liċenza għal-Lotterija Nazzjonali mid-detentur ta' liċenza lil xi persuna oħra għandha titqies nulla u bla effett.

(4) Detentur ta' liċenza għal Lotterija Nazzjonali li jaġixxi bi ksur tad-disposizzjonijiet ta' dan l-artikolu jkun ħati ta' reat kontra dan l-Att.

Raġunijiet għat-thassir jew is-sospensjoni tal-Liċenza għal-Lotterija Nazzjonali.

34. L-Awtorità tista' tordna t-thassir jew is-sospensjoni tal-Liċenza għal-Lotterija Nazzjonali jekk -

(a) xi azzjonarju kwalifikanti jew direttur jew *manager* tad-detentur ta' liċenza ikunu ħatja ta' xi reat kontra dan l-Att jew ta' serq, li jkunu laqgħu proprjeta' misruqa, frodi jew xi delitt li jolqot il-fiduċja pubblika, jew ikun qiegħed jikser xi direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u applikabbli għalih;

(b) id-detentur ta' liċenza jikser xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmulin taħtu applikabbli għalih, jew ikun qiegħed jikser xi kondizzjoni fil-liċenza għal-Lotterija Nazzjonali jew xi direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u applikabbli għalih;

(ċ) id-detentur ta' liċenza xjentement jew bi traskuraġni jipprovdi lill-Awtorità informazzjoni li tkun falza jew qarrieqa f'xi partikular materjali;

(d) id-detentur ta' liċenza jonqos milli jwettaq ir-rabtiet finanzjarji li d-detentur ta' liċenza jkollu meta dawn isiru dovuti li jitħallsu;

(e) id-detentur ta' liċenza jonqos milli joħroġ u jżomm il-garanzija bankarja meħtieġa kif provdut u skond l-artikolu 31(5) u (6) ta' dan l-Att;

(f) id-detentur ta' liċenza jkun qed isirlu stralċ; jew

(ġ) l-Awtorità tkun raġonevolment sodisfatta li xi persuna li tkun iżżomm jew ikollha *shareholding* kwalifikanti fid-detentur ta' liċenza ma tkunx, jew tkun temmet milli tkun, persuna idonea u adatta biex tikseb benefiċċju mill-operat tal-Lotterija Nazzjonali mid-detentur ta' liċenza jew li teżerċita drittijiet tagħha ta' sħubija b'dak il-mod li jiżgura l-operazzjoni adatta tal-Lotterija Nazzjonali mid-detentur ta' liċenza;

(ħ) l-Awtorità tkun raġonevolment sodisfatta li direttur tad-detentur ta' liċenza ma jkunx, jew ikun temm milli jkun, persuna idonea u adatta biex tmexxi l-affarijiet tad-detentur ta' liċenza u biex jeżerċita l-funzjonijiet u d-dmirijiet ta' direttur b'dak il-mod li jkun jiżgura l-operazzjoni adatta tal-Lotterija Nazzjonali mid-detentur ta' liċenza;

(i) l-Awtorità tkun raġonevolment sodisfatta li persuna li tkun qed tmexxi l-kummerċ jew xi parti mill-kummerċ ta' l-operazzjoni tal-Lotterija Nazzjonali ma tkunx, jew tkun temmet milli tkun, persuna idonea u adatta li hekk tibqa' tagħmel;

(j) l-Awtorità tkun raġonevolment sodisfatta li d-detentur ta' liċenza ma jkunx, jew ikun temm milli jkun, persuna idonea u adatta biex tkun id-detentur tal-Liċenza għal-Lotterija Nazzjonali u biex topera l-Lotterija Nazzjonali, jew tkun raġonevolment tqis li jkun meħtieġ fl-interess nazzjonali li tħassar jew tissospendi l-Liċenza għal-Lotterija Nazzjonali.

Proċeduri għat-tħassir jew is-sospensjoni tal-Liċenza għal-Lotterija Nazzjonali.

35. (1) Meta jkun hemm xi raġuni għat-tħassir jew sospensjoni tal-Liċenza għal-Lotterija Nazzjonali taħt l-artikolu 34 ta' dan l-Att, l-Awtorità għandha, b'avviż bil-miktub, titlob lid-detentur ta' liċenza, u tista' titlob lil xi persuna oħra li fil-fehma tagħha jkollha interess fil-liċenza, tgħid għaliex, f'dak il-perjodu li jista' jiġi stabbilit fl-istess avviż li ma jkunx ta' inqas minn wieħed u għoxrin jum wara l-ħruġ ta' l-avviż, il-liċenza m'għandhiex tiġi mħassra jew sospiża minħabba f'dik ir-raġuni kif tkun imsemmija fl-avviż.

(2) L-Awtorità għandha tqis kull risposta mogħtija taħt is-subartikolu (1) ta' dan l-artikolu u -

(a) meta l-ħaġa tkun ġiet solvuta għas-sodisfazzjon tagħha, m'għandha tieħu ebda azzjoni ulterjuri u għandha tgħarraf lid-detentur ta' liċenza bil-miktub skond hekk;

(b) meta, għalkemm il-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha, hija tqis li ma tkun meħtieġa ebda azzjoni ulterjuri, hija għandha tammonixxi lid-detentur ta' liċenza bil-miktub; jew

(ċ) meta l-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha, u tkun tqis li tkun teħtieġ azzjoni ulterjuri, hija tista' -

(i) b'avviż bil-miktub, tagħti dik id-direttiva lid-detentur ta' liċenza kif tkun tqis adatt; jew

(ii) tissospendi għal dak il-perjodu li tkun tqis adatt, jew tħassar, il-liċenza.

(3) Meta direttiva mogħtija mill-Awtorità taħt is-subartikolu (2)(ċ)(i) ta' dan l-artikolu ma tiġix imħarsa fiż-żmien speċifikat fl-avviż, l-Awtorità għandha tħassar il-liċenza.

(4) L-Awtorità għandha minnufih tgħarraf lill-Ministru dwar l-eżistenza ta' xi raġuni għat-tħassir jew sospensjoni tal-Liċenza għal-Lotterija Nazzjonali u żżommu kontinwament mgħarraf b'kull miżura li tkun qed tiġi adottata dwar dak kollu.

(5) L-Awtorità għandha wkoll minnufih tinforma lill-Ministru bid-deċiżjoni tagħha li tissospendi jew tħassar il-liċenza u għandha tieħu kull miżura raġonevoli meħtieġa jew spedjenti biex tiggarantixxi l-operazzjoni mhux interrotta tal-Lotterija Nazzjonali.

Permess għal persuna biex tbiegħ loghbiet li jagħmlu parti mil-Lotterija Nazzjonali.

36. (1) Ħadd ma jista' jbiegħ loghbiet li jagħmlu parti mil-Lotterija Nazzjonali kemm-il darba ma jkollux pussess ta' permess validu maħruġ mill-Awtorità.

(2) Applikazzjoni għal permess bħal dak issir lill-Awtorità mill-bejjiegħ propost b'dak il-mod u metodu, u għandu jkun fih jew ikun hemm miegħu dik l-informazzjoni, dawk id-dokumenti u partikolaritajiet, inkluża prova ta' l-awtorità li jkollu jew tal-ħatra ta' l-applikant mogħtija jew magħmula mid-detentur ta' liċenza għal Lotterija Nazzjonali biex ibiegħ loghbiet li jagħmlu parti mil-Lotterija Nazzjonali, kif l-Awtorità tista' teħtieġ jew li jista' jiġi preskritt b'regolamenti.

(3) L-Awtorità m'għandhiex toħroġ permess bħal dak kemm-il darba ma tkunx sodisfatta li l-applikant ikun persuna idonea u adatta biex tbiegħ loghbiet li jagħmlu parti mil-Lotterija Nazzjonali u li tkun tissodisfa kull ħtieġa oħra u jkollha kull kwalifika oħra li tista' tiġi preskritta b'regolamenti.

(4) Fl-għoti ta' permess bħal dak l-Awtorità tista' tissoġġetta l-permess għal dawk il-kondizzjonijiet li l-Awtorità tista' tqis adatti, u wara l-għoti ta' tali permess l-Awtorità tista' minn żmien għal żmien tvarja jew tirrevoka kull kondizzjoni hekk imposta jew timponi kondizzjonijiet ġodda:

Iżda kulmeta l-Awtorità tqis li jkun adatt li tibdel xi kondizzjoni jew timponi xi kondizzjoni ġdida f'xi permess bħal dak, l-Awtorità għandha, b'avviż bil-miktub, tinforma lid-detentur ta' permess u d-detentur ta' liċenza għal Lotterija Nazzjonali bl-intenzjoni li jkollha li tibdel dik il-kondizzjoni jew li timponi dik il-kondizzjoni l-ġdida, u tirrikjedi lil dak id-detentur ta' permess u detentur ta' liċenza biex minnufih jgħidu għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn sebat ijiem wara l-ħruġ ta' l-avviż u li jista' jiġi speċifikat fl-istess avviż, dik il-kondizzjoni m'għandhiex tiġi varjata jew dik il-kondizzjoni ġdida m'għandhiex tiġi imposta, u l-Awtorità għandha tqis kull risposta li ssir mid-detentur ta' permess u mid-detentur ta' liċenza fiż-żmien

speċifikat fl-avviż, qabel ma tibdel il-kondizzjoni jew qabel ma timponi l-kondizzjoni l-ġdida.

(5) Minghajr preġudizzju għad-disposizzjonijiet tas-subartikolu (6) ta' dan l-artikolu, permess bħal dak għandu jtemm milli jibqa' jseħħ mar-revoka jew terminazzjoni ta' l-awtorità jew ħatra tad-detentur ta' permess mogħtija jew magħmula mid-detentur ta' liċenza għal Lotterija Nazzjonali biex ibiegħ logħbiet li jagħmlu parti mil-Lotterija Nazzjonali, jew inkella jekk jiġri li liċenza għal-Lotterija Nazzjonali ttemm milli tibqa' sseħħ għal liema raġuni tkun u d-detentur ta' Liċenza għal-Lotterija Nazzjonali ġdida maħruġa skond din it-Taqsima ta' dan l-Att ma tkunx tawtorizza jew taħtar lid-detentur ta' permess li jbiegħ logħbiet li jagħmlu parti mil-Lotterija Nazzjonali.

(6) L-Awtorità tista' tordna t-thassir jew is-sospensjoni ta' dak il-permess -

(i) jekk id-detentur ta' permess jikser xi disposizzjoni ta' dan l-Att jew ta' regolamenti magħmulin taħtu applikabbli għalih, jew jikser xi kondizzjoni fil-permess;

(ii) jekk l-Awtorità tkun raġonevolment sodisfatta li d-detentur ta' permess ma jkunx jew tkun temmet milli tkun persuna idonea u adatta li tbiegħ logħbiet li jagħmlu parti mil-Lotterija Nazzjonali;

(iii) f'kull ċirkostanza oħra preskritta b'regolamenti magħmulin taħt dan l-Att.

(7) (a) Meta toriġina xi raġuni għat-thassir jew sospensjoni tal-permess taħt is-subartikolu (6) ta' dan l-artikolu, l-Awtorità, b'avviż bil-miktub, għandha titlob lid-detentur ta' permess u lid-detentur ta' liċenza għal Lotterija Nazzjonali, u tista' titlob persuna oħra li fil-fehma tagħha jkollha interess fil-permess, tgħid għaliex, f'dak il-perjodu li jista' jiġi stabbilit fl-istess avviż li ma jkunx ta' inqas minn wieħed u għoxrin jum wara l-ħruġ ta' l-avviż, il-permess m'għandux jiġi mħassar jew sospiż minħabba f'dik ir-raġuni li tkun imsemmija fl-avviż.

(b) L-Awtorità għandha tqis kull risposta mogħtija mid-detentur ta' permess, id-detentur ta' liċenza għal Lotterija Nazzjonali jew persuna oħra kif hawn qabel imsemmija fil-perjodu speċifikat fl-avviż, u -

(i) meta il-kwistjoni tkun solvuta għas-sodisfazzjon tagħha, m'għandha tieħu ebda azzjoni ulterjuri u għandha tgħarraf lid-detentur ta' permess bil-miktub skond hekk;

(ii) meta, għalkemm il-kwistjoni ma tkunx ġiet solvuta għas-sodisfazzjon tagħha, tkun tqis li ma tkun meħtieġa ebda azzjoni ulterjuri, għandha tagħti kawzjoni lid-detentur ta' permess bil-miktub; jew

(iii) meta il-kwistjoni ma tkunx ġiet solvuta għas-sodisfazzjon tagħha, u tkun tqis li tkun teħtieġ azzjoni ulterjuri, tista' -

(1) b'avviż bil-miktub, tagħti dik id-direttiva lid-detentur ta' permess kif tkun tqis adatt; jew

(2) tissospendi għal dak il-perjodu li tkun tqis adatt, jew tħassar, il-permess.

(ċ) Meta direttiva mogħtija mill-Awtorità taħt il-paragrafu (b)(iii)(1) ta' dan is-subartikolu ma tiġix imħarsa fiż-żmien speċifikat fl-avviż, l-Awtorità għandha tħassar il-permess.

(8) Permess imsemmi fis-subartikolu (1) ta' dan l-artikolu għandu jkun ikkunsidrat null u bla effett jekk id-detentur ta' tali permess jassenja jew jittrasferixxi l-permess għalgħand xi persuna oħra.

(9) Persuna li tbiegħ logħbiet li jagħmlu parti mil-Lotterija Nazzjonali bi ksur tas-subartikolu (1) ta' dan l-artikolu, tkun ħatja ta' reat taħt dan l-Att.

Taqsima VII - LOGĦBIET OĦRA

Ħtieġa ta' liċenza għal logħba bla skop ta' profitt.

37. (1) L-Awtorità tista' tagħti liċenza lil organizzazzjoni bla skop ta' profitt sabiex topera logħba bla skop ta' profitt skond id-disposizzjonijiet ta' l-Ewwel Skeda li tinsab ma' dan l-Att.

(2) Ħadd ma jista' jopera logħba bla skop ta' profitt kemm-il darba tali persuna ma jkollhiex pussess ta' liċenza għal logħba bla skop ta' profitt li tkun valida.

Ħtieġa ta' liċenza ta' sala għal-logħob tat-tombla.

38. (1) L-Awtorità tista' tagħti liċenza lil kumpannija reġistrata f'Malta biex topera logħob tat-tombla kummerċjali f'sala għal-logħob tat-tombla skond id-disposizzjonijiet tat-Tieni Skeda li tinsab ma' dan l-Att.

(2) Mingħajr preġudizzju għad-disposizzjonijiet tal-partita 5(4) tat-Tieni Skeda li tinsab ma' dan l-Att, ħadd ma jista' jopera logħob tat-tombla kummerċjali f'sala għal-logħob tat-tombla kemm-il darba tali persuna ma jkollhiex pussess ta' liċenza ta' sala għal-logħob tat-tombla li tkun valida.

Limitu ta' l-età f'sala għal-logħob tat-tombla.

39. Meta s-sala għal-logħob tat-tombla tkun tifforma parti minn kumpless ta' każinò, fejn ikun permess li jsir logħob tal-każinò skond liċenza ta' każinò mogħtija skond l-Att dwar il-Logħob, għandhom japplikaw il-limitu ta' l-età u l-projbizzjonijiet stipulati fl-artikolu 26 ta' l-Att dwar il-Logħob. In-nuqqas min-naħa sew ta' detentur ta' liċenza ta' każinò sew ta' detentur ta' liċenza għal sala għal-logħob tat-tombla li jħares dan l-artikolu jkun jikkostitwixxi reat kontra dan l-Att.

Ħtieġa għal liċenza ta' logħba ta' komunikazzjoni kummerċjali.

40. (1) L-Awtorità tista' tagħti liċenza lil persuna biex topera logħba ta' komunikazzjoni kummerċjali skond id-disposizzjonijiet tat-Tielet Skeda li tinsab ma' dan l-Att.

(2) Ħadd ma jista' jopera logħba ta' komunikazzjoni kummerċjali kemm-il darba tali persuna ma jkollhiex pussess ta' liċenza ta' logħba ta' komunikazzjoni kummerċjali li tkun valida.

(3) Meta persuna, bi qbil mad-detentur ta' liċenza għal Lotterija Nazzjonali, tutilizza biljetti jew mezzi oħra ta' parteċipazzjoni f'logħba jew logħbiet li jagħmlu parti mil-Lotterija Nazzjonali bħala l-premjijiet li jistgħu jintrebħu f'logħba ta' komunikazzjoni kummerċjali, dik il-logħba ta' komunikazzjoni kummerċjali tkun eżenti mill-ħtieġa għal liċenza ta' logħob ta' komunikazzjoni kummerċjali taħt dan l-artikolu.

Ħtieġa ta' liċenza għal logħba tal-mezzi tax-xandir.

41. (1) L-Awtorità tista' tagħti liċenza lis-sid jew operatur ta' stazzjon tar-radju jew tat-televiżjoni, jew sub-kuntrattur tiegħu, biex jopera logħba tal-mezzi tax-xandir skond id-disposizzjonijiet tar-Raba' Skeda li tinsab ma' dan l-Att.

(2) Ħadd ma jista' jopera logħba tal-mezzi tax-xandir kemm-il darba tali persuna ma jkollhiex pussess ta' liċenza għal logħba tal-mezzi tax-xandir li tkun valida.

Ħtieġa ta' liċenza biex isiru mħatri f'korsa għat-tiġrijiet.

42. (1) L-Awtorità tista' tagħti liċenza lil klabb approvat tat-tiġrijiet jew lil xi persuna oħra biex topera:

(a) mħatri f'korsa għat-tiġrijiet fuq tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb li ssir f'korsa approvata għat-tiġrijiet jew korsi approvati għat-tiġrijiet f'laqgħat approvati; u, jew

(b) sweepstakes f'dak li għandu x'jaqsam ma'tiġrijiet ta' żwiemel li jsiru f'korsa approvata għat-tiġrijiet jew f'korsi approvati għat-tiġrijiet f'laqgħat approvati,

skond id-disposizzjonijiet tal-Ħames Skeda li tinsab ma' dan l-Att.

(2) Ħadd ma jista' jopera mħatri f'korsa għat-tiġrijiet jew *sweepstakes* kemm-il darba tali persuna ma jkollhiex pussess ta' liċenza biex isiru mħatri f'korsa għat-tiġrijiet li tkun valida.

Taqsima VIII - APPROVAZZJONI TA' KORSI GĦAT-TIĠRIJIET U KLABBS TAT-TIĠRIJIET U ĦATRA TA' BORDIJIET GĦALL-KONTROLL TA' KORSA GĦAT-TIĠRIJIET

Approvazzjoni ta' korsi għat-tiġrijiet.

43. (1) (a) Il-Ministru responsabbli għall-isport jista' jagħti ċertifikat ta' approvazzjoni dwar xi korsa għat-tiġrijiet u kull art li tmiss magħha bil-għan li hemm jitmexxew tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb u attivitajiet anċillari għal dawk it-tiġrijiet.

(b) Il-Ministru jista' jagħti dak iċ-ċertifikat ta' approvazzjoni dwar xi korsa għat-tiġrijiet u art li tkun tmiss magħha li sidha jkun il-Gvern ta' Malta, f'liema każ id-disposizzjonijiet li ġejjin ta' dan l-artikolu għandhom ikunu japplikaw għal dak il-Gvern biss daqstant biss daqskemm dak il-Ministru jista' bil-parir tal-Kabinett, jistabbilixxi fiċ-ċertifikat ta' approvazzjoni.

(2) Applikazzjoni għal ċertifikat ta' approvazzjoni imsemmi fis-subartikolu (1) ta' dan l-artikolu għandha ssir mis-sid tal-korsa għat-tiġrijiet u xi art li tkun tmiss magħha li jkunu proprju s-suġġett ta' l-applikazzjoni, f'dik il-forma u b'dak il-mod meħtieġa mill-Ministru responsabbli għall-isport jew kif ikun preskritt b'regolamenti magħmula minn dak il-Ministru taħt l-artikolu 78(5) ta' dan l-Att, u għandu iktar minn hekk ikun fiha jew tkun imsieħba b'dik l-informazzjoni, dawk id-dokumenti u partikolaritajiet hekk kif dak il-Ministru jista' jkun jeħtieġ jew li jista' jiġi preskritt b'regolamenti magħmula minn dak il-Ministru taħt l-artikolu 78(5) ta' dan l-Att.

(3) Il-Ministru responsabbli għall-isport m'għandux jagħti xi ċertifikat ta' approvazzjoni bħal dak kemm-il darba ma jkunx sodisfatt li l-applikant u, jew il-korsa għat-tiġrijiet u xi art li tmiss magħha li jkunu s-suġġett ta' l-applikazzjoni, ikunu jissodisfaw jew iġarsu, u li jkunu wara l-għoti taċ-ċertifikat ikomplu jissodisfaw jew iħarsu, dawk il-ħtiġiet, speċifikazzjonijiet u kriterji li jista' jiġi preskritt b'regolamenti magħmula minn dak il-Ministru taħt l-artikolu 78(5) ta' dan l-Att, u kemm-il darba dak il-Ministru jkun sodisfatt li l-applikant ikun se jħares

(6) Qabel ma jirrevoka ċertifikat ta' approvazzjoni msemmi fis-subartikolu (1) ta' dan l-artikolu minħabba f'xi waħda mir-raġunijiet imsemmija fis-subartikolu (5) ta' dan l-artikolu, il-Ministru responsabbli għall-isport għandu, b'avviż bil-miktub, jitlob lid-detentur taċ-ċertifikat jgħid għaliex, f'dak il-perjodu li jista' jiġi stabbilit fl-istess avviż li ma jkunx ta' inqas minn wieħed u għoxrin jum wara l-ħruġ ta' l-avviż, iċ-ċertifikat m'għandux jiġi revokat minħabba f'dik ir-raġuni li tkun imsemmija fl-avviż, u dak il-Ministru għandu jqis kull risposta mogħtija minn dak id-detentur fil-perjodu speċifikat fl-avviż qabel ma jirrevoka ċ-ċertifikat.

(7) Id-detentur ta' ċertifikat ta' approvazzjoni msemmi fis-subartikolu (1) ta' dan l-artikolu għandu minnufih jinforma lill-Ministru responsabbli għall-isport malli jsir jaf b'xi bidliet materjali fl-informazzjoni, dokumenti u partikolaritajiet provduti minn dak id-detentur skond is-subartikolu (2) ta' dan l-artikolu jew skond kull disposizzjoni oħra ta' din it-Taqsima ta' dan l-Att jew ta' regolamenti magħmulin taħt l-artikolu 78(5) ta' dan l-Att, u fin-nuqqas ikun ħati ta' reat kontra din it-Taqsima ta' dan l-Att.

(8) Id-detentur ta' ċertifikat ta' approvazzjoni imsemmi fis-subartikolu (1) ta' dan l-artikolu ma jistax jassenja jew jittrasferixxi lil xi ħadd dak iċ-ċertifikat, jew il-proprjetà tal-korsa għat-tiġrijiet u xi art li tmiss magħha kollha kemm huma jew xi parti minnhom li dwarhom ikun jitkellem iċ-ċertifikat, mingħajr l-approvazzjoni bil-quddiem bil-miktub tal-Ministru responsabbli għall-isport, u jekk dik l-approvazzjoni tingħata, dak id-detentur jista' mbagħad jieħu kull waħda mill-azzjonijiet hawn qabel imsemmija bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet li jistgħu jiġu speċifikati minn dak il-Ministru fl-approvazzjoni tiegħu. Ċertifikat ta' approvazzjoni imsemmi fis-subartikolu (1) ta' dan l-artikolu għandu jitqies li jkun null u bla effett jekk id-detentur tiegħu jieħu xi waħda mill-azzjonijiet hawn qabel imsemmija mingħajr l-approvazzjoni bil-quddiem bil-miktub tal-Ministru responsabbli għall-isport, jew bi ksur ta' xi wieħed mill-pattijiet u kondizzjonijiet speċifikati minn dak il-Ministru f'xi approvazzjoni bħal dik. Id-detentur ta' l-imsemmi ċertifikat ta' approvazzjoni ma jkunx meħtieġ li jfittex u jikseb l-approvazzjoni bil-quddiem tal-Ministru responsabbli għall-isport qabel ma jsir it-trasferiment tal-proprjetà tal-korsa għat-tiġrijiet u xi art li tmiss magħha kollha kemm huma jew xi parti minnhom li dwarhom ikun jitkellem iċ-ċertifikat jekk, qabel ma jsir xi trasferiment bħal dak, huwa jċedi dak iċ-ċertifikat ta' approvazzjoni. Id-detentur ta' tali ċertifikat ta' approvazzjoni li jaġixxi bi ksur ta' xi disposizzjoni ta' dan is-subartikolu jkun ħati ta' reat kontra din it-Taqsima ta' dan l-Att.

(9) L-għoti ta' ċertifikat ta' approvazzjoni imsemmi fis-subartikolu (1) ta' dan l-artikolu ma jeżonerax lid-detentur ta' tali

ċertifikat milli jikseb xi liċenza, permess jew awtorizzazzjoni oħrajn li jistgħu jkunu meħtieġa taħt kull liġi oħra.

(10) Is-sid ta' xi post li ma jkunx korsa approvata għat-tiġrijiet u li juża jew xjentement jippermetti l-użu ta' dak il-post bil-għan li hemmhekk jagħmel tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb u, jew attivitajiet anċillari għal dawk it-tlielaq ikun ħati ta' reat kontra din it-Taqsima ta' dan l-Att.

(11) Persuna li torganizza jew tmexxi, jew li b'xi mod li jkun tipparteċipa fl-organizzazzjoni jew it-tmexxija ta', jew li tagħmilha ta' aġġudikant, *steward*, ġerrej jew b'xi mod ieħor li jkun jipparteċipa f'tiġrijiet ta' żwiemel jew tiġrijiet ta' klieb f'xi post li ma jkunx korsa approvata għat-tiġrijiet tkun ħatja ta' reat kontra din it-Taqsima ta' dan l-Att.

Approvazzjoni ta' klabbs tat-tiġrijiet.

44. (1) Il-Ministru responsabbli għall-isport jista' jagħti ċertifikat ta' approvazzjoni għal kull klabb tat-tiġrijiet għall-għanijiet ta' l-organizzazzjoni u t-tmexxija ta' tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb f'xi korsa approvata għat-tiġrijiet jew korsi approvati għat-tiġrijiet:

Iżda meta l-klabb tat-tiġrijiet ikun individwu li jkun sid ta' korsa approvata għat-tiġrijiet skond id-definizzjoni ta' "klabb tat-tiġrijiet" fl-artikolu 2(1) ta' dan l-Att, il-Ministru jista' jagħti biss tali ċertifikat ta' approvazzjoni lil dak l-individwu bil-għan li jorganizza u jmexxi tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb biss f'dik il-korsa approvata għat-tiġrijiet li tkun proprjetà ta' dak l-individwu.

(2) Applikazzjoni għal ċertifikat ta' approvazzjoni msemmi fis-subartikolu (1) ta' dan l-artikolu għandha ssir mill-klabb tat-tiġrijiet inkwistjoni, f'dik il-forma u b'dak il-mod meħtieġ mill-Ministru responsabbli għall-isport jew kif preskritt b'regolamenti magħmula minn dak il-Ministru taħt l-artikolu 78(5) ta' dan l-Att, u għandu iktar minn hekk ikun fiha jew tkun imsieħba b'dik l-informazzjoni, dawk id-dokumenti u partikolaritajiet kif dak il-Ministru jista' jeħtieġ jew li jista' jiġi preskritt b'regolamenti magħmula minn dak il-Ministru taħt l-artikolu 78(5) ta' dan l-Att.

(3) Il-Ministru responsabbli għall-isport m'għandux jagħti xi ċertifikat ta' approvazzjoni bħal dak kemm-il darba ma jkunx sodisfatt li l-applikant jissodisfa jew iħares, u li wara l-għoti taċ-ċertifikat jkun se jkompli jissodisfa jew iħares, dawk il-ħtiġiet u l-kriterji li jista' jiġi preskritt b'regolamenti magħmula minn dak il-Ministru taħt l-artikolu 78(5) ta' dan l-Att, u kemm-il darba dak il-Ministru ma jkunx sodisfatt li l-applikant ikun se jħares f'kull rigward id-disposizzjonijiet ta' din it-

Taqsima ta' dan l-Att u tar-regolamenti kollha magħmulin taħt l-artikolu 78(5) ta' dan l-Att u applikabbli għalih, il-pattijiet u l-kondizzjonijiet taċ-ċertifikat ta' approvazzjoni u kull regola u regolament magħmula minn xi Bord għall-Kontroll ta' Korsa għat-Tiġrijiet skond din it-Taqsima ta' dan l-Att jew regolamenti magħmulin taħt l-artikolu 78(5) ta' dan l-Att u applikabbli għalih.

(4) Fl-għoti ta' tali ċertifikat ta' approvazzjoni, il-Ministru responsabbli għall-isport jista' jassoġġettah għal dawk il-kondizzjonijiet li huwa jista' jqis adatti jew li jista' jiġi preskritt b'regolamenti magħmula minnu taħt l-artikolu 78(5) ta' dan l-Att, u wara l-għoti ta' tali ċertifikat dak il-Ministru jista' minn żmien għal żmien ivarja jew jirrevoka kull kondizzjoni hekk imposta jew jimponi kondizzjonijiet ġodda:

Iżda kulmeta il-Ministru responsabbli għall-isport iqis li jkun adatt li jibdel kull kondizzjoni jew jimponi xi kondizzjoni ġdida f'xi tali ċertifikat ta' approvazzjoni, dak il-Ministru għandu, b'avviż bil-miktub, jinforma lid-detentur taċ-ċertifikat bl-intenzjoni tiegħu li jibdel dik il-kondizzjoni jew li jimponi dik il-kondizzjoni l-ġdida, fejn jistieden lid-detentur jgħid għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn sebat ijiem wara l-ħruġ ta' l-avviż li jistgħu jiġu speċifikati fl-istess avviż, dik il-kondizzjoni m'għandhiex tiġi varjata jew dik il-kondizzjoni ġdida m'għandhiex tiġi imposta, u dak il-Ministru għandu jqis kull risposta li ssir mid-detentur taċ-ċertifikat fil-perjodu speċifikat fl-avviż, qabel ma jibdel il-kondizzjoni jew qabel ma jimponi l-kondizzjoni l-ġdida.

(5) Il-Ministru responsabbli għall-isport jista' jirrevoka ċertifikat ta' approvazzjoni imsemmi fis-subartikolu (1) ta' dan l-artikolu –

(i) jekk id-detentur ta' dak iċ-ċertifikat ikun jikser xi disposizzjoni ta' din it-Taqsima ta' dan l-Att u ta' kull regolamenti magħmulin taħt l-artikolu 78(5) ta' dan l-Att u applikabbli għalih, jew ikun qed jikser xi kondizzjoni fiċ-ċertifikat jew xi regoli u regolamenti magħmula minn xi Bord għall-Kontroll ta' Korsa għat-Tiġrijiet skond din it-Taqsima ta' dan l-Att jew regolamenti magħmulin taħt l-artikolu 78(5) ta' dan l-Att u applikabbli għalih;

(ii) jekk dak il-Ministru ikun raġonevolment sodisfatt li d-detentur taċ-ċertifikat ta' approvazzjoni ma jkunx għadu jissodisfa jew jikkonforma mal-ħtiġiet u l-kriterji msemmija fis-subartikolu (3) ta' dan l-artikolu, jew jekk dak il-Ministru raġonevolment iqis li jkun meħtieġ fl-interess nazzjonali jew fl-interess tar-razza taż-żiemel u, jew tal-kelb li jirrevoka ċ-ċertifikat ta' approvazzjoni; u

(iii) f'xi ċirkostanza oħra preskritta b'regolamenti magħmula minn dak il-Ministru taħt l-artikolu 78(5) ta' dan l-Att.

(6) Qabel ma jirrevoka ċertifikat ta' approvazzjoni msemmi fis-subartikolu (1) ta' dan l-artikolu minħabba f'xi raġuni minn dawk imsemmija fis-subartikolu (5) ta' dan l-artikolu, il-Ministru responsabbli għall-isport għandu, b'avviż bil-miktub, jitlob lid-detentur taċ-ċertifikat jgħid għaliex, f'dak il-perjodu li jista' jiġi mwaqqaf fl-istess avviż li ma jkunx ta' inqas minn wieħed u għoxrin jum wara l-ħruġ ta' l-avviż, iċ-ċertifikat m'għandux jiġi revokat minħabba f'dik ir-raġuni li tkun imsemmija fl-avviż, u dak il-Ministru għandu jqis kull risposta moghtija minn dak id-detentur fil-perjodu speċifikat fl-avviż qabel ma jirrevoka ċ-ċertifikat.

(7) Id-detentur ta' ċertifikat ta' approvazzjoni msemmi fis-subartikolu (1) ta' dan l-artikolu għandu minnufih jinforma lill-Ministru responsabbli għall-isport malli jsir jaf b'xi bidliet materjali fl-informazzjoni, dokumenti u partikolaritajiet provduti minn dak id-detentur skond is-subartikolu (2) ta' dan l-artikolu jew skond kull disposizzjoni oħra ta' din it-Taqsima ta' dan l-Att jew ta' regolamenti magħmulin taħt l-artikolu 78(5) ta' dan l-Att, u fin-nuqqas ikun ħati ta' reat kontra din it-Taqsima ta' dan l-Att.

(8) Id-detentur ta' ċertifikat ta' approvazzjoni imsemmi fis-subartikolu (1) ta' dan l-artikolu ma jistax jassenja jew jittrasferixxi dak iċ-ċertifikat lil xi ħadd mingħajr l-approvazzjoni bil-quddiem bil-miktub tal-Ministru responsabbli għall-isport, u jekk dik l-approvazzjoni tingħata, dak id-detentur jista' mbagħad jassenja jew jittrasferixxi dak iċ-ċertifikat bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet li jistgħu jiġu speċifikati minn dak il-Ministru fl-approvazzjoni tiegħu. Ċertifikat ta' approvazzjoni imsemmi fis-subartikolu (1) ta' dan l-artikolu jitqies li jkun null u bla effett jekk id-detentur tiegħu jittrasferixxi jew jassenja l-istess ċertifikat lil xi ħadd mingħajr l-approvazzjoni bil-quddiem bil-miktub tal-Ministru responsabbli għall-isport, jew bi ksur ta' xi pattijiet u kondizzjonijiet speċifikati minn dak il-Ministru f'xi tali approvazzjoni. Id-detentur ta' dak iċ-ċertifikat ta' approvazzjoni li jaġixxi bi ksur tad-disposizzjonijiet ta' dan is-subartikolu ikun ħati ta' reat kontra din it-Taqsima ta' dan l-Att.

(9) L-għoti ta' ċertifikat ta' approvazzjoni msemmi fis-subartikolu (1) ta' dan l-artikolu ma jeżonerax lid-detentur ta' tali ċertifikat milli jikseb xi liċenza, permess jew awtorizzazzjoni oħrajn li jistgħu jkunu meħtieġa taħt kull liġi oħra.

(10) Persuna li ma tkunx klabb approvat tat-tiġrijiet u li torganizza jew tmexxi xi tiġrija taż-żwiemel jew tal-klieb tkun ħatja ta' reat kontra din it-Taqsima ta' dan l-Att.

(11) Is-sid ta' xi post li xjentement jippermetti l-użu ta' dak il-post bil-għan li hemmhekk jiġu organizzati jew jitmexxew xi tiġrija taż-żwiemel u, jew tal-klieb minn persuna li ma tkunx klabb approvat tat-tiġrijiet ikun ħati ta' reat kontra din it-Taqsima ta' dan l-Att.

Ħatra ta' Bord għall-Kontroll ta' Korsi għat-Tiġrijiet.

45. (1) Il-Ministru responsabbli għall-isport għandu jaħtar dwar kull korsa approvata għat-tiġrijiet Bord għall-Kontroll ta' Korsa għat-Tiġrijiet li tkun magħmula u li l-proċeduri tagħha għandhom jitmexxew skond ma hemm fid-disposizzjonijiet tat-Tmien Skeda li tinsab ma' dan l-Att.

(2) Il-funzjonijiet ta' Bord għall-Kontroll ta' Korsa għat-Tiġrijiet jkunu -

(a) li jissorvelja t-tmexxija ta' tiġrijiet ta' żwiemel u tiġrijiet ta' klieb fil-korsa approvata għat-tiġrijiet li dwarha l-Bord ikun ġie maħtur sabiex jiżgura li dawk it-tlielaq isiru kif imisshom u kif dovut u skond id-disposizzjonijiet ta' din it-Taqsima ta' dan l-Att u ta' regolamenti magħmula mill-Ministru responsabbli għall-isport taħt l-artikolu 78(5) ta' dan l-Att u skond regoli u regolamenti magħmula minn dak il-Bord innifsu skond din it-Taqsima ta' dan l-Att jew regolamenti magħmulin taħt l-artikolu 78(5) ta' dan l-Att;

(b) li japprova li jsiru laqgħat li fihom tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb, li ma jkunux provi ta' tiġrijiet, għandhom isiru fil-korsa approvata għat-tiġrijiet li dwarha dak il-Bord ikun ġie maħtur;

(ċ) li jagħtu parir lill-Ministru responsabbli għall-isport dwar kull żvilupp ġdid, u kull ħaġa li tirrigwarda t-tiġrijiet taż-żwiemel u t-tiġrijiet tal-klieb u t-tmexxija ta' dan u l-korsi għat-tiġrijiet;

(d) li jwettaq kull funzjoni oħra li tista' minn żmien għal żmien tingħatalu b'din it-Taqsima ta' dan l-Att jew regolamenti magħmulin taħt l-artikolu 78(5) ta' dan l-Att.

(3) Bla ħsara għal kull regolament rilevanti magħmul mill-Ministru responsabbli għall-isport taħt l-artikolu 78(5) ta' dan l-Att, Bord għall-Kontroll ta' Korsa għat-Tiġrijiet jista' jaħtar aġġudikanti u *stewards* għar-rigward ta' tiġrijiet ta' żwiemel u tiġrijiet ta' klieb li jkunu qegħdin isiru fil-korsa approvata għat-tiġrijiet li dwarha dak il-

Bord ikun ġie maħtur u jista' jagħmel regoli u regolamenti li jkunu jirrigwardaw:

(a) it-tmexxija ta' tiġrijiet ta' żwiemel u tiġrijiet ta' klieb fil-korsa approvata għat-tiġrijiet li dwarha dak il-Bord ikun ġie maħtur;

(b) il-ħlas li għandu jsir mill-klabb approvat tat-tiġrijiet jew klabbs approvati tat-tiġrijiet li jkunu qed jorganizzaw u jagħmlu tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb fil-korsa approvata għat-tiġrijiet li dwarha dak il-Bord ikun ġie maħtur:

(i) lill-aġġudikanti u *stewards* maħtura mill-Bord kif provdut f'dan is-subartikolu; u

(ii) lill-Board innifsu għar-rigward tat-twettiq tal-funzjonijiet tiegħu;

(ċ) kull tali ħaġa oħra li tista' tiġi preskritta b'regolamenti magħmula mill-Ministru responsabbli għall-isport taħt l-artikolu 78(5) ta' dan l-Att.

(4) Bord għall-Kontroll ta' Korsa għat-Tiġrijiet għandu wkoll ikollu dawk il-poteri l-oħra li jista' jiġi preskritt b'regolamenti magħmula mill-Ministru responsabbli għall-isport taħt l-artikolu 78(5) ta' dan l-Att.

Taqsima IX - FLUS GĦAL LOGĦOB

Restrizzjoni fuq il-kreditu.

46. (1) Ma jkunx skond il-liġi, u jkun reat kontra dan l-Att, li detentur ta' liċenza jew operatur ta' logħba eżenti minn liċenza taħt dan l-Att jew regolamenti magħmulin taħtu, jew persuna li taġixxi għan-nom ta' tali detentur ta' liċenza jew operatur jew taħt xi arranġament miegħu, jagħmlu xi self jew xort'oħra jipprovdu jew jippermettu xi kreditu lil xi ħadd biex ikun jista' jipparteċipa f'logħbiet awtorizzati.

(2) Ma jkunx bl-istess mod skond il-liġi, u jkun reat kontra dan l-Att, li d-detentur ta' permess mogħti taħt regolamenti magħmulin taħt l-artikolu 78(3) ta' dan l-Att jew persuna li taġixxi f'ismu jew taħt xi arranġament miegħu jagħmlu xi self jew xort'oħra jipprovdu jew jippermettu xi kreditu lil xi ħadd biex ikun jista' jipparteċipa f'logħbiet operati skond dak il-permess.

47. L-artikolu 1716 tal-Kodiċi Ċivili m'għandux japplika għar- Kif japplika l-Kodiċi Ċivili, Kap. 16.
rigward ta' loghba awtorizzata u ta' loghba operata skond permess mogħti taħt regolamenti magħmulin taħt l-artikolu 78(3) ta' dan l-Att.

48. (1) Bla ħsara għal kull regolament magħmul mill-Ministru Ħlas ta' ġugati u premjijiet.
jew kull direttiva rilevanti li tista' tkun maħruġa mill-Awtorità, detentur ta' liċenza, jew operatur ta' loghba eżentati minn liċenza taħt dan l-Att jew regolamenti magħmulin taħtu, jew id-detentur ta' permess mogħti taħt regolamenti magħmulin taħt l-artikolu 78(3) ta' dan l-Att, jew persuna li taġixxi għan-nom ta' dak id-detentur ta' liċenza, operatur jew detentur ta' permess jew taħt kull arranġament mieghu, jista':

(a) jaċċetta ħlas ta' ġugata għal xi loghba awtorizzata jew, skond ma jista' jkun il-każ, għal xi loghba operata skond dak il-permess:

(i) fi flus likwidi; jew

(ii) ħlief meta jkollu tassew għaliex jaħseb li dawk il-mezzi ta' ħlas ma jkunux se jiġu onorati meta ssir il-presentazzjoni jew talba għalihom, b'ċekk, karta ta' kreditu, karta ta' debitu jew b'kull mezz ieħor leġittimu ta' ħlas, sew dokumentarju sew elettroniku; u

(b) jeffettwa ħlas ta' kull premju monetarju mirbuħ f'loghba awtorizzata jew, skond ma jista' jkun il-każ, f'loghba operata skond dak il-permess, b'xi wieħed mill-mezzi ta' ħlas imsemmija fis-subparagrafi (i) u (ii) tal-paragrafu (a) ta' din is-sotto-partita (1).

(2) Li jiġi aċċettat il-ħlas ta' ġugati skond id-disposizzjonijiet tas-subartikolu (1)(a) ta' dan l-artikolu m'għandux jitqies bħala li jmur kontra d-disposizzjonijiet ta' l-artikolu 46(1) ta' dan l-Att.

(3) Id-disposizzjonijiet ta' l-artikolu 1713 tal-Kodiċi Ċivili m'għandhomx jippreġudikaw:

(a) id-dritt ta' detentur ta' liċenza, operatur, detentur ta' permess jew persuna imsemmija fis-subartikolu (1) ta' dan l-artikolu, milli jirkupraw debitu li joriġina mill-fatt li jiġi aċċettat il-ħlas ta' ġugata b'xi wieħed mill-mezzi ta' ħlas imsemmija fis-subartikolu (1)(a) ta' dan l-artikolu skond id-disposizzjonijiet ta' l-imsemmi subartikolu (1)(a); jew

(b) id-dritt ta' rebbieħ ta' premju monetarju taħt loghba awtorizzata jew, skond ma jista' jkun il-każ, taħt loghba operata

skond permess mogħti taħt regolamenti magħmulin taħt l-artikolu 78(3) ta' dan l-Att, milli jirkupraw debitu li joriġina mill-fatt li jiġi aċċettat il-ħlas ta' dak il-premju b'xi wieħed mill-mezzi ta' ħlas imsemmija fis-subartikolu (1)(b) ta' dan l-artikolu.

Taqsima X - DISPOSIZZJONIJIET FINANZJARJI

Awtorità biex l-infiq isir mid-dħul u twaqqif tal-Fond tal-Lotterija Nazzjonali għal Kawżi Ġusti.

49. (1) Mingħajr preġudizzju għad-disposizzjonijiet li ġejjin ta' dan l-artikolu, l-Awtorità għandha hekk tmexxi l-affarijiet tagħha li n-nefqa meħtieġa għat-twettiq kif imiss tal-funzjonijiet tagħha għandha, skond kemm ikun prattiku, tkun bilanċjata mad-dħul tagħha.

(2) Għal dak l-iskop bħalma hemm imsemmi fis-subartikolu (1) ta' dan l-artikolu l-Awtorità għandha tiġbor kull dritt, rata, taxxa, imposta u ħlas ieħor preskritti jew meqjusa bħala preskritti minn jew taħt dan l-Att jew kull liġi oħra jew regolamenti magħmulin taħtu li jkollhom x'jaqsmu mal-poteri u l-funzjonijiet ta' l-Awtorità.

(3) L-Awtorità għandha wkoll titħallas mill-Gvern mill-Fond Konsolidat dawk l-ammonti li l-Kamra tista' minn żmien għal żmien tawtorizza li jiġu approprjati biex minnhom issir in-nefqa ta' xogħlijiet speċifikati biex dawn jitkomplew jew xort'oħra isiru mill-Awtorità, li jkunu xogħlijiet ta' infrastruttura jew ta' xorta kapitali bħal dik.

(4) Il-fondi ta' l-Awtorità, li ma jkunux fondi akkreditu tal-Fond ta' Riserva għal-Lotterija Nazzjonali ta' l-Awtorità dwar il-Logħob imsemmi fis-subartikolu (6) ta' dan l-artikolu, li ma jkunux minnufih meħtieġa biex issir in-nefqa minnhom jistgħu ikunu investiti b'dak il-mod li jista' minn żmien għal żmien ikun approvat mill-Ministru.

(5) Kull eċċess ta' dħul fuq l-infieq għandu, bla ħsara għal dawk id-direttivi li l-Ministru jista' minn żmien għal żmien jagħti u bla ħsara għad-disposizzjonijiet tas-subartikolu (6) ta' dan l-artikolu, jiġi applikat mill-Awtorità għall-formazzjoni ta' fondi ta' riserva biex jintużaw għall-għanijiet ta' l-Awtorità; u mingħajr preġudizzju għall-ġeneralità tal-poteri mogħtija lill-Ministru b'dan is-subartikolu, kull direttiva mogħtija mill-Ministru kif hawn qabel imsemmi tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod li jista' jiġi speċifikat fid-direttiva, ta' kull parti mid-drittijiet, rati, taxxi u imposti u ħlasijiet oħra li jinħabru skond is-subartikolu (2) ta' dan l-artikolu jew kull tali eċċess kif hawn qabel imsemmi.

(6) Mingħajr preġudizzju għall-poteri tal-Ministru taħt is-subartikolu (5) ta' dan l-artikolu, l-Awtorità għandha toħloq u żżomm fond ta' riserva, li jkun magħruf il-"Fond ta' Riserva ta' l-Awtorità dwar il-Logħob għal-Lotterija Nazzjonali", li jiġu lilu akkreditati u mħallsa mill-Awtorità, hekk kif tirċevihom:

(a) dak il-perċentwal ta' l-ammonti, drittijiet, imposti u, jew taxxi grossi mħallsa mid-detentur ta' liċenza għal Lotterija Nazzjonali lill-Awtorità skond l-artikolu 31(4) ta' dan l-Att li jista' jiġi preskritt b'regolamenti magħmula mill-Ministru taħt dan l-Att;

(b) l-ammonti grossi mħallsa mid-detentur ta' liċenza għal-Lotterija Nazzjonali lill-Awtorità skond l-artikolu 58(2) ta' dan l-Att; u

(ċ) kull ammont ieħor li l-Awtorità hi meħtieġa li takkredita u tħallas fil-Fond ta' Riserva ta' l-Awtorità dwar il-Logħob għal-Lotterija Nazzjonali taħt kull disposizzjoni oħra ta' dan l-Att jew ta' kull liġi oħra jew ta' regolamenti magħmulin taħtha,

u l-fondi kollha li jkunu hemm akkreditu tal-Fond ta' Riserva ta' l-Awtorità dwar il-Logħob għal-Lotterija Nazzjonali wara t-tmiem ta' kull sena finanzjarja għandhom, mhux iktar tard minn sitt ġimgħat minn tmiem dik is-sena finanzjarja, jitħallsu mill-Awtorità lit-Tezor u għandhom jiġu akkreditati lill-Fond tal-Lotterija Nazzjonali għall-Kawżi Ġusti magħmul taħt is-subartikolu (7) ta' dan l-artikolu. L-Awtorità m'għandhiex tiddisponi minn jew tuża fondi li minn żmien għal żmien ikun akkreditu tal-Fond ta' Riserva ta' l-Awtorità dwar il-Logħob għal-Lotterija Nazzjonali b'xi mod jew għal xi għan li ma jkunx kif provdut f'dan is-subartikolu.

(7) Ikun hemm u jinżamm fid-Dipartiment tat-Teżor kont li jkun magħruf "Fond tal-Lotterija Nazzjonali għall-Kawżi Ġusti " li lilu jiġi akkreditat u mħallas il-bilanċ ta' kreditu fil-Fond ta' Riserva ta' l-Awtorità dwar il-Logħob għal-Lotterija Nazzjonali mħallas mill-Awtorità lit-Teżor skond is-subartikolu (6) ta' dan l-artikolu. Il-fondi minn żmien għal żmien li jkunu akkreditu tal-Fond tal-Lotterija Nazzjonali għall-Kawżi Ġusti għandhom jitħallsu mill-Ministru, mingħajr ebda approprjazzjoni ulterjuri li ma tkunx dan l-Att, lil dawk il-persuni, organizzazzjonijiet, korpi jew entitajiet oħra li jkollhom skopijiet ta' xorta reliġjuża, filantropika, kulturali, edukattiva, soċjali jew ċivika jew b'appoġġ ta' kawżi oħra meritevoli, u f'dawk l-ammonti, b'dak il-mod u f'kull waqt, kif jista' jiġi stabbilit mill-Ministru minn żmien għal żmien wara konsultazzjoni ma' Bord ta' Konsulenza maħtur minnu għal dak l-għan.

(8) Dikjarazzjoni ta' kull ammont riċevut u minfuq mill-Fond tal-Lotterija Nazzjonali għall-Kawżi Ġusti għandha, kemm jista' jkun malajr wara l-għeluq ta' kull sena finanzjarja u f'ebda każ iktar tard minn tliet xhur wara l-għeluq ta' dik is-sena, jiġu ppreżentati mill-*Accountant General* lill-Awditur Ġenerali, u l-artikolu 65(2) ta' l-Att dwar l-Amministrazzjoni Finanzjarja u l-Verifika għandu japplika għal tali dikjarazzjoni.

Poter li tissellef jew tohloq kapital.

50. Bil-għan li tkun tista' twettaq kull funzjoni tagħha taħt dan l-Att, l-Awtorità tista', bl-approvazzjoni bil-miktub tal-Ministru, tissellef jew toħloq flus b'dak il-mod, minn dik il-persuna, korp jew awtorità, u taħt dawk il-pattijiet u l-kondizzjonijiet kif il-Ministru jista' japprova bil-miktub.

Avvanzi mill-Gvern.

51. Il-Ministru jista' jagħmel avvanzi lill-Awtorità ta' dawk l-ammonti li huwa jista' jaqbel bħala li jkunu meħtieġa mill-Awtorità għat-twettiq ta' kull funzjoni tagħha taħt dan l-Att, u jista' jagħmel dawk l-avvanzi taħt dawk il-pattijiet u l-kondizzjonijiet li huwa jista' jqis adatti. Kull tali avvanz jista' jkun magħmul mill-Ministru mill-Fond Konsolidat, u mingħajr ebda approprjazzjoni oħra li ma tkunx dan l-Att, b'ordni maħruġa bil-firma tiegħu li tkun tawtorizza lill-*Accountant General* jagħmel dak l-avvanz.

Tislif minghand il-Gvern.

52. (1) Il-Ministru jista', għal kull ħtieġa ta' l-Awtorità ta' xorta kapitali, jikkuntratta jew joħloq kull self, jew jinkorri kull obbligazzjoni, għal dawk il-perjodi u b'dawk il-pattijiet u l-kondizzjonijiet li huwa jista' jqis adatti; u kull ammont dovut dwar jew f'dak li għandu x'jaqsam ma' xi tali self jew obbligazzjoni jkun nefqa fuq il-Fond Konsolidat.

(2) Avviż ta' kull self, obbligazzjoni jew avvanz magħmula jew imġarrba taħt id-disposizzjonijiet ta' qabel ta' dan l-artikolu għandu jingħata lill-Kamra kemm jista' jkun malajr.

(3) Sakemm jinħoloq tali self bħalma hemm imsemmi fis-subartikolu (1) ta' dan l-artikolu, jew bil-għan li jipprovdi lill-Awtorità b'kapital attiv, il-Ministru jista, b'ordni maħruġa bil-firma tiegħu, u mingħajr ebda approprjazzjoni oħra li ma tkunx dan l-Att, jawtorizza lill-*Accountant General* jagħmel avvanzi lill-Awtorità mit-*Treasury Clearance Fund* taħt dawk il-pattijiet li jistgħu jiġu speċifikati mill-Ministru malli jsir dan.

(4) Ir-rikavat ta' kull self oriġinat bil-għan li jsiru avvanzi lill-Awtorità, u kull flejjes oħra li għandhom jiġu avvanzati lill-Awtorità taħt dan l-artikolu, għandhom jitħallsu ġo fond speċjalment imwaqqaf għal dal l-għan u li jkun magħruf bħala l-"Fond ta' Self għal-Lotteriji u l-Logħob f'Malta".

(5) Ammonti li jiġu riċevuti mill-*Accountant General* mingħand l-Awtorità, dwar avvanzi magħmula lill-Awtorità taħt is-subartikolu (3) ta' dan l-artikolu għandhom jitħallsu, għar-rigward ta' ammonti li jiġu riċevuti bħala ħlas lura fit-*Treasury Clearance Fund* u , għar-rigward ta' ammonti li jiġu riċevuti bħala mgħax fil-Fond Konsolidat.

Estimi ta' l-Awtorità.

53. (1) L-Awtorità għandha tara li jitħejjew ta' kull sena finanzjarja, u għandha mhux iktar tard minn sitt ġimgħat wara tmiem kull tali sena jadotta, estimi tad-dħul u l-infieq ta' l-Awtorità għas-sena finanzjarja ta' wara:

Iżda l-estimi għall-ewwel sena finanzjarja ta' l-Awtorità għandhom jitħejjew u jkunu adottati f'dak iż-żmien li l-Ministru jista' b'avviż bil-miktub jispeċifika lill-Awtorità.

(2) Fil-preparazzjoni ta'-dawk l-estimi, l-Awtorità għandha tqis kull fondi u flejjes oħra li jistgħu jkunu dovuti li jitħallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew jekk bis-saħħa ta' dan l-Att jew ta' xi Att ta' approprjazzjoni sew b'kull liġi oħra; u l-Awtorità għandha hekk tħejji dawk l-estimi b'mod li tiżgura li kull dħul totali ta' l-Awtorità jkun mill-anqas suffiċjenti biex ikopri l-ammonti kollha li sewsew jinġabru mill-kont ta' dħul inkluż, imma mingħajr preġudizzju għall-ġeneralità ta' dik il-frażi, d-deprezzament.

(3) L-estimi għandhom jiġu magħmula f'dik l-għamla u għandu jkun fihom dik l-informazzjoni u dak it-taqbil mas-snin ta' qabel hekk kif il-Ministru jista' jordna.

(4) Kopja ta' l-estimi għandha, malli dawn jiġu adottati mill-Awtorità, jintbagħtu minnufih mill-Awtorità lill-Ministru.

(5) Il-Ministru għandu, ma' l-ewwel opportunità u mhux iktar tard minn sitt ġimgħat wara li jkun irċieva kopja ta' l-estimi mill-Awtorità, japprovhom b'xi emendi jew mingħajrhom.

L-infieq għandu jkun skond l-estimi approvati.

54. (1) M'għandu jsir jew jiġi mġarrab ebda nfieq mill-Awtorità kemm-il darba dan ma jkunx ġie approvat mill-Ministru kif provdut fl-artikolu 53 ta' dan l-Att.

(2) Minkejja id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu -

(a) sakemm jgħaddu sitt xhur mill-bidu ta' sena finanzjarja, jew sakemm ikun hemm l-approvazzjoni ta' l-estimi għal dik is-sena mill-Ministru, skond liema taħbat l-ewwel data, l-Awtorità

tista' tagħmel jew iġġarrab l-infieq talli tkun qed taqdi l-funzjonijiet tagħha taħt dan l-Att li ma jkunx b'kollox jeċċedi nofs l-ammont approvat mill-Ministru għas-sena finanzjarja ta' qabel;

(b) l-infieq approvat dwar xi kap jew sotto-kap ta' l-estimi jista', bl-approvazzjoni tal-Ministru, ikun magħmul jew jiġġarrab dwar xi kap jew sotto-kap ieħor ta' l-estimi;

(ċ) dwar l-ewwel sena finanzjarja, l-Awtorità tista' tagħmel jew iġġarrab infieq li b'kollox ma jkunx jeċċedi dawk l-ammonti li l-Ministru jista' jippermetti;

(d) jekk dwar xi sena finanzjarja jirriżulta li l-ammont approvat mill-Ministru ma jkunx biżżejjed jew tqum ħtieġa għall-infieq għal fini li m'hemmx provdut dwarha fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni mill-Ministru u f'xi tali każ id-disposizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom kemm jista' jkun prattiku japplikaw għall-estimi supplimentari.

Pubblikazzjoni ta' estimi approvati.

55. Il-Ministru għandu, kemm jista' jkun malajr u mhux iktar tard minn tmien ġimgħat wara li jkun irċieva kopja ta' l-estimi u l-estimi supplimentari ta' l-Awtorità, jew jekk f'kull waqt matul dak il-perjodu l-Kamra ma tkunx qegħda f'sessjoni, fi żmien tmien ġimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jara li dawk l-estimi jitqegħdu fuq il-Mejda tal-Kamra.

Kontijiet u verifika.

56. (1) L-Awtorità għandha tara li jinżammu kontijiet u kull dokumentazzjoni oħra kif dovut dwar l-operazzjonijiet tagħha, u għandha tara li titħejja dikjarazzjoni ta' kontijiet dwar kull sena finanzjarja.

(2) Il-kontijiet ta' l-Awtorità jiġu verifikari minn awditur jew awdituri li jiġu maħtura mill-Awtorità u approvati mill-Ministru:

Iżda l-Ministru jista' jeħtieġ li l-kotba u l-kontijiet ta' l-Awtorità jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dak l-għan ikollu l-poteri kollha stabbiliti fl-Att dwar l-Awditur Ġenerali u l-Uffiċċju Nazzjonali tal-Verifika.

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(3) Wara tmiem kull sena finanzjarja, u mhux iktar tard mid-data meta l-estimi ta' l-Awtorità jintbagħtu lill-Ministru taħt l-artikolu 53 ta' dan l-Att, l-Awtorità għandha tara li kopja tad-dikjarazzjoni ta' kontijiet debitament verifikata tiġi trasmessa lill-Ministru flimkien ma' kopja ta' kull rapport magħmul mill-awdituri dwar dik id-dikjarazzjoni jew dwar il-kontijiet ta' l-Awtorità.

(4) Il-Ministru għandu, ma' l-ewwel opportunità li jkollu u mhux iktar tard minn tmien ġimgħat wara li jkun irċieva kopja ta' kull tali dikjarazzjoni u rapport, jew jekk f'kull waqt matul dak il-perjodu il-Kamra ma tkunx qegħda f'sessjoni, fi żmien tmien ġimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jara li kull tali dikjarazzjoni u rapport jitqegħdu fuq il-Mejda tal-Kamra.

Depożitu ta' kull dħul u ħlas mill-Awtorità.

57. (1) Kull flejjes li jidħlu lill-Awtorità favuriha għandhom jitqegħdu f'bank jew banek maħtura bħala bankiera ta' l-Awtorità minn risoluzzjoni ta' l-Awtorità; dawk il-flejjes għandhom, kemm jista' jkun prattiku, jitqegħdu f'kull tali bank minn ġurnata għall-oħra, ħlief tali ammont li l-Awtorità tista' tawtorizza li tinżamm biex minnu jitħallsu xi nefqiet żgħar u jsiru xi ħlasijiet ta' flus likwidi ta' malajr.

(2) Kull ħlas mill-fondi ta' l-Awtorità, li ma tkunx xi nefqa żgħira li ma teċċedix ammont stabbilit mill-Awtorità, għandha tkun magħmula minn dak l-uffiċjal jew uffiċjali ta' l-Awtorità hekk kif l-istess Awtorità taħtar jew issemmi għal dak l-għan.

(3) Kull ċekk li jsir minn, jew żbank minn, xi kont tal-bank ta' l-Awtorità għandu jkun iffirmat minn dak l-uffiċjal ta' l-Awtorità li jista' jiġi maħtur jew nominat mill-Awtorità għaldaqstant u għandu jġib ukoll il-kontrofirma tal-President, jew ta' dak il-membru jew uffiċjal ieħor ta' l-Awtorità li jistgħu jiġu awtorizzati mill-Awtorità għal dak l-għan.

(4) L-Awtorità għandha wkoll tipprovdi għar-rigward ta' -

(a) il-mod li bih, u l-uffiċjal jew l-uffiċjali li jistgħu, jawtorizzaw jew japprovaw ħlasijiet;

(b) it-titolu ta' xi kont li jkun hemm f'xi bank jew banek fejn għandhom jitqegħdu l-flejjes ta' l-Awtorità, u t-trasferiment ta' fondi minn kont għall-ieħor;

(ċ) il-metodu li għandu jiġi adottat biex isiru ħlasijiet mill-fondi ta' l-Awtorità,

u ġeneralment dwar kull ħaġa li hi rilevanti għaż-żamma u kontroll kif dovut tal-kontijiet u l-kotba, u l-kontroll tal-finanzi, ta' l-Awtorità.

Riserva għal Premjijiet mhux Mitlubin.

58. (1) Id-detentur ta' liċenza għal Lotterija Nazzjonali għandu jieħu ħsieb li jkollu riserva, li tkun magħrufa bħala r-Riserva għal Premjijiet mhux Mitlubin, li fih jiġi akkreditat u mħallas minn dak id-detentur ta' liċenza ammont li jkun daqsinsew il-valur ta' kull premju

monetarju jew il-valur kummerċjali ta' xi premju mhux monetarju f'loghba awtorizzata operata minn dak id-detentur ta' liċenza skond il-Liċenza għal-Lotterija Nazzjonali, li jibqa' ma jiġix mitlub fi tmiem il-perjodu sa meta jkun jista' jintalab dak il-premju kif stabbilit fir-regoli ta' l-imsemmi loghba awtorizzata. Dak il-ħlas fir-Riserva għal Premjijiet mhux Mitlubin għandu jsir mid-detentur ta' liċenza għal Lotterija Nazzjonali fi żmien sebat ijiem minn tmiem il-perjodu biex issir it-talba għall-premju hawn aktar qabel imsemmi.

(2) Kull flejjes li jkunu akkreditati fir-Riserva għal Premjijiet mhux Mitluba tad-detentur ta' liċenza għal Lotterija Nazzjonali wara l-31 ta' Mejju u t-30 ta' Novembru ta' kull sena finanzjarja tad-detentur ta' liċenza għandhom, mhux iktar tard minn ġimgħatejn minn kull waħda miż-żewġ dati hawn qabel imsemmija ta' kull sena finanzjarja tad-detentur ta' liċenza, jitħallsu mid-detentur ta' liċenza lill-Awtorità u għandhom ikunu akkreditati u jiġu mħallsa lill-Awtorità fil-Fond ta' Riserva ta' l-Awtorità dwar il-Loghob għal-Lotterija Nazzjonali msemmi fl-artikolu 49(6). Id-detentur ta' liċenza għal Lotterija Nazzjonali m'għandux iqassam lill-azzjonisti tiegħu jew xort'oħra jiddisponi minn jew juża xi flejjes li jkunu minn żmien għal żmien akkreditati favur ir-Riserva għal Premjijiet mhux Mitluba b'xi mod jew għal xi għan li ma jkunx kif provdut f'dan is-subartikolu.

(3) Detentur ta' liċenza għal Lotterija Nazzjonali li jikser xi waħda mid-disposizzjonijiet tas-subartikoli ta' hawn aktar qabel ta' dan l-artikolu jkun ħati ta' reat kontra dan l-Att. Iktar minn hekk, li detentur ta' liċenza għal Lotterija Nazzjonali jkun iħares dawk id-disposizzjonijiet għandha titqies bħala kondizzjoni marbuta mal-Liċenza għal-Lotterija Nazzjonali għall-għanijiet ta' dan l-Att.

(4) Il-Ministru jista' b'regolamenti japplika d-disposizzjonijiet ta' dan l-artikolu lil detenturi oħrajn ta' liċenza għal loghbiet jew lil dawk il-kategoriji ta' detenturi oħrajn ta' liċenza għal loghbiet li jistgħu jiġu speċifikati fl-istess regolamenti.

Kuntratti ta' appalt.

59. Mingħajr preġudizzju għal kull direttiva li titwassal mill-Ministru taħt l-artikolu 12(1) ta' dan l-Att, l-Awtorità m'għandhiex, ħlief bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali, tagħti jew tagħmel xi kuntratt għall-provvista ta' oġġetti jew ta' materjal jew għall-għemil ta' xogħlijiet, għall-għoti ta' servizzi, lil jew għal benefiċċju ta' l-Awtorità, li jkunu stmati mill-Awtorità li jeċċedu valur ta' tliet elef lira, jew kull ammont ieħor li l-Ministru jista' b'regolamenti jippreskrivi, ħlief wara li jkun ġie pubblikat avviż ta' l-intenzjoni ta' l-Awtorità li tagħmel il-kuntratt u jkunu nħarġu sejħiet għal offerti kompetittivi.

Money laundering.

60. (1) Mingħajr preġudizzju għad-disposizzjonijiet ta' l-Att kontra *Money laundering*, hawn iktar 'il quddiem f'dan l-artikolu imsejjaħ "l-Att", il-Ministru bi ftehim mal-Ministru responsabbli għall-ġustizzja, jista' b'ordni jipprovdi linji direttivi li jirrigwardaw it-tmexxija ta' detentur ta' liċenza jew uffiċjali jew impjegati tiegħu jew persuni li jaġixxu f'ismu jew taħt xi xorta ta' ftehim miegħu, jew l-Awtorità jew membri, uffiċjali jew impjegati tagħha, dwar ċertu transazzjonijiet li jistgħu jagħtu lok għal xi suspett ta' *money laundering*, u jista' b'mod partikolari jipprovdi li d-disposizzjonijiet ta' l-artikolu 9(1) ta' l-Att għandhom japplikaw għar-rigward tad-detenturi ta' liċenza, logħob u operazzjoni ta' logħbiet b'dawk il-modifiki u adattazzjonijiet li jistgħu jiġu speċifikati.

Kap. 373.

(2) Meta xi membru, uffiċjal jew impjegat ta' l-Awtorità jew xi uffiċjal jew impjegat ta' detentur ta' liċenza jew persuna oħra li jaġixxu għan-nom ta' detentur ta' liċenza jew taħt xi xorta ta' ftehim miegħu, ikollhom għaliex jissuspettaw li xi transazzjoni, jew xi transazzjoni proposta, tista' tinvolvi *money laundering*, huwa għandu jaġixxi skond ir-regolamenti magħmulin taħt l-Att, u regolamenti magħmulin taħt dan l-Att, kif dawn ikunu japplikaw għall-każ.

Rapport annwali.

61. L-Awtorità għandha, mhux iktar tard minn sitt ġimgħat wara t-tmiem ta' kull sena finanzjarja, jagħmel u jibgħat rapport lill-Ministru li jkun ġeneralment jittratta dwar l-attivitajiet ta' l-Awtorità matul dik is-sena finanzjarja u li jkun fih dik l-informazzjoni li tkun tirrigwarda l-proċeduri u l-politka ta' l-Awtorità hekk kif il-Ministru jista' minn żmien għal żmien jeħtieġ. Il-Ministru għandu, ma' l-ewwel opportunità li jkollu u mhux iktar tard minn tmien ġimgħat wara li jkun irċieva kopja ta' kull tali rapport, jew jekk f'kull waqt matul dak il-perjodu l-Kamra ma tkunx qegħda f'sessjoni, fi żmien tmien ġimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, tara li kopja ta' kull tali rapport titqiegħed fuq il-Mejda tal-Kamra.

Taqsima XI - TRASFERIMENT TA' PROPRJETÀ LILL-AWTORITÀ

Trasferiment ta' proprjetà lill-Awtorità.

62. (1) (a) Il-proprjetà u intrapriżi proprjetà tal-Gvern u wżati minnu, minnufih qabel id-data tad-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att, għall-operat ta' xi funzjoni li b'dan l-Att ikunu qegħdin jiġu trasferiti lil jew vestiti fl-Awtorità għandhom, fid-data hawn qabel imsemmija, bis-saħħa ta' dan l-Att u mingħajr ebda assikurazzjoni oħra, ikunu trasferiti lil u vestiti fl-Awtorità taħt l-istess titolu li bih kienu miżmuma mill-Gvern minnufih qabel dik id-data. Id-disposizzjonijiet ta' dan il-paragrafu m'għandhomx japplikaw għal proprjetà immobbli.

(b) Il-proprjetà immobbli minn żmien għal żmien speċifikata f'ordni magħmula mill-President ta' Malta u pubblikata fil-Gazzetta (hawn iżjed 'il quddiem imsemmija bħala "il-proprjetà immobbli") li tkun proprjetà immobbli li minnufih qabel id-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att kienet proprjetà tal-Gvern u wżata minnu għall-operat ta' xi funzjoni li b'dan l-Att ikunu qegħdin jiġu trasferiti lil jew vestiti fl-Awtorità jew xort'oħra għall-operat ta' xi funzjoni preskritta b'xi liġi li qed tiġi mħassra skond l-artikolu 80 ta' dan l-Att, għandha, b'seħħ minn dik il-ġurnata li tista' tiġi speċifikata f'xi tali ordni, u bis-saħħa ta' dan l-Att u mingħajr ebda assikurazzjoni oħra, tiġi trasferita lil u vestita fl-Awtorità taħt l-istess titolu li bih kienu miżmuma mill-Gvern qabel dik il-ġurnata.

(2) It-trasferiment u l-att li bih jiġu vestiti imsemmi qabel għandhom, bla ħsara għad-disposizzjonijiet tal-paragrafi (a) u (b) tas-subartikolu (1) ta' dan l-artikolu, jestendu għal kull tali proprjetà u intrapriżi jew attiv oħra u, mingħajr preġudizzju għall-ġeneralità imsemmija qabel, għandha tinkludi kull impjant, tagħmir, apparat, strument, vettura, inġenji, bini, struttura, stallazzjoni, art, triq, xogħol, ħażniet u proprjetà oħra, mobbli jew immobbli, attiv, poter, jedd u privileġġ u kull ħaġa meħtieġa jew anċillari għalihom li jinżammu jew ikunu gawduti b'konnessjoni magħhom jew għax ikunu jappartjenu lilhom, kif ukoll kull obbligazzjoni li taffettwa jew li tirrigwarda kull ħaġa mill-proprjetà hawn qabel imsemmija u intrapriżi jew attiv jew xi ħaġa oħra inkluża hemm fiha kif hawn qabel imsemmi.

Kif jiftehmu l-liġijiet, eċċ.

63. Bla ħsara għad-disposizzjonijiet ta' dan l-Att, kull liġi, regola, regolament, ordni, sentenza, digriet, lodi, att, titolu, kuntratt, ftehim, strument, dokument, *warrant* u xi xort'oħra ta' ftehim, li jkun jeżisti minnufih qabel id-data tad-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att li jaffettwa jew li jirrigwarda l-proprjetajiet u intrapriżi trasferiti lill-Awtorità bis-saħħa ta' l-artikolu 62(1)(a) ta' dan l-Att, jew dawk li jkunu jaffettwaw jew li jirrigwardaw kull attiv immobbli msemmi fl-artikolu 62(1)(b) ta' dan l-Att li dwaru ordni kif inhu imsemmi f'dak l-artikolu 62(1)(b) ikun ġie ppubblikat u jkun jeżisti minnufih qabel id-data speċifikata f'dak l-ordni bħala d-data li b'seħħ minnha dik il-proprjetà immobbli għandha tkun trasferita lill-Awtorità bis-saħħa ta' l-imsemmi artikolu 62(1)(b), għandu jkollu kull seħħ u effett kontra jew għaf-favur ta' l-Awtorità, u jkun esegwibbli liberament u effettivament, bħallikieku minflok il-Gvern jew dipartiment tal-Gvern jew awtorità, l-Awtorità kienet hemm imsemmija jew kienet parti fih, u xort'oħra b'sostituzzjoni tal-Gvern jew dipartiment tal-Gvern jew awtorità.

Dispożizzjonijiet transitorji li jirrigwardaw it-trasferiment ta' kull attiv.

64. (1) Meta xi ħaġa tkun inbdiet minn jew taħt l-awtorità tal-Gvern qabel id-data tad-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att u dik il-ħaġa tkun tirrigwarda xi proprjetà u intrapriżi minn dawk imsemmija fl-artikolu 62(1)(a) ta' dan l-Att jew għal kull dritt jew obbligazzjoni li għandhom x'jaqsmu ma' dan trasferiti lill-Awtorità b'dan l-Att jew taħtu, dik il-ħaġa tista' titwettaq u tiġi kompluta mill-Awtorità jew kif awtorizzat minnha.

(2) Meta minnufih qabel id-data tad-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att, ikun għad hemm pendenti xi proċeduri legali li dwarhom il-Gvern ikun, jew ikun intitolat ikun parti, u dawk il-proċeduri jkollhom x'jaqsmu ma' kull proprjetà u intrapriża imsemmija fl-artikolu 62(1)(a) ta' dan l-Att jew għal kull dritt jew obbligazzjoni li għandhom x'jaqsmu ma' dan trasferiti lill-Awtorità bi jew taħt dan l-Att, l-Awtorità għandha, sa mid-data imsemmija qabel, tidħol f'dawk il-proċeduri għall-Gvern, jew issir parti fihom bl-istess mod bħalma seta' sar il-Gvern, u dawk il-proċeduri m'għandhom b'ebda mod jintlaqtu minħabba f'dik is-sostituzzjoni.

(3) Meta xi ħaġa tkun inbdiet bi jew taħt l-awtorità tal-Gvern qabel id-data speċifikata f'ordni bħal dik imsemmija fl-artikolu 62(1)(b) ta' dan l-Att li tirrigwarda xi attiv immobbli kif hemm imsemmi f'dak l-artikolu 62(1)(b) bħala d-data li b'seħħ minnha dak il-attiv immobbli għandu jkun trasferit lill-Awtorità bis-saħħa ta' l-imsemmi artikolu 62(1)(b), u dik il-ħaġa tkun tirrigwarda dak l-attiv immobbli jew xi dritt jew obbligazzjoni relatati ma' xi attiv bħal dak trasferit lill-Awtorità b'dan l-Att jew taħtu, dik il-ħaġa tista' titwettaq u tiġi kompluta mill-Awtorità jew kif awtorizzat minnha.

(4) Meta minnufih qabel id-data speċifikata f'ordni kif hemm imsemmi fl-artikolu 62(1)(b) ta' dan l-Att li tirrigwarda xi attiv immobbli kif hemm imsemmi f'dak l-artikolu 62(1)(b) bħala d-data li b'seħħ minnha dak l-attiv immobbli għandu jkun trasferit lill-Awtorità bis-saħħa ta' l-imsemmi artikolu 62(1)(b), ikun hemm proċeduri legali li jkunu għadhom pendenti u li l-Gvern ikun jew ikollu jedd ikun parti fihom, u dawk il-proċeduri jkollhom x'jaqsmu ma' dak l-attiv immobbli jew ma' xi dritt jew obbligazzjoni relatati ma' dak l-attiv trasferit lill-Awtorità b'dan l-Att jew taħtu, l-Awtorità għandha, sa mid-data imsemmija qabel, tidħol f'dawk il-proċeduri għall-Gvern, jew inkella ssir parti fihom bl-istess mod li l-Gvern seta' jsir parti hu, u dawk il-proċeduri m'għandhom b'ebda mod jintlaqtu minħabba f'dik is-sostituzzjoni.

Il-Ministru jista' jagħmel dispożizzjonijiet biex jistabbilixxi l-proprjetà trasferita lill-Awtorità.

65. Il-Ministru jista' b'ordni jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenzjali u supplementali ħekk kif ħuwa jista' jqis meħtieġ jew spedjenti bil-għan li jistabbilixxi, kif adatt, il-proprjetajiet, intrapriżi jew kull attiv, dritt jew obbligazzjoni trasferiti lill-Awtorità b'dan l-Att u jiżgura u jagħti kull effett għat-trasferiment ta' kull proprjetà bħal dik, intrapriża jew attiv jew kull dritt jew obbligazzjoni lill-Awtorità b'dan l-Att u jagħmel dawk l-ordnijiet li jistgħu jiġu meħtieġa biex jagħmel li xi poteri u dmirijiet jiġu eżerċitati mill-Gvern in relazzjoni għal kull proprjetà, intrapriża, attiv, dritt jew obbligazzjoni li jiġu eżerċitati minn jew għan-nom ta' l-Awtorità.

Taqsima XII - REATI U PIENI

Piena għal reati kontra dan l-Att.

66. (1) Persuna li tinsab ħatja ta' xi reat kontra dan l-Att jew ta' xi parti minnu teħel, meta tinsab ħatja, multa ta' mhux inqas minn tliet elef lira u mhux iżjed minn mitt elf lira jew priġunerija għal żmien mhux iżjed minn sentejn, jew dik il-multa u priġunerija flimkien:

Iżda meta l-persuna ħatja ta' xi reat kontra dan l-Att tkun reċidiva, tista' teħel multa ta' mhux inqas minn ħamest elef lira u mhux iżjed minn mija u ħamsin elf lira, jew priġunerija għal perjodu ta' mhux inqas minn sitt xhur u mhux iżjed minn tliet snin, jew dik il-multa u priġunerija flimkien:

Iżda wkoll meta l-persuna li ħekk tinsab ħatja tkun il-President, id-direttur, il-*manager*, is-segretarju jew xi uffiċjal ieħor bħal dak ta' kumpannija jew intrapriża oħra, organizzazzjoni, klabb, soċjetà jew assoċjazzjoni oħra jew korp ta' persuni, dik il-persuna għandha, għall-finijiet ta' dan l-artikolu, titqies li tkun vestita bir-rappreżentanza ġuridika ta' l-istess kumpannija jew intrapriża oħra, organizzazzjoni, klabb, soċjetà jew assoċjazzjoni oħra jew korp ta' persuni, li għandhom skond ħekk ikunu solidalment responsabbli mal-persuna misjuba ħatja għall-ħlas ta' dik il-multa:

Iżda wkoll meta l-Avukat Ġenerali fis-sanzjoni maħruġa skond l-artikolu 73(2) ta' dan l-Att, jiċċertifika li r-reat jista' jingħata piena adegwata ta' multa ta' mhux inqas minn mitt lira u mhux iżjed minn tliet elef lira, il-piena applikabbli tkun multa ta' mhux inqas minn mitt lira u mhux iżjed minn tliet elef lira.

(2) Il-multa imsemmija fis-subartikolu (1) ta' dan l-artikolu tingħabar mill-Ministru responsabbli għall-isport bħala dejn ċivili għaf-favur tal-Gvern meta r-reat rilevanti jsir taħt xi dispożizzjoni tat-Taqsima VIII ta' dan l-Att, u meta ir-reat rilevanti jsir taħt kull

disposizzjoni oħra ta' dan l-Att dik il-multa għandha tingabar miċ-*Chief Executive* bħala dejn ċivili għaf-favur tal-Gvern.

(3) Id-disposizzjonijiet ta' l-Att dwar il-*Probation* ta' Ħatjin, u ta' l-artikoli 21 u 28A sa 28I tal-Kodiċi Kriminali m'għandhomx japplikaw għar-rigward ta' reati imsemmija fis-subartikolu (1) ta' dan l-artikolu. Kap. 152. Kap. 9.

Penali amministrattiva.

67. (1) Mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 66 u għall-poter ta' l-Awtorità li tirrevoka jew tissospendi l-liċenza rispettiva skond dan l-Att, jekk l-Awtorità tkun sodisfatta li d-detentur ta' liċenza ikun kiser xi kondizzjoni ta' liċenza maħruġa lil dak id-detentur ta' liċenza taħt dan l-Att jew xi direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw lil dak id-detentur ta' liċenza, l-Awtorità tista' mingħajr ma tirrikorri għal smigħ fil-qorti, timponi u tiġbor mingħand id-detentur ta' liċenza piena amministrattiva li m'għandhiex tkun inqas minn mitt lira u li m'għandhiex tkun iżjed minn ħamsin elf lira.

(2) Mingħajr preġudizzju għall-artikoli 36(7) u 66 ta' dan l-Att, jekk l-Awtorità tkun sodisfatta li d-detentur ta' permess maħruġ skond l-artikolu 36 ikun kiser xi kondizzjoni f'dak il-permess jew xi direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għal dak id-detentur ta' permess, l-Awtorità tista' mingħajr ma tirrikorri għal smigħ fil-qorti, timponi u tiġbor mingħand id-detentur ta' permess piena amministrattiva li m'għandhiex tkun inqas minn ħamsin lira u li m'għandhiex tkun iżjed minn ħamest elef lira.

(3) Mingħajr preġudizzju għall-artikoli 43(5) u 66 ta' dan l-Att, jekk il-Ministru responsabbli għall-isport ikun sodisfatt li d-detentur ta' ċertifikat ta' approvazzjoni maħruġ skond l-artikolu 43 ikun kiser xi kondizzjoni f'dak iċ-ċertifikat, dak il-Ministru jista' mingħajr ma jirrikorri għal smigħ fil-qorti, timponi u tiġbor mingħand id-detentur ta' dak iċ-ċertifikat piena amministrattiva li m'għandhiex tkun inqas minn mitt lira u li m'għandhiex tkun iżjed minn ħamsin elf lira.

(4) Mingħajr preġudizzju għall-artikoli 44(5) u 66 ta' dan l-Att, jekk il-Ministru responsabbli għall-isport ikun sodisfatt li d-detentur ta' ċertifikat ta' approvazzjoni maħruġ skond l-artikolu 44 ikun kiser xi kondizzjoni f'dak iċ-ċertifikat jew xi regola jew regolament magħmula minn xi Bord għall-Kontroll ta' Korsa għat-Tiġrijiet skond Taqsima VIII ta' l-Att jew ta' regolamenti magħmulin taħt l-artikolu 78(5) ta' dan l-Att u kif dawn ikunu japplikaw għal dak id-detentur, dak il-Ministru jista' mingħajr ma jirrikorri għal smigħ fil-qorti, jimponi u jiġbor mingħand id-detentur ta' dak iċ-ċertifikat piena amministrattiva

li m'għandhiex tkun inqas minn mitt lira u li m'għandhiex tkun iżjed minn ħamsin elf lira.

Apparat għal-loġħbiet kontrafatt u falsifikazzjoni ta' liċenzi.

68. (1) Ħadd ma jista' juża, jew ikollu fil-pussess tiegħu, xi apparat għal-loġħob jew liċenza maħruġin taħt, użati jew li għandhom jintużaw għall-għanijiet ta' dan l-Att, li persuna tkun taf li jkunu ġew falsifikati, kontrafatti jew xort'oħra mbagħbsin.

(2) Ħadd ma jista' -

(a) jiffalsifika, jagħmel kontrafazzjoni jew ibagħbas ma' xi apparat għal-loġħob jew xi liċenza maħruġin taħt, użati jew li għandhom jintużaw għall-għanijiet ta' dan l-Att; jew

(b) xjentement jiċċirkola xi apparat għal-loġħob jew liċenza bħal dawk li jkunu ffalsifikati, kontrafatti jew imbagħbsin.

(3) Min jikser is-subartikoli (1) jew (2) ta' dan l-artikolu jkun ħati ta' reat kontra dan l-Att. Iktar minn hekk, apparat għal-loġħob jew liċenza imsemmija f'dak is-subartikolu għandhom jinqabdu u jiġu kkonfiskati għaf-favur tal-Gvern.

Post li jintuża għal loġħob mhux leġittimu.

69. (1) Kull min xjentement jippermetti l-użu ta' xi post bil-għan ta' l-operazzjoni, il-promozzjoni, il-bejgħ jew il-loġħob ta' xi loġħba bi ksur ta' xi disposizzjoni ta' dan l-Att jew ta' regolamenti magħmulin taħtu jew bi ksur ta' xi kondizzjoni imposta f'liċenza maħruġa taħt dan l-Att jew bi ksur ta' xi direttiva maħruġa mill-Awtorità skond ma hemm f'dan l-Att jew ta' regolamenti magħmulin taħtu jew bil-għan ta' ħżin ta' apparat rilevanti għal-loġħob importat jew provvist bi ksur tad-disposizzjonijiet ta' l-artikolu 7 ta' dan l-Att jew bi ksur tal-kondizzjonijiet imposti fil-liċenza skond dak l-artikolu 7 jew bil-għan li ssir il-manutenzjoni ta' apparat rilevanti għal-loġħob bi ksur tad-disposizzjonijiet ta' l-artikolu 7 ta' dan l-Att jew bi ksur tal-kondizzjonijiet imposti fil-liċenza skond ma hemm f'dak l-artikolu 7, jew li xjentement jipprevjeni lil xi Uffiċjal tal-Pulizija li jkun leġittimament awtorizzat jidħol ġo kull post suspettat li jkun qed jintuża kif hawn qabel imsemmi, milli jidħol ġo dak il-post jew ġo xi parti minnu, jew jostruwixxi jew idewwem lil xi uffiċjal bħal dak milli jkun jista' jidħol, jew b'xi firroll, stanga jew tagħmir ieħor jagħlaq xi bieb intern jew estern jew xi mezz ta' aċċess għal kull post bħal dak jew parti minn dak il-post, jew inkella juża xi mezz jew tagħmir ikun li jkun għall-fini li jipprevjeni, jostakola jew idewwem id-dħul ta' tali uffiċjal ġo xi post bħal dak jew ġo xi parti minn dak il-post jew biex jagħti allarm jew preavviż fil-każ ta' xi dħul bħal dak, ikun ħati ta' reat kontra l-Att.

(2) Meta uffiċjal tal-Pulizija li jkun leġittimament awtorizzat jidħol ġo xi post suspettat li jkun qed jintuża għal xi fini illeġittima imsemmija fis-subartikolu (1) ta' dan l-artikolu jkun xjentement prevenut jew imfixkel jew imdewwem milli jidħol hemm ġew jew f'xi parti minnu, jew meta xi firroll, stanga jew tagħmir jew mezz ieħor ikun li jkun jinstabu f'dak il-post sabiex jissakkar xi bieb estern jew intern jew xi mezz ta' aċċess għal kull post bħal dak jew sabiex jiġi prevenut, imdewwem jew imfixkel id-dħul hemm ġew minn dak l-uffiċjal jew sabiex jingħata allarm jew preavviż fil-każ ta' dħul bħal dak, dan ikun prova, sakemm ma tingibx prova kuntrarja, li dak il-post ikun qed jintuża għal dawk il-finijiet illeġittimi u li dawk il-persuni li nstabu hemmġew kienu qegħdin jipparteċipaw fl-attivitajiet illeġittimi rilevanti.

(3) B'żieda ma' kull piena taħt kull disposizzjoni oħra ta' dan l-Att il-flus u l-effetti kollha li jirrappreżentaw il-ġugati kif ukoll kull flus u apparat għal-logħbiet li jinstabu f'xi post imsemmi taħt is-subartikolu (1) ta' dan l-artikolu għandhom jiġu elevati u konfiskati favur il-Gvern.

Użu ta' l-isem "Lotterija Nazzjonali" u qerq fil-mod kif tiġi ppreżentata l-istess lotterija.

70. (1) Ħadd m'għandu, għall-għanijiet ta' logħba li ma tkunx xi logħba li tagħmel parti mil-Lotterija Nazzjonali, jagħmel użu mill-ismijiet "Lotterija Nazzjonali" jew "Lotterija Nazzjonali ta' Malta" jew minn xi isem li jkun jixbaħ mill-qrib lil xi wieħed minn dawk l-ismijiet b'mod li jkun jista' raġonevolment iwassal għall-fehma li jkun qed jissemma xi isem simili.

(2) Ħadd ma jista' filwaqt li jkun qed jirreklama, jew ibiegħ, jew joffri għall-bejgħ, jew joffri l-opportunità lil ħaddieħor biex jipparteċipa f'xi logħba li ma tkunx tagħmel parti mil-Lotterija Nazzjonali, jagħti, b'liema mezz ikun, indikazzjoni falza li dik hija logħba li tagħmel parti mil-Lotterija Nazzjonali.

(3) Kull min jikser is-subartikoli (1) jew (2) ta' dan l-artikolu ikun ħati ta' reat kontra dan l-Att.

Konfiska għal-favur tal-Gvern.

71. B'żieda ma' kull piena taħt kull disposizzjoni oħra ta' dan l-Att, kull apparat għal-logħob u kull flus li jirrigwardaw jew li jintużaw fl-għemil ta' xi reat kontra dan l-Att jew xi Taqsima tiegħu, jew li jkun serva jew kien maħsub li jservi għall-għemil ta' xi reat bħal dak, għandu jiġi elevat u kkonfiskat favur il-Gvern.

Riserva dwar pieni oħla stabbiliti fil-Kodiċi Kriminali.

72. Meta l-fatt li jikkostitwixxi reat taħt xi disposizzjoni ta' dan l-Att ikun ukoll jikkostitwixxi reat taħt xi liġi oħra u jkun suġġett għal piena oħla taħt dik il-liġi, dik il-piena oħla għandha tiġi applikata minflok il-piena stabbilita f'dan l-Att.

Reati li jinstemgħu mill-Qorti tal-Maġistrati u s-sanzjoni li tingħata mill-Avukat Ġenerali.

73. (1) Il-Qorti tal-Maġistrati, fil-ġurisdizzjoni kriminali tagħha, tkun il-qorti kompetenti li tittratta u tiddeċiedi reati kontra dan l-Att jew xi parti minnu.

(2) Ebda proċedimenti għal xi reat kontra dan l-Att jew xi Taqsima tiegħu m'għandhom jinbdew mingħajr is-sanzjoni ta' l-Avukat Ġenerali.

Taqsima XIII - DISPOSIZZJONIJIET SUPPLIMENTARI

Persuni li jitqiesu uffiċjali pubbliċi.

74. (1) Il-membri ta' l-Awtorità u l-uffiċjali u l-impjegati kollha ta' l-Awtorità għandhom jitqiesu uffiċjali pubbliċi għall-għanijiet tal-Kodiċi Kriminali.

(2) Il-membri ta' l-Awtorità u l-uffiċjali tagħha m'għandhomx għal perjodu ta' sena wara t-terminazzjoni tal-ħatra jew kariga li jkollhom, jeżerċitaw xi attività li skond id-disposizzjonijiet ta' l-artikolu 9(4)(ċ) ta' dan l-Att tkun tiskwalifika lil dik il-persuna milli tibqa' fil-kariga bħala membru ta' l-Awtorità.

Kodiċijiet ta' mġieba u regoli dwar logħob responsabbli.

75. (1) L-Awtorità tista' tistabbilixxi dawk il-kodiċijiet ta' tmexxija li tista' tqis meħtieġa u utli minn żmien għal żmien għar-rigward ta', fost l-oħrajn, ir-reklamar ta' logħbiet awtorizzati, il-prevenzjoni ta' logħob illegali u logħob minn persuni taħt l-età, u l-prevenzjoni milli wieħed jinqabad fil-vizzju tal-logħob.

(2) L-Awtorità tista' wkoll tagħmel arranġamenti, u tista' wkoll tinvolvi lil dawk id-detenturi ta' liċenza li tqis idonei f'arranġamenti, li jkunu jinvolvu l-organizzazzjoni ta' xi programm jew kampanja ta' informazzjoni, inklużi dawk li jolqtu l-ħruġ ta' volantini, pubblikazzjonijiet jew dokumenti oħra, il-wiri ta' avviżi, sinjali, tikketti jew stampi, jew bħala xandir bis-smigħ jew bit-televiżjoni jew mezzi oħra ta' komunikazzjoni, bil-għan li ssir ġlieda kontra l-logħob irresponsabbli jew illegali jew il-logħob minn persuni taħt l-età.

(3) L-Awtorità tista' tagħmel kull kodiċi ta' mġieba jew kull arranġament ieħor imsemmi fis-subartikoli (1) jew (2) ta' dan l-artikolu li jkun jorbot lid-detenturi ta' liċenza jew kategoriji ta' detenturi ta' liċenza permezz ta' kondizzjonijiet imposti fil-liċenzi tagħhom jew permezz ta' direttivi maħruġa minnha.

Derivattivi.

76. Mingħajr preġudizzju għal kull ħtieġa rilevanti ta' liċenzi taħt l-Att dwar is-Servizzi ta' Investment, u d-disposizzjonijiet ta' dak l-Att jew ta' xi liġi oħra, kuntratti ta' differenzi, kull ftehim ta' *interest cap* jew ta' *swap*, kambju ta' munita estera jew kull ftehim ieħor bħal

dak, li jkollhom bħala fini jew fini intiż li jiżguraw li jsir profitt jew li tiġi evitata telfa (b'riferenza għall-fluttwazzjonijiet fil-valur jew il-prezz ta' proprjetà ta' kull deskrizzjoni jew f'xi indiċi jew fattur ieħor nominat għal dak l-iskop fil-kuntratt), u debiti jew obbligazzjonijiet oħra li joriġinaw minn dawk il-kuntratti jew patti ta' ftehim, m'għandhomx ikunu projbiti, nulli jew mhux esegwibbli minħabba f'xi disposizzjoni ta' dan l-Att.

Kwalifika ta' loghbiet awtorizzati ghall-finijiet ta' l-Att dwar it-Taxxa fuq il-Valur Miżjud, Kap. 406.

77. Logħbiet awtorizzati għandhom jikkwalifikaw bħala "lottu u lotteriji tal-Gvern" għall-għanijiet tal-paragrafu 8 tat-Taqsima Tnejn tar-Raba' Skeda li tinsab ma' l-Att dwar it-Taxxa fuq il-Valur Miżjud.

Poter ta' ghemil ta' regolamenti.

78. (1) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti biex iwettaq id-disposizzjonijiet ta' dan l-Att, Ħlief għad-disposizzjonijiet tat-parti VIII ta' dan l-Att.

(2) Mingħajr preġudizzju għall-ġeneralità tad-disposizzjonijiet tas-subartikolu minnufih qabel dan, il-Ministru jista' b'dawk ir-regolamenti:

(a) jirregola l-ħruġ, is-sospensjoni u t-tħassir ta' liċenza taħt dan l-Att u kull ħaġ'oħra li għandha x'taqsam miegħu, inklużi miżuri li għandhom jittieħdu fil-każ tat-tħassir jew is-sospensjoni ta' xi liċenza;

(b) jirregola l-logħbiet, inkluż il-ħlas ta' ġugati u, jew il-premjijiet għal-logħbiet;

(ċ) jirregola l-importazzjoni, l-provvista u l-manutenzjoni ta' apparat rilevanti għal-logħbiet u l-użu ta' apparat għal-logħbiet;

(d) jeżenta lil xi persuni jew kategoriji speċifikati ta' persuni mill-ħtieġa ta' liċenza taħt l-artikolu 7(1) dwar kull apparat rilevanti għal-logħbiet jew kategoriji speċifikati ta' apparat rilevanti għal-logħbiet jew apparat rilevanti għal-logħbiet speċifikati;

(e) jagħti poter lill-Awtorità teżenta lil xi persuni jew dawk il-kategoriji ta' persuni li jistgħu jiġu speċifikati f'dawk ir-regolamenti jew hekk kif jista' jiġi stabbilit mill-Awtorità nnifisha mill-ħtieġa ta' liċenza taħt l-artikolu 7(1) dwar kull apparat rilevanti għal-logħbiet jew dwar dawk il-kategoriji ta' apparat rilevanti għal-logħbiet jew apparat rilevanti għal-logħbiet partikolari li jistgħu jiġu speċifikati f'dawk ir-regolamenti jew kif jista' jiġi stabbilit mill-Awtorità nnifisha;

(f) jippreskrivi r-*records* u l-kontijiet li għandhom jinżammu minn detentur ta' liċenza u kull ħaġ'oħra u obbligazzjonijiet ta' detenturi ta' liċenza li jirrigwardaw dawk ir-*records* u kontijiet;

(ġ) jeżenta kull persuna jew kategorija speċifikata ta' persuni minn kull liċenza jew ħtieġa ta' awtorizzazzjoni dwar l-operat ta' loġħba żgħira speċifikata jew loġħbiet żgħar speċifikati u, jew jippermetti lil xi persuni jew kategoriji speċifikati ta' persuni joperaw xi loġħba żgħira speċifikata jew loġħbiet żgħar speċifikati mingħajr il-ħtieġa ta' xi liċenza jew awtorizzazzjoni u, minkejja d-disposizzjonijiet ta' l-artikolu 4, dawk ir-regolamenti jistgħu jippermettu lil dawk il-persuni jew kategoriji speċifikati ta' persuni jew kull waħda minn dawk il-kategoriji joperaw tali loġħba żgħira speċifikata jew loġħbiet żgħar speċifikati jew xi waħda minnhom fuq ir-riżultati ta' loġħbiet operati minn detenturi ta' liċenza jew kategoriji ta' detenturi ta' liċenza speċifikati jew detenturi ta' liċenza speċifikati mingħajr il-ħtieġa ta' approvazzjoni bil-quddiem ta' l-Awtorità skond l-artikolu 4:

Iżda dawk ir-regolamenti jistgħu jillimitaw dik l-eżenzjoni jew permess għal għadd speċifikat ta' loġħbiet żgħar fis-sena dwar xi persuna partikolari:

Iżda wkoll dawk ir-regolamenti jistgħu jagħmlu disposizzjonijiet dwar obligazzjoni min-naħa tal-persuna li topera l-loġħba żgħira li tagħti lill-Awtorità dawk il-provi dwar il-valur tal-premjijiet u dwar kull ħaġ'oħra li tirrigwarda l-loġħba, u b'dak il-mod u f'dak iż-żmien jew dawk iż-żminijiet, li jista' jiġi preskritt b'dawk ir-regolamenti jew li jistgħu jiġu meħtieġa mill-Awtorità;

(ħ) jeżenta minn kull ħtieġa ta' liċenza jew awtorizzazzjoni lil dipartimenti tal-Gvern jew awtoritajiet speċifikati dwar il-operat ta' loġħbiet speċifikati bil-għan li jippromwovu l-iskopijiet tad-dipartimenti jew awtoritajiet rispettivi, u jippermetti dipartimenti tal-Gvern jew awtoritajiet speċifikati li joperaw loġħbiet speċifikati bil-għan li jippromwovu l-iskopijiet tagħhom mingħajr il-ħtieġa ta' xi liċenza jew awtorizzazzjoni, u dawk ir-regolamenti jistgħu jipprovdu għall-ħlas ta' flus għal premjijiet għal dawk il-loġħbiet mill-Fond Konsolidat b'ordni li toħroġ bil-firma tal-Ministru u li tkun tawtorizza lill-*Accountant General* li jagħmel dak il-ħlas u bla ebda approprjazzjoni oħra għajr dawk ir-regolamenti, iżda l-ammont tal-fond tal-premjijiet dwar xi loġħba bħal dik m'għandux jeċċedi s-somma ta' ħamest elef lira fis-sena;

(i) jillimita l-għadd ta' liċenzi ta' sala għal-logħob tat-tombla li jistgħu jkunu mogħtija u jkunu fis-seħħ f'kull waqt; u

(j) jippreskrivi kull ħaġa li għandha tiġi preskritta taħt kull disposizzjoni oħra ta' dan l-Att, li ma tkunx disposizzjoni taħt Taqsima VIII ta' dan l-Att.

(3) Il-Ministru jista' b'regolamenti jirregola l-għoti ta' permessi għall-operat ta' uffiċċji f'Malta minn fejn jiġu pprovduti logħbiet speċifikati permezz ta' kull mezz jew xi mezz speċifikat ta' komunikazzjoni fil-bogħod, u li jkunu jistabbilixxu il-mod kif jitmexxa uffiċċju bħal dak u, mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, huwa jista' b'dawk ir-regolamenti:

(a) jipprovdi li dawk l-uffiċċji jkunu taħt is-sorveljanza ta' l-Awtorità u ta' spetturi;

(b) jipprovdi għall-prevenzjoni kontra *money laundering*;

(ċ) jistabbilixxi t-taxxa li għandha titħallas fuq dawk il-logħbiet provduti minn dawk l-uffiċċji; u

(d) jagħmel kull disposizzjoni oħra li tkun tiżgura li dawk il-logħbiet provduti minn dawk l-uffiċċji jintlagħbu b'mod ġust u li dawk l-uffiċċji jitmexxew minn persuni idonei u li jinżamm rendikont xieraq ta' l-attivitajiet ta' dawk l-uffiċċji,

u dawk ir-regolamenti jista' jkun fihom disposizzjonijiet transitorji dwar permessi maħruġa skond l-operat tar-Regolamenti ta' l-2000 dwar it-Tħaddim ta' Uffiċċji tal-Lotteriji, pubblikata bl-Avviż Legali 34 ta' l-2000 u magħmulin taħt L-Ordinanza dwar il-Lottu Pubbliku, liema regolamenti għandhom jitħassru fid-data ta' dħul fis-seħħ ta' l-artikolu 80(3)(a) b'mod konformi mat-tħassir ta' l-imsemmija Ordinanza.

(4) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti dwar il-funzjonijiet u poteri ta' l-Awtorità u t-twettiq ta' dawk il-funzjonijiet u poteri.

(5) Il-Ministru responsabbli għall-isport jista' jagħmel regolamenti għat-twettiq tad-disposizzjonijiet tat-Taqsima VIII ta' dan l-Att u, mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, huwa jista' b'dawk ir-regolamenti:

(a) jirregola l-ħruġ u r-revoka taċ-ċertifikati ta' approvazzjoni imsemmija fl-artikoli 43 u 44 ta' dan l-Att u kull ħaġa oħra li għandha x'taqsam magħhom;

(b) jirregola t-tmexxija ta' tiġrijiet ta' żwiemel u tiġrijiet ta' klieb fuq korsi approvati għat-tiġrijiet u jirregola kull klabb approvat tat-tiġrijiet u l-operazzjonijiet relattivi;

(ċ) jirregola il-funzjonijiet tal-Bordijiet għall-Kontroll ta' Korsi għat-Tiġrijiet, jikkonferixxi poteri fuq dawk il-Bordijiet u jirregola it-twettiq ta' dawk il-funzjonijiet u poteri;

(d) jippreskrivi kull ħaġa li dwarha l-Bord għall-Kontroll ta' Korsi għat-Tiġrijiet jista' jagħmel regoli u regolamenti skond l-artikolu 45(3) ta' dan l-Att;

(e) jirregola kull ħlas li għandu jsir minn kull klabb tat-tiġrijiet approvat kif inhu imsemmi fl-artikolu 45(3)(b) ta' dan l-Att u ħlasijiet oħra ħekk kif huwa jista' jqis li jkunu meħtieġa jew mixtieqa;

(f) jirregola kull ħlas li għandu jsir minn membri tal-pubbliku sabiex jidħlu f'korsi approvati għat-tiġrijiet bil-għan li jattendu u jsegwu t-tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb; u

(ġ) jippreskrivi kull ħaġa li għandha tiġi preskritta taħt kull disposizzjoni oħra tat-Taqsima VIII ta' dan l-Att.

(6) Il-Ministru jista' b'regolamenti jemenda l-Ewwel, it-Tieni, it-Tielet, ir-Raba' u l-Ħames Skedi li jinsabu ma' dan l-Att u l-Ministru responsabbli għall-isport jista' b'regolamenti jemenda t-Tmien Skeda li tinsab ma' dan l-Att.

(7) Kull regolament magħmul taħt dan l-Att jista' jipprovdi dwar kull ħaġa li tirrigwarda r-responsabbiltà għall-osservanza ta' dawk ir-regolamenti, u l-persuni li jistgħu jkunu responsabbli, jew dwar kull ħaġa li tirrigwarda l-infurzar ta' l-imsemmija regolamenti, inkluż, imma mhux limitat għall-imposizzjoni ta' multa li ma tkunx iżjed minn mitt elf lira dwar xi ksur ta', jew nuqqas ta' tħaris tad-disposizzjonijiet ta' dawk ir-regolamenti.

Notifika ta' avviżi.

79. Meta xi avviż jew istrument jew dokument ieħor, ikun li jkun, ikun meħtieġ jew awtorizzat li jiġi notifikat jew mogħti bi jew taħt dan l-Att, dan jista' jkun notifikat jew mogħti f'xi wieħed mill-modi li ġejjin:

(a) billi jingħata lill-persuna li għandu jiġi notifikat lilha jew lil min għandu jingħata; jew

(b) billi jitħalla fil-post ta' residenza tas-soltu jew dak l-aħħar magħruf ta' dik il-persuna jew, jekk dik il-persuna tkun tat indirizz fejn tiġi notifikata f'dak l-indirizz; jew

(ċ) billi jibgħatu b'ittra reġistrata indirizzata lil dik il-persuna fil-post ta' residenza jew fl-indirizz fejn issir in-notifika msemmi qabel; jew

(d) fil-każ ta' korp ġuridiku jew ta' xi korp ieħor ta' persuni, billi jingħata lill-uffiċjal jew impjegat tiegħu fl-uffiċċju reġistrat jew prinċipali, jew billi jintbagħat bil-mezz ta' posta reġistrata indirizzata lill-korp hawn qabel imsemmi f'dak l-uffiċċju; jew

(e) f'każ fejn ma jkunx raġonevolment possibbli li ssir notifika jew li jingħata avviż f'xi mod minn dawk hawn qabel imsemmija sew lil kull jew lil xi persuna waħda jew iżjed li lilhom għandha ssir in-notifika jew jingħata l-avviż, billi d-dokument li għandu jiġi notifikat jew mogħti jitwaħħal f'post fejn jidher sew mal-bini li jkun jirrigwarda u jinżamm hekk imwaħħal għal perjodu ta' mhux inqas minn sebat ijiem tax-xogħol u billi jiġi ppubblikat il-kontenut tiegħu fil-Gazzetta.

Emendi, thassir u riservi.

80. (1) B'seħħ mid-data tad-dħul fis-seħħ ta' dan is-subartikolu, il-liġijiet hawn murija fl-Ewwel Kolonna tas-Sitt Skeda li tinsab ma' dan l-Att għandu jkollhom effett bla ħsara għall-emendi murija fit-Tieni Kolonna ta' l-Iskeda msemmija.

(2) B'seħħ mid-data tad-dħul fis-seħħ ta' dan is-subartikolu, il-liġijiet murija fl-Ewwel Kolonna tas-Seba' Skeda li tinsab ma' dan l-Att għandu jkollhom effett bla ħsara għall-emendi murija fit-Tieni Kolonna ta' l-Iskeda imsemmija u , b'seħħ minn dik id-data, il-Bord dwar il-Logħob imwaqqaf bl-artikolu 5 ta' l-Att dwar il-Logħob għandu jkun xjolt.

(3) Dawn l-Atti li ġejjin huma b'dan imħassra:-

(a) Ordinanza dwar il-Lottu Pubbliku, Kap. 70;

(b) Ordinanza Imħatri f'Tiġrijiet, Kap. 78;

(ċ) Att għat-Twaqqif tal-Kariga ta' Direttur tal-Lottu Pubbliku, Kap. 122;

(d) Att dwar il-*Pools* tal-Gvern Malti fuq il-Logħob, Kap. 131;

(e) Att dwar il-Poteri u l-Funzjonijiet tad-Direttur tal-Lottu Pubbliku, Kap. 137;

(f) Att dwar il-Lotteriji Lokali tal-Gvern, Kap. 150;

(ġ) Att dwar it-Tombla tal-Gvern, Kap. 238;

(ħ) Att dwar il-Lotteriji tal-Gvern, Kap. 292.

(4) Permess mogħti lil kumpannija reġistrata f'Malta biex tagħmel sessjonijiet tat-tombla (kif imfissra fir-Regolamenti ta' l-2000 dwar it-Tombla (Bingo), pubblikata bl-Avviż Legali 229 ta' l-2000, hawn iżjed 'il quddiem f'dan is-subartikolu imsemmija bħala "ir-regolamenti dwar it-tombla") ta' xorta kummerċjali f'sala tat-tombla (kif imfissra fir-regolamenti dwar it-tombla) skond ir-regolamenti dwar it-tombla u li jkunu għadhom fis-seħħ fid-data tad-dħul fis-seħħ ta' l-artikolu 38 ta' dan l-Att, għandhom ikomplu fis-seħħ wara dik id-data bħallikieku kienet liċenza ta' sala tat-tombla mogħtija taħt dak l-artikolu 38, b'dawk il-modifiki, adattazzjonijiet u limitazzjonijiet li jistgħu jiġu meħtieġa jew adatti għal dak l-għan; u kull permess bħal dak hawn qabel imsemmi għandu, b'seħħ mid-data hawn qabel imsemmija, ikun bla ħsara għad-disposizzjonijiet ta' l-imsemmi artikolu 38 u jkun ittrattat u jsir minnu skond hekk.

A.L. 229 ta' l-2000.

(5) Ċertifikat ta' approvazzjoni maħruġ mill-Ministru responsabbli għall-Pulizija dwar korsa għat-tiġrijiet u art li tmiss magħha skond l-artikolu 3 ta' l-Ordinanza dwar Imħatri f'Tiġrijiet, u li tkun għadha fis-seħħ fid-data tad-dħul fis-seħħ ta' l-artikolu 43 ta' dan l-Att, għandha tkompli fis-seħħ wara dik id-data bħallikieku kien ċertifikat ta' approvazzjoni mogħti mill-Ministru responsabbli għall-isport taħt dak l-artikolu 43, b'dawk il-modifiki, adattazzjonijiet u limitazzjonijiet li jistgħu jiġu meħtieġa jew adatti għal dak l-għan; u kull tali ċertifikat ta' approvazzjoni kif hawn qabel imsemmi u d-detentur tiegħu għandhom, b'seħħ mid-data msemmija qabel u bla ħsara għad-disposizzjonijiet ta' l-artikolu 43(1)(b) ta' dan l-Att, ikunu bla ħsara għad-disposizzjonijiet ta' l-imsemmi artikolu 43 u jsir minnhom skond hekk.

Kap. 78.

L-EWWEL SKEDA

Artikolu 37

Loghbiet bla skop ta' profitt

Applikazzjoni ghal licenza.

1. (1) Applikazzjoni ghal licenza ghal loghba bla skop ta' profitt ghandha ssir minn jew ghan-nom ta' l-organizzazzjoni bla skop ta' profitt li tkun bi hsiebha topera il-loghba bla skop ta' profitt, fl-ghamla u l-mod mehtieg mill-Awtorità.

(2) Dik l-applikazzjoni ghandu jkollha mill-anqas din l-informazzjoni li gejja :

(a) l-isem u indirizz ta' l-applikant u l-indirizz f'Malta fejn jistghu jigu notifikati d-dokumenti lill-applikant;

(b) it-tip tal-loghba bla skop ta' profitt li l-applikant ikun irid li jopera, u dawk il-partikolaritajiet li jirrigwardaw ir-regoli u regolamenti dwar il-proceduri biex tigi operata u tintlaghab xi loghba bla skop ta' profitt kif l-Awtorità tista' tehtieg jew kif jista' jigi preskritt b'regolamenti;

(c) id-dati u hinijiet meta u l-postijiet minn fejn il-loghba bla skop ta' profitt rilevanti tkun se tigi operata u offruta lill-pubbliku u, skond ma japplika, id-data jew dati, il-hin jew hinijiet u l-post jew postijiet ghal kull tlugh tal-loghba bla skop ta' profitt; u

(d) l-iskop li ghalih ir-rikavat nett tal-loghba bla skop ta' profitt rilevanti jkun intiż.

(3) L-applikazzjoni ghandu jkun fiha wkoll jew ikollha maghha kull informazzjoni, dokument u partikolaritajiet ohra hekk kif l-Awtorità tista' tehtieg jew kif jista' jigi preskritt b'regolamenti.

(4) Applikazzjoni ghal licenza ghal loghba bla skop ta' profitt ghandha ssir dwar kull loghba bla skop ta' profitt li organizzazzjoni bla skop ta' profitt tkun trid topera, ghalkemm licenza ghal loghba bla skop ta' profitt tista' tingħata dwar loghba bla skop ta' profitt li ghandha ssir fi granet differenti jew f'hinijiet differenti jew ghal perjodu specifikat. Hlief meta l-loghba li ghandha tigi operata taht il-licenza ghal loghba bla skop ta' profitt tkun loghba tat-tombla, l-Awtorità ma tistax taghti licenza ghal loghba bla skop ta' profitt lill-istess organizzazzjoni bla skop ta' profitt ghal iktar minn:

(a) tnax-il darba f'xi sena kalendarja; jew

(b) dak l-għadd ta' drabi f'xi sena kalendarja li jassigura li l-valur fis-suq kollu kemm hu tal-premjijiet kollha li jistgħu jintrebħu f'kull logħba bla skop ta' profitt operata minn dik l-organizzazzjoni bla skop ta' profitt taħt kull liċenza għal logħba bla skop ta' profitt moghtija lil dik l-organizzazzjoni f'dik is-sena ma jkunx jeċċedi l-ammont ta' għaxart elef lira,

skond liema jkun l-inqas.

(5) Wara li tiġi ppreżentata applikazzjoni għal liċenza għal logħba bla skop ta' profitt, l-Awtorità għandu jkollha l-poter li teħtieġ l-applikant jipprovdi kull informazzjoni b'żjieda ma' dik moghtija fl-applikazzjoni kif l-Awtorità tista' tqis meħtieġ bil-għan li tiddeċiedi dik l-applikazzjoni.

Għoti ta' liċenza.

2. L-Awtorità m'għandhiex tożroġ liċenza għal logħba bla skop ta' profitt lil xi persuna kemm-il darba dik il-persuna tkun organizzazzjoni bla skop ta' profitt u l-Awtorità tkun sodisfatta li:

(a) id-detentur ta' liċenza propost x'aktarx ikun persuna idonea u adatta biex jassigura, jew meta d-detentur ta' liċenza propost ma jkunx individwu, il-persuni li jeżerċitaw il-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza propost x'aktarx li jkunu adatti u idonei li jwettqu l-funzjonijiet u d-dmirijiet tagħhom dwar id-detentur ta' liċenza propost b'dak il-mod li jkun jassigura, l-operazzjoni kif imiss tal-logħba bla skop ta' profitt rilevanti mid-detentur ta' liċenza propost;

(b) id-detentur ta' liċenza propost jkun se jħares f'kull rigward id-disposizzjonijiet ta' dan l-Att u ta' regolamenti magħmulin taħtu kif dawn ikunu japplikaw għalih, u mal-pattijiet u l-kondizzjonijiet tal-liċenza għal logħba bla skop ta' profitt u ma' kull direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għalih.

Forma ta' liċenza.

3. (1) Il-liċenza għal logħba bla skop ta' profitt tkun f'dik l-għamla kif l-Awtorità tista' tistabbilixxi jew kif jista' jiġi preskritt b'regolamenti.

(2) L-għoti ta' liċenza għal logħba bla skop ta' profitt ma tnaqqasx mir-responsabbiltà tad-detentur ta' liċenza milli jikseb xi liċenza, permess jew awtorizzazzjoni oħra li jistgħu jkunu meħtieġa taħt kull liġi oħra.

Kondizzjonijiet tal-liċenza u varjazzjonijiet u revoki tagħhom.

4. (1) Fl-għoti ta' liċenza għal logħba bla skop ta' profitt, l-Awtorità tista' tassoġġettaha għal dawk il-kondizzjonijiet hekk kif tista' tqis li jkun adatt, u wara li

tkun tat tali liċenza l-Awtorità tista', minn żmien għal żmien, tvarja jew tirrevoka kull kondizzjoni hekk imposta jew timponi kondizzjonijiet ġodda:

Iżda kull meta l-Awtorità tikkonsidra li jkun adatt li tibdel xi kondizzjoni jew timponi xi kondizzjoni ġdida fil-liċenza għal loġħba bla skop ta' profitt, l-Awtorità għandha, b'avviż bil-miktub, tinforma lid-detentur ta' liċenza bl-intenzjoni li jkollha li tibdel dik il-kondizzjoni jew li timponi dik il-kondizzjoni l-ġdida, fejn tgħid lid-detentur ta' liċenza jgħid għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn sebat ijiem wara l-ħruġ ta' l-avviż li jistgħu jiġu speċifikati fl-istess avviż, dik il-kondizzjoni m'għandhiex tiġi midbula jew dik il-kondizzjoni ġdida m'għandhiex tiġi imposta, u l-Awtorità għandha tqis kull risposta mogħtija mid-detentur ta' liċenza fil-perjodu speċifikat fl-avviż, qabel ma tibdel il-kondizzjoni jew qabel ma timponi l-kondizzjoni l-ġdida.

(2) Il-kondizzjonijiet f'liċenza għal loġħba bla skop ta' profitt jistgħu jimponu ħtiġiet li għandhom jitħarsu mid-detentur ta' liċenza wara li l-liċenza tkun temmet milli tibqa' sseħħ.

(3) Liċenza għal loġħba bla skop ta' profitt tista' timponi kondizzjonijiet li jkunu jeħtieġu lid-detentur ta' liċenza:

(a) li jikseb il-kunsens ta' l-Awtorità qabel ma jagħmel xi ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza; u

(b) li jirriferixxi kull ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza lill-Awtorità għall-approvazzjoni.

(4) Liċenza għal loġħba bla skop ta' profitt għandha tinkludi kondizzjoni li tkun teħtieġ lid-detentur ta' liċenza jħallas lill-Awtorità, f'kull waqt li jista' jiġi preskritt b'regolamenti, dawk id-drittijiet, dazji, taxxi u, jew ammonti oħra li jistgħu jiġu hekk preskritti, liema drittijiet, dazji, taxxi u, jew ammonti għandhom ikunu b'żjieda ma' dawk li d-detentur ta' liċenza jista' jkun meħtieġ iħallas taħt xi liġi li ma tkunx dan l-Att.

(5) Meta l-loġħba bla skop ta' profitt li tkun is-suġġett tal-liċenza għal loġħba bla skop ta' profitt ma tkunx loġħba tat-tombla, il-liċenza għal loġħba bla skop ta' profitt għandha titqies li tinkludi kondizzjoni li:

(a) il-premju jew premjijiet li jistgħu jintrebħu f'dik il-loġħba m'għandhomx jikkonsistu fi flus jew ċekk jew dokument simili li jkun jagħti dritt lid-detentur jibdlu fi flus;

(b) il-valur fis-suq aggregat tal-premjijiet kollha li jistgħu jintrebħu f'dik il-loġħba m'għandux jeċċedi l-ammont ta' għaxart elef lira jew dak l-ammont inqas li jista' jkun meħtieġ biex jassigura li d-disposizzjonijiet ta' partita 1(4) ta' din l-Iskeda jiġu mħarsa; u

(ċ) l-ammont ta' kull ġugata f'dik il-logħba m'għandux jeċċedi ħamsin ċenteżmu.

(6) Meta l-logħba bla skop ta' profitt li tkun is-suġġett tal-liċenza għal logħba bla skop ta' profitt tkun logħba tat-tombla, il-liċenza għal logħba bla skop ta' profitt għandha titqies li tinkludi kondizzjoni li:

(a) il-prezz għal kull ġog tat-tombla li jipparteċipa fil-logħba tat-tombla rilevanti m'għandux jeċċedi tletin ċenteżmu, u meta dik il-logħba tat-tombla tista' tintlagħab minn kartella tat-tombla jew għadd ta' kartelli tat-tombla li ma jkunux jikkostitwixxu ġog tat-tombla shiħ, il-prezz għal kull waħda minn dawk il-kartelli tat-tombla m'għandux jeċċedi dak il-proporzjon ta' tletin ċenteżmu ekwivalenti għall-proporzjon li l-għadd totali ta' numri, simboli jew stampi li jkunu stampati jew xort'oħra elettronikament rappreżentati fuq dik il-kartella tat-tombla jkollhom għall-għadd totali ta' numri, simboli jew stampi li jipparteċipaw fil-logħba tat-tombla rilevanti u li jkunu stampati jew xort'oħra elettronikament rappreżentati fuq ġog tat-tombla li jipparteċipa f'dik il-logħba;

(b) mhux inqas minn sittin fil-mija ta' l-ammont miġbur f'kull bejgħ ta' ġogi tat-tombla u kartelli tat-tombla li jipparteċipaw fil-logħba tat-tombla rilevanti għandhom jitqassmu fi premjijiet għar-rigward ta' dik il-logħba.

Bidliet fil-kontroll effettiv u tmexxija eċċ.

5. (1) (a) Jekk id-detentur ta' liċenza għal logħba bla skop ta' profitt ma jkunx individwu, dak id-detentur ta' liċenza għandu fi żmien ħamest ijiem ta' kull bidla fil-persuni li jeżerċitaw il-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza jgħarraf l-Awtorità b'dik il-bidla. Id-detentur ta' liċenza għandu wkoll jgħarraf l-Awtorità b'kull bidla materjali fl-informazzjoni u d-dokumentazzjoni provduti mid-detentur ta' liċenza skond partita 1(2), (3) u (5) ta' din l-Iskeda jew skond kull disposizzjoni oħra ta' dan l-Att jew regolamenti magħmulin taħtu jew skond kondizzjonijiet marbutin mal-liċenza għal logħba bla skop ta' profitt, hekk kif isir jaf b'dawk il-bidliet.

(b) Meta minħabba f'xi bidla bħalma hemm imsemmi fil-paragrafu (a) ta' din is-sotto-partita, kemm jekk l-Awtorità tkun ġiet mgħarrfa b'dik il-bidla skond dak il-paragrafu (a) kemm jekk le, tinħoloq sitwazzjoni dwarha li, li kieku kienet teżisti fil-waqt ta' l-applikazzjoni għal-liċenza għal logħba bla skop ta' profitt, kienet tiskwalifika lid-detentur ta' liċenza milli jikseb liċenza skond partita 2 ta' din l-Iskeda, l-Awtorità għandha b'avviż tgħarraf lid-detentur ta' liċenza skond hekk, u jekk is-sitwazzjoni ma tkunx ġiet rimedjata għas-sodisfazzjoni ta' l-Awtorità fi żmien ħamest ijiem mill-avviż għaldaqshekk mill-Awtorità, l-Awtorità għandha tħassar tali liċenza:

Iżda l-Awtorità m'għandhiex tohroġ avviż kif hawn qabel imsemmi iktar tard minn xahar wara li tkun ġiet mgħarrfa mid-detentur ta' liċenza bil-bidla skond il-paragrafu (a) ta' din is-sotto-partita.

(2) Nuqqas mid-detentur ta' liċenza li jħares id-disposizzjonijiet ta' sub-partita (1) ta' din il-partita jikkostitwixxi reat kontra dan l-Att.

Assenjament jew ċessjoni ta' liċenza.

6. (1) Liċenza għal logħba bla skop ta' profitt ma tistax tiġi assenjata jew trasferita mid-detentur ta' liċenza għal logħba bla skop ta' profitt għal kull persuna oħra.

(2) Id-detentur ta' liċenza għal logħba bla skop ta' profitt ma jistax iċedi l-liċenza għal logħba bla skop ta' profitt matul il-perjodu ta' liċenza minghajr l-approvazzjoni bil-quddiem u bil-miktub ta' l-Awtorità, u jekk dik l-approvazzjoni tingħata, il-liċenza tista' għaldaqshekk tiġi ċeduta biss bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet li jistgħu jiġu speċifikati mill-Awtorità fl-approvazzjoni tagħha.

(3) Jekk liċenza għal logħba bla skop ta' profitt tkun assenjata jew trasferita mid-detentur ta' liċenza għal logħba bla skop ta' profitt lil xi persuna oħra:

(a) tali liċenza tkun ikkunsidrata nulla u bla effett; u

(b) l-Awtorità tista' tohroġ direttiva lil dak id-detentur ta' liċenza biex jagħmel jew iżomm milli jagħmel xi att li l-Awtorità tista' tqis adatt fiċ-ċirkostanzi, u dak id-detentur ta' liċenza għandu jħares kull tali direttiva, u jekk jonqos milli jagħmel dan ikun ħati ta' reat kontra dan l-Att.

(4) Detentur ta' liċenza għal logħba bla skop ta' profitt li jaġixxi bi ksur tad-disposizzjonijiet ta' din il-partita 6 ikun ħati ta' reat kontra dan l-Att.

Raġunijiet għat-tħassir jew sospensjoni ta' liċenza.

7. L-Awtorità tista' tordna t-tħassir jew is-sospensjoni ta' liċenza għal logħba bla skop ta' profitt għal xi waħda minn dawn ir-raġunijiet:

(a) id-detentur ta' liċenza, jew persuni li jeżerċitaw il-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza, ikunu ħatja ta' xi reat kontra dan l-Att, jew ta' serq, li jkunu laqgħu għandhom proprjetà misruqa, frodi jew xi delitt li jolqot il-fiduċja pubblika;

(b) id-detentur ta' liċenza jikser xi disposizzjoni ta' dan l-Att jew regolamenti magħmulin taħtu kif dawn ikunu japplikaw għalih, jew jikser xi kondizzjoni fil-liċenza għal logħba bla skop ta' profitt jew xi direttiva maħruġa

mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għalih;

(ċ) id-detentur ta' liċenza xjentement jew b'mod traskurat jipprovdi lill-Awtorità informazzjoni li tkun falza jew qarrieqa f'dettall partikolari;

(d) id-detentur ta' liċenza jonqos milli jwettaq l-obbligi finanzjarji li jkollu meta dawn isiru dovuti u jkollhom jitħallsu;

(e) l-iskop maħsub tar-rikavat nett tal-logħba bla skop ta' profitt rilevanti li dwaru tkun ġiet mogħtija l-liċenza, ma jkunx għadu jeżisti;

(f) ikun qiegħed isir stralċ tad-detentur ta' liċenza; jew

(ġ) l-Awtorità tkun raġonevolment sodisfatta li d-detentur ta' liċenza ma jkunx, jew ma jkunx għadu aktar, persuna idonea biex ikollha l-liċenza għal logħba bla skop ta' profitt, jew inkella raġonevolment tqis li jkun meħtieġ fl-interess nazzjonali li tħassar jew tissospendi l-liċenza għal logħba bla skop ta' profitt.

Proċeduri għat-tħassir jew sospensjoni tal-liċenza.

8. (1) Meta jkun hemm xi raġuni għat-tħassir jew sospensjoni ta' liċenza għal logħba bla skop ta' profitt taħt partita 7 ta' din l-Iskeda, l-Awtorità għandha, b'avviż bil-miktub, titlob lid-detentur ta' liċenza, u tista' titlob persuna oħra li fil-fehma tagħha jkollha interess fil-liċenza, tgħid għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn ħamest ijiem wara l-ħruġ ta' l-avviż kif speċifikat fl-istess avviż, il-liċenza m'għandhiex tiġi mħassra jew sospiża minħabba f'dik ir-raġuni bħalma hemm dikjarat fl-avviż.

(2) L-Awtorità għandha tagħti każ ta' kull risposta li ssir taħt sub-partita (1) ta' din il-partita hekk li:

(a) meta l-ħaġa tkun ġiet solvuta għas-sodisfazzjon tagħha, m'għandha tieħu ebda azzjoni ulterjuri, u għandha tgħarraf lid-detentur ta' liċenza bil-miktub skond hekk;

(b) meta, għalkemm il-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha, tqis li ma tkunx meħtieġa azzjoni ulterjuri, hija għandha tammonixxi lid-detentur ta' liċenza bil-miktub; jew

(ċ) meta l-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha u tkun sodisfatta li tkun teħtieġ azzjoni ulterjuri, tista' -

(i) b'avviż bil-miktub tagħti dawk id-direttivi lid-detentur ta' liċenza bħalma tqis li jkunu adatti; jew

(ii) tissospendi l-liċenza għal dak il-perjodu li tkun tqis adatt, jew tħassar tali liċenza.

(3) Meta direttiva mogħtija mill-Awtorità taħt sub-partita (2)(ċ)(i) ta' din l-Iskeda ma tiġix imħarsa fiż-żmien speċifikat fl-avviż, l-Awtorità għandha tħassar il-liċenza.

Logħbiet bla skop ta' profitt m'għandhomx isiru f'sala għal-logħob tat-tombla.

9. Detentur ta' liċenza għal logħba bla skop ta' profitt ma jistax jagħmel logħba bla skop ta' profitt f'sala għal-logħob tat-tombla, u n-nuqqas minn detentur ta' liċenza għal logħba bla skop ta' profitt jew minn detentur ta' liċenza għal sala għal-logħob tat-tombla li jħares din il-partita 9 jikkostitwixxi reat kontra dan l-Att.

Rikavat nett ta' logħba bla skop ta' profitt għandhom jiġu biss applikati għal fini dikjarat.

10. Detentur ta' liċenza għal logħba bla skop ta' profitt li, mingħajr l-approvazzjoni bil-quddiem ta' l-Awtorità, japplika r-rikavat nett tal-logħba bla skop ta' profitt li dwaru l-liċenza għal logħba bla skop ta' profitt tkun ġiet mogħtija għal xi għan li ma jkunx dak indikat fl-applikazzjoni għal-liċenza, ikun ħati ta' reat kontra dan l-Att.

IT-TIENI SKEDA

Artikolu 38

Logħbiet tat-tombla kummerċjali fi swali għal-logħob tat-tombla

Għal kemm iddum u tiġdid ta' liċenza.

1. (1) Liċenza annwali ta' sala għal-logħob tat-tombla tibqa' fis-seħħ għal sena mid-data meta tinħareġ.

(2) Liċenza staġjonali ta' sala għal-logħob tat-tombla tibqa' fis-seħħ għal perjodu kontinwu ta' sitt xhur mid-data meta tinħareġ.

(3) Kemm-il darba ma tkunx ġiet qabel imħassra, liċenza annwali ta' sala għal-logħob tat-tombla tista' tiġġedded mill-Awtorità għal perjodi oħra ta' sena kull wieħed, u liċenza staġjonali ta' sala għal-logħob tat-tombla tista' tiġġedded mill-Awtorità għal perjodi oħra ta' sitt xhur kull wieħed.

(4) Kull tali tiġdid bħalma hemm imsemmi fis-sub-partita (3) ta' din l-Iskeda huwa bla ħsara għat-tħaris mid-detentur ta' liċenza għal sala għal-logħob tat-tombla, matul il-perjodu ta' operazzjoni tal-liċenza oriġinali jew imġedded minnufih

preċedenti, tad-disposizzjonijiet ta' dan l-Att u ta' regolamenti magħmulin taħtu, u tal-pattijiet u l-kondizzjonijiet tal-liċenza u ta' kull direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw lil dak id-detentur ta' liċenza, u bla ħsara għall-aċċettazzjoni mill-Awtorità ta' l-applikazzjoni bil-miktub għal dak it-tiġdid magħmula mid-detentur ta' liċenza lill-Awtorità sa dik id-data qabel l-iskadenza tal-perjodu tal-liċenza minnufih preċedenti oriġinali jew imġedded kif l-Awtorità tkun speċifikat fil-liċenza, u li jkun fiha dik l-informazzjoni kif l-Awtorità tkun speċifikat hemm fiha stess bħala meħtieġa jew spedjenti biex tkun tista' tistabbilixxi jekk għandhiex iġġedded dik il-liċenza.

(5) Wara li tiġi ppreżentata applikazzjoni għat-tiġdid ta' liċenza ta' sala għal-logħob tat-tombla, l-Awtorità tista' teħtieġ lill-applikant jipprovdi kull informazzjoni, b'żjieda ma' dik provduta flimkien ma' l-applikazzjoni, kif jista' jitqies meħtieġ bil-għan li tiddeċiedi dwar dik l-applikazzjoni.

Applikazzjoni għal liċenza.

2. (1) Applikazzjoni għal liċenza ta' sala għal-logħob tat-tombla għandha ssir minn, jew għan-nom tal-kumpannija reġistrata f'Malta li tkun bi ħsiebha topera logħob tat-tombla kummerċjali f'sala għal-logħob tat-tombla, fl-għamla u l-mod meħtieġa mill-Awtorità.

(2) Dik l-applikazzjoni għandu jkollha mill-anqas din l-informazzjoni li ġejja:-

(a) l-isem, l-uffiċċju reġistrat u n-numru ta' reġistrazzjoni tal-kumpannija applikanti u l-indirizz f'Malta għan-notifika ta' dokumenti lill-kumpannija applikanti;

(b) deskrizzjoni tal-lokazzjoni, firxa u speċifikazzjonijiet tal-fond li dwaru ssir l-applikazzjoni;

(ċ) id-dati jew ġranet tal-ġimgħa, u s-sessjonijiet tat-tombla jew il-ħinijiet matul dawk id-dati jew ġranet, li fihom u matulhom jistgħu jsiru logħbiet tat-tombla kummerċjali; u

(d) ir-regoli u regolamenti dwar il-proċeduri biex tiġi operata u tintlagħab il-logħba tat-tombla kummerċjali, il-kombinazzjonijiet li jġibu rebħ, l-elementi tal-logħba tat-tombla, il-proċeduri proposti għall-istampar, akkwist, tqassim, użu u bejgħ ta' kartelli tat-tombla u ġogijiet tat-tombla, l-għadd, tip u speċifikazzjonijiet ta' apparat għal-logħbiet biex jintużaw biex titħaddem u tintlagħab il-logħba, il-prezz tal-bejgħ ta' kartelli tat-tombla u ġogijiet tat-tombla li jkun qed jiġi propost li jiġi applikat, il-premjijiet proposti, il-proċeduri proposti għall-ħlas u t-tqassim ta' premjijiet, il-proċeduri proposti dwar ħlasijiet lura li jsiru lil ġugaturi, il-proċeduri proposti għaż-żamma ta' reġistri fejn jiġu reġistrati l-logħbiet it-tombola

li jsiru u l-miżuri proposti biex jiġu assigurati l-operazzjoni u l-għemil regolari tal-logħba tat-tombla.

(3) Dik l-applikazzjoni għandu jkun fiha jew ikollha mehmuż magħha:-

(a) kopja taċ-ċertifikat ta' reġistrazzjoni u tal-memorandum u l-artikoli ta' assoċjazzjoni tal-kumpannija applikanti;

(b) pjanta tal-fond li dwaru ssir l-applikazzjoni;

(ċ) ċertifikat li jkun jindika s-sigurezza tal-fond kontra l-ħruq u aċċidenti oħra; u

(d) kull informazzjoni, dokument u partikolaritajiet oħra hekk kif l-Awtorità tista' teħtieġ jew kif jista' jiġi preskritt b'regolamenti.

(4) Wara li tiġi ppreżentata applikazzjoni għal liċenza ta' sala għal-logħob tat-tombla, l-Awtorità għandu jkollha l-poter li teħtieġ lill-applikant jipprovdi kull informazzjoni b'żjieda ma' dik provduta flimkien ma' l-applikazzjoni skond ma tqis li jkun meħtieġ bil-għan li tiddeċiedi dwar dik l-applikazzjoni.

Ħruġ ta' liċenza.

3. L-Awtorità m'għandha toħroġ liċenza ta' sala għal-logħob tat-tombla lil ebda persuna kemm-il darba dik il-persuna ma tkunx kumpannija reġistrata f'Malta u l-Awtorità tkun sodisfatta li:-

(a) l-kapital azzjonarju votanti tal-kumpannija jkun direttament jew indirettament il-proprjetà ta' xi persuna jew persuni li x'aktarx ikunu adatti u idonei biex jibbenefikaw mit-thaddim mill-kumpannija ta' logħbiet tat-tombla kummerċjali u li jeżerċitaw d-drittijiet li jkollhom bħala membri hekk li jkunu jassiguraw l-operazzjoni mill-kumpannija kif imiss ta' logħbiet tat-tombla kummerċjali;

(b) id-direttur jew diretturi tal-kumpannija x'aktarx li jkunu adatti u idonei biex jimmaniġġaw il-kumpannija u jeżerċitaw il-funzjonijiet u d-dmirijiet tagħhom bħala diretturi hekk li jkunu jassiguraw l-operazzjoni mill-kumpannija kif imiss ta' logħbiet tat-tombla kummerċjali;

(ċ) il-kumpannija jkollha l-mezzi finanzjarji u tekniċi u l-kapaċità meħtieġa biex topera logħbiet tat-tombla kummerċjali kif imiss u twettaq l-obbligazzjonijiet kollha taħt dan l-Att;

(d) il-kumpannija għandha, qabel ma tibda tagħmel xi operazzjonijiet, toħroġ u wara dik id-data iżżomm, il-garanzija bankarja imsemmija fil-partita 6 ta' din l-Iskeda kif provdut u skond dik il-partita 6; u

(e) il-kumpannija tkun se thares f'kull rigward id-disposizzjonijiet ta' dan l-Att u ta' regolamenti magħmulin taħtu kif dawn ikunu japplikaw għaliha, u l-pattijiet u l-kondizzjonijiet tal-liċenza u kull direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għaliha.

Forma ta' liċenza.

4. (1) Il-liċenza ta' sala għal-logħob tat-tombla tkun f'dik l-għamla hekk kif l-Awtorità tista' tistabbilixxi jew kif jista' jiġi preskritt b'regolamenti.

(2) L-għoti ta' liċenza ta' sala għal-logħob tat-tombla ma tnaqqasx mir-responsabbiltà tad-detentur ta' liċenza milli jikseb xi liċenza oħra, permess jew awtorizzazzjoni li jistgħu jkunu meħtieġa taħt kull liġi oħra.

Kondizzjonijiet tal-liċenza u varjazzjonijiet jew revoki tagħha.

5. (1) Fl-għoti ta' liċenza ta' sala għal-logħob tat-tombla l-Awtorità tista' tassoġġettaha għal dawk il-kondizzjonijiet hekk kif tista' tqis li jkunu adatti, inklużi kondizzjonijiet li jirrigwardaw il-manutenzjoni ta' sistema ta' kontroll ċentralizzata tal-logħba tat-tombla, u wara li tkun tat tali liċenza l-Awtorità tista', minn żmien għal żmien, tvarja jew tirrevoka kull kondizzjoni hekk imposta jew timponi kondizzjonijiet ġodda:

Iżda kull meta l-Awtorità tikkonsidra li jkun adatt li tibdel xi kondizzjoni jew timponi xi kondizzjoni ġdida f'liċenza ta' sala għal-logħob tat-tombla, l-Awtorità għandha, b'avviż bil-miktub, tgħarraf lid-detentur ta' liċenza bl-intenzjoni li jkollha li tibdel dik il-kondizzjoni jew li timponi dik il-kondizzjoni l-ġdida, u tinterpella malli dan lid-detentur ta' liċenza jgħid għaliex, f'dak il-perjodu li ma jkunx inqas minn wieħed u għoxrin jum wara l-ħruġ ta' l-avviż li jista' jiġi speċifikat fl-istess avviż, dik il-kondizzjoni m'għandhiex tiġi midbula jew dik il-kondizzjoni ġdida m'għandhiex tiġi imposta, u l-Awtorità għandha tqis kull risposta mogħtija mid-detentur ta' liċenza fil-perjodu speċifikat fl-avviż qabel ma tibdel il-kondizzjoni jew qabel ma timponi l-kondizzjoni l-ġdida.

(2) Kondizzjonijiet f'liċenza ta' sala għal-logħob tat-tombla jistgħu jimponu l-ħtiġiet li għandhom jitħarsu mid-detentur ta' liċenza wara li l-liċenza tkun temmet milli tibqa' sseħħ.

(3) Liċenza ta' sala għal-logħob tat-tombla tista' timponi kondizzjonijiet li jkunu jeħtieġu lid-detentur ta' liċenza:-

(a) li jikseb il-kunsens ta' l-Awtorità qabel ma jagħmel xi ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza; u

(b) li jirriferixxi kull ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza lill-Awtorità għall-approvazzjoni tagħha.

(4) Liċenza ta' sala għal-logħob tat-tombla għandha titqies li tkun tinkludi kondizzjoni li tkun teħtieġ lid-detentur ta' liċenza li jikseb il-kunsens ta' l-Awtorità qabel ma jidħol f'xi xorta ta' ftehim ma' persuna, li ma tkunx impjegat tad-detentur ta' liċenza, għall-operat ta' logħbiet tat-tombla kummerċjali ġewwa s-sala għal-logħob tat-tombla li dwarha tkun ġiet mogħtija l-liċenza ta' sala għal-logħob tat-tombla lil dak id-detentur ta' liċenza.

(5) Liċenza ta' sala għal-logħob tat-tombla għandha tinkludi kondizzjoni li tkunu teħtieġ lid-detentur ta' liċenza jħallas lill-Awtorità, f'kull waqt li jista' jiġi preskritt b'regolamenti, dawk id-drittijiet, dazji, taxxi u, jew ammonti oħra li jistgħu jiġu hekk preskritti, liema drittijiet, dazji, taxxi u, jew ammonti għandhom ikunu b'żjieda ma' dawk li d-detentur ta' liċenza jista' jkun meħtieġ li jħallas taħt xi liġi li ma tkunx dan l-Att.

Ħtieġa ta' garanzija bankarja.

6. (1) Liċenza ta' sala għal-logħob tat-tombla għandha tinkludi kondizzjoni li tkun teħtieġ lid-detentur ta' liċenza li jagħmel, qabel il-bidu ta' operazzjonijiet, garanzija bankarja, li tinħariġlu minn bank jew minn istituzzjoni finanzjarja jew ta' kreditu aċċettabbli għall-Awtorità, favur l-Awtorità u f'isimha proprju u għan-nom tal-Gvern, sa l-ammont ta' għaxart elef lira, sabiex jiġi assigurat:

(a) il-ħlas u t-tqassim ta' premjijiet mid-detentur ta' liċenza lir-rebbieħa ta' logħbiet tat-tombla kummerċjali operati taħt il-liċenza;

(b) il-ħlas ta' drittijiet, taxxi, dazji jew ammonti oħra li jitħallsu mid-detentur ta' liċenza lill-Awtorità skond partita 5(5) ta' din l-Iskeda;

(ċ) il-ħlas mid-detentur ta' liċenza ta' kull multa jew ammenda jew penali amministrattiva imposta fuqha taħt Taqsima XII ta' dan l-Att jew taħt regolamenti magħmulin taħt dan l-Att.

(2) Il-garanzija bankarja għandha tkun tista' tissarraf mill-Awtorità hekk kif din titlob li jsir dan, u m'għandux ikun id-dmir tal-bank, istituzzjoni ta' kreditu jew finanzjarja relattivi li jkunu ħarġu l-garanzija bankarja li jivverifikaw jekk dik it-talba tkunx waħda ġustifikata jew le.

(3) Il-garanzija bankarja għandha tibqa' valida sakemm tgħaddi sena mill-iskadenza tal-liċenza jew sa dak iż-żmien li l-Awtorità tqis xieraq u tavża lid-detentur ta' liċenza bil-miktub li dik il-garanzija bankarja ma tkunx għadha meħtieġa, skond liema jiġi l-ewwel.

(4) Il-garanzija bankarja għandha tkun bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet l-oħra li jistgħu jiġu speċifikati fil-liċenza jew kif jista' jiġi preskritt b'regolamenti magħmulin taħt dan l-Att.

Bidliet fil-proprjetà u tmexxija eċċ.

7. (1) (a) Mingħajr preġudizzju għad-disposizzjonijiet ta' partita 8 ta' din l-Iskeda, jkun id-dmir tad-detentur ta' liċenza għal sala għal-logħob tat-tombla u tad-diretturi tagħha, li jgħarrfu lill-Awtorità b'kull bidla fil-kapital azzjonarju votanti tad-detentur ta' liċenza, jew fil-proprjetà diretta jew indiretta tiegħu, jew b'kull bidla fit-tmexxija jew fil-Bord tad-Diretturi tad-detentur ta' liċenza, fi żmien ħamest ijiem minn dik il-bidla. Ikun ukoll id-dmir tad-detentur ta' liċenza u tad-diretturi li jgħarrfu lill-Awtorità b'kull bidla materjali fl-informazzjoni u d-dokumentazzjoni provduti mid-detentur ta' liċenza skond partita 2(2), (3) u (4) ta' din l-Iskeda jew skond kull disposizzjoni oħra ta' dan l-Att jew regolamenti magħmulin taħtu jew skond kondizzjonijiet marbutin mal-liċenza ta' sala għal-logħob tat-tombla, ħekk kif dawn isiru jafu b'dawk il-bidliet.

(b) Meta minħabba f'xi bidla bħalma hemm imsemmi fil-paragrafu (a) ta' din is-sotto-partita, kemm jekk l-Awtorità tkun ġiet mgħarrfa b'dik il-bidla skond dak il-paragrafu (a) kemm jekk le, tinħoloq sitwazzjoni dwarha li, li kieku kienet teżisti fil-waqt ta' l-applikazzjoni għal-liċenza ta' sala għal-logħob tat-tombla, kienet tiskwalifika lid-detentur ta' liċenza milli jikseb liċenza skond partita 3 ta' din l-Iskeda, l-Awtorità għandha b'avviż tgħarraf lid-detentur ta' liċenza skond ħekk, u jekk is-sitwazzjoni ma tkunx ġiet rimedjata għas-sodisfazzjon ta' l-Awtorità fi żmien xahar kalendarju mill-avviż għaldaqstant mogħti mill-Awtorità, l-Awtorità għandha tħassar tali liċenza:

Iżda l-Awtorità m'għandhiex toħroġ avviż kif hawn qabel imsemmi iktar tard minn tliet xhur kalendarji wara li tkun ġiet mgħarrfa mid-detentur ta' liċenza jew mid-diretturi bil-bidla skond il-paragrafu (a) ta' din is-sotto-partita.

(2) Nuqqas mid-detentur ta' liċenza jew id-diretturi tiegħu li jħarsu d-disposizzjonijiet ta' sub-partita (1) ta' din il-partita jikkostitwixxi reat kontra dan l-Att.

Assenjament jew ċessjoni ta' liċenza u trasferiment ta' interessi ta' kontroll.

8. (1) Ikun id-dmir ta' detentur ta' liċenza għal sala għal-logħob tat-tombla li jikseb l-approvazzjoni bil-quddiem bil-miktub ta' l-Awtorità qabel ma jagħmel xi azzjonijiet stabbiliti fil-paragrafi (a) to (f) ta' sub-partita (2) ta' din il-partita 8, u jekk tingħata dik l-approvazzjoni, d-detentur ta' liċenza jista' allura jagħmel biss dawk l-azzjonijiet imsemmija bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet li jistgħu jiġu speċifikati mill-Awtorità fl-approvazzjoni tagħha. Detentur ta' liċenza għal sala għal-logħob tat-tombla li jaġixxi bi ksur tad-disposizzjonijiet ta' din is-sub-partita (1) ikun ħati ta' reat kontra dan l-Att. Ikun id-dmir tad-diretturi kollha tad-detentur ta' liċenza li jgħarrfu lill-Awtorità minnufih malli jsiru jafu li d-detentur ta' liċenza jkun bi ħsiebu jagħmel xi waħda mill-azzjonijiet imsemmija, u fin-nuqqas ikunu ħatja ta' reat kontra dan l-Att.

(2) L-azzjonijiet imsemmija fis-sub-partita (1) ta' din il-partita 8 huma:

(a) it-trasferiment jew assenjament tal-liċenza ta' sala għal-logħob tat-tombla mid-detentur ta' liċenza għal sala għal-logħob tat-tombla lil xi persuna oħra;

(b) il-bejgħ jew xi tneħħija oħra mid-detentur ta' liċenza għal sala għal-logħob tat-tombla tal-kummerċ tiegħu jew ta' parti sinifikanti minnu;

(ċ) l-għaqda li ssir mid-detentur ta' liċenza għal sala għal-logħob tat-tombla ma' xi kumpannija oħra;

(d) jekk id-detentur ta' liċenza għal sala għal-logħob tat-tombla jħarrab xi rikostruzzjoni, qasma jew konverżjoni ta' l-istatus tiegħu minn kumpannija għal kull għamla oħra ta' soċjetà kummerċjali;

(e) it-tnaqqis tal-kapital azzjonarju nominali jew maħruġ tad-detentur ta' liċenza għal sala għal-logħob tat-tombla jew iż-żjieda jew it-tnaqqis tal-kapital azzjonarju votanti tiegħu jew xi bidla materjali fil-jeddijiet għall-vot f'dak id-detentur ta' liċenza; jew

(f) iċ-ċessjoni tal-liċenza ta' sala għal-logħob tat-tombla mid-detentur ta' liċenza għal sala għal-logħob tat-tombla matul il-perjodu ta' liċenza.

(3) Ikun id-dmir ta' persuna li jkollha jew tkun sid l-interessi ta' kontroll ta' detentur ta' liċenza għal sala għal-logħob tat-tombla li tikseb l-approvazzjoni bil-quddiem bil-miktub ta' l-Awtorità qabel ma tittrasferixxi dawk l-interessi ta' kontroll lil xi persuna oħra, u jekk dik l-approvazzjoni tingħata, dik il-persuna tista' għaldaqshekk tittrasferixxi dawk l-interessi ta' kontroll biss bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet li jistgħu jiġu speċifikati mill-Awtorità fl-approvazzjoni tagħha. Persuna li taġixxi bi ksur tad-disposizzjonijiet ta' din is-sub-partita (3) ikun ħati ta' reat kontra dan l-Att. Ikun id-dmir tad-detentur ta' liċenza għal sala għal-logħob tat-tombla u tad-diretturi kollha relattivi li jgħarrfu lill-Awtorità minnufih malli jsiru jafu li tali persuna tkun bi ħsiebha tittrasferixxi l-interessi ta' kontroll tad-detentur ta' liċenza lil xi persuna oħra, u li fin-nuqqas ikunu ħatja ta' reat kontra dan l-Att.

(4) Jekk detentur ta' liċenza għal sala għal-logħob tat-tombla jieġu xi azzjonijiet stabbiliti fil-paragrafi (a) sa (e) ta' sub-partita (2) ta' din il-partita 8, jew jekk persuna imsemmija fis-sub-partita (3) ta' din il-partita 8 jittrasferixxi l-interessi ta' kontroll tad-detentur ta' liċenza għal sala għal-logħob tat-tombla għal kull persuna oħra, minħajr l-approvazzjoni bil-quddiem bil-miktub ta' l-Awtorità, jew bi ksur ta' kull patt u kondizzjoni speċifikati mill-Awtorità f'xi tali approvazzjoni, l-Awtorità tista':

(a) toħroġ direttiva fejn tiddikjara tali azzjoni jew trasferiment nulla u bla ebda effett, liema direttiva għandha tkun effettiva kontra kull persuna involuta

f'dik l-azzjoni jew trasferiment minkejja d-disposizzjonijiet ta' kull liġi oħra; u, jew

(b) toħroġ direttiva fejn tiddikjara l-liċenza ta' sala għal-logħob tat-tombla nulla u bla effett; u, jew

(ċ) toħroġ direttiva lil dak id-detentur ta' liċenza jew, skond ma jista' jkun il-każ, lil dik il-persuna biex tagħmel jew iżżomm milli tagħmel xi att li l-Awtorità tista' tqis adatti fiċ-ċirkostanzi,

u dak id-detentur ta' liċenza jew, skond ma jista' jkun il-każ, dik il-persuna għandhom iħarsu kull tali direttiva maħruġa lilhom mill-Awtorità skond il-paragrafu (ċ) ta' din is-sub-partita (4), u jekk jonqsu milli jagħmlu dan ikunu ħatja ta' reat kontra dan l-Att.

Raġunijiet għat-tħassir jew sospensjoni ta' liċenza.

9. L-Awtorità tista' tordna t-tħassir jew is-sospensjoni ta' liċenza ta' sala għal-logħob tat-tombla għal xi raġuni minn dawn li ġejjin, jiġifieri meta:

(a) xi direttur jew *manager* tad-detentur ta' liċenza ikun ħati ta' xi reat kontra dan l-Att, jew ta' serq, riċettazzjoni ta' proprjetà misruqa, frodi jew xi delitt li jolqot il-fiduċja pubblika;

(b) id-detentur ta' liċenza jikser xi disposizzjoni ta' dan l-Att jew regolamenti magħmulin taħtu kif dawn ikunu japplikaw għalih, jew jikser xi kondizzjoni fil-liċenza ta' sala għal-logħob tat-tombla jew kull direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għalih;

(ċ) id-detentur ta' liċenza xjentement jew b'mod traskurat jipprovdi lill-Awtorità informazzjoni li tkun falza jew qarrieqa f'xi dettall partikolari;

(d) id-detentur ta' liċenza jonqos milli jwettaq l-obbligi finanzjarji li jkollu meta dawn isiru dovuti u jkollhom jitħallsu;

(e) id-detentur ta' liċenza jonqos li joħroġ u jżomm il-garanzija bankarja meħtieġa kif provdut u skond partita 6 ta' din l-Iskeda;

(f) id-detentur ta' liċenza ikun għaddej minn proċeduri ta' stralċ; jew

(ġ) l-Awtorità tkun raġonevolment sodisfatta li d-detentur ta' liċenza ma jkunx, jew ma jkunx għadu aktar, persuna idonea biex ikollha l-liċenza ta' sala għal-logħob tat-tombla, jew inkella raġonevolment tqis li jkun meħtieġ fl-interess nazzjonali li tħassar jew tissospendi l-liċenza ta' sala għal-logħob tat-tombla.

Proċeduri għat-tħassir jew sospensjoni ta' liċenza.

10. (1) Meta jkun hemm xi raġuni għat-tħassir jew sospensjoni ta' liċenza ta' sala għal-logħob tat-tombla taħt partita 9 ta' din l-Iskeda, l-Awtorità għandha, b'avviż bil-miktub, titlob lid-detentur ta' liċenza, u tista' titlob lil xi persuna oħra li fil-fehma tagħha jkollha interess fil-liċenza, tgħid għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn wieħed u għoxrin jum wara l-ħruġ ta' l-avviż kif speċifikat fl-istess avviż, il-liċenza m'għandhiex tiġi mħassra jew sospiża minħabba f'dik ir-raġuni bħalma jkun hemm dikjarat fl-avviż.

(2) L-Awtorità għandha tqis kull risposta li ssirilha taħt sub-partita (1) ta' din il-partita hekk li:

(a) meta l-ħaġa tkun ġiet solvuta għas-sodisfazzjon tagħha, m'għandha tieħu ebda azzjoni ulterjuri u għandha tgħarraf lid-detentur ta' liċenza bil-miktub skond hekk;

(b) meta, għalkemm il-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha, tqis li ma tkunx meħtieġa azzjoni ulterjuri, hija għandha tammonixxi lid-detentur ta' liċenza bil-miktub; jew

(ċ) meta l-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha u tkun sodisfatta li tkun teħtieġ azzjoni ulterjuri, tista' -

(i) b'avviż bil-miktub tagħti dawk id-direttivi lid-detentur ta' liċenza bħalma tqis li jkunu adatti; jew

(ii) tissospendi l-liċenza għal dak il-perjodu li tkun tqis adatt, jew tħassar tali liċenza.

(3) Meta direttiva mogħtija mill-Awtorità taħt sub-partita (2)(ċ)(i) ta' din l-Iskeda ma tiġix imħarsa fiż-żmien speċifikat fl-avviż, l-Awtorità għandha tħassar il-liċenza.

Operazzjonijiet oħra f'sala għal-logħob tat-tombla.

11. Sala għal-logħob tat-tombla ma tistax tintuża biex fiha jsiru operazzjonijiet li ma jkunux it-tħaddim ta' logħbiet tat-tombla kummerċjali mingħajr l-approvazzjoni bil-miktub bil-quddiem ta' l-Awtorità dwar dawk l-operazzjonijiet l-oħra. Jekk detentur ta' liċenza għal sala għal-logħob tat-tombla jonqos milli jħares id-disposizzjonijiet ta' din il-partita 11, dan ikun jikkostitwixxi reat kontra dan l-Att.

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IT-TIELET SKEDA

Artikolu 40

Logħbiet ta' komunikazzjoni kummerċjali

Applikazzjoni għal liċenza.

1. (1) Applikazzjoni għal liċenza ta' logħba ta' komunikazzjoni kummerċjali għandha ssir minn jew għan-nom tal-persuna li tkun bi ħsiebha topera l-logħba ta' komunikazzjoni kummerċjali, fl-għamla u l-mod meħtieġ mill-Awtorità.

(2) Dik l-applikazzjoni għandu jkollha mill-anqas din l-informazzjoni li ġejja :

(a) l-isem u l-indirizz ta' l-applikant u l-indirizz f'Malta fejn jistgħu jiġu notifikati d-dokumenti lill-applikant;

(b) it-tip tal-logħba ta' komunikazzjoni kummerċjali li l-applikant ikun irid li topera, u dawk il-partikolaritajiet li jirrigwardaw ir-regoli u regolamenti dwar il-proċeduri biex tiġi operata u tintlagħab dik il-logħba ta' komunikazzjoni kummerċjali kif l-Awtorità tista' teħtieġ jew kif jista' jiġi preskritt b'regolamenti;

(ċ) id-dati u l-ħinijiet meta u l-postijiet minn fejn il-logħba ta' komunikazzjoni kummerċjali tkun se tiġi operata u offruta lill-pubbliku u, skond ma japplika, id-data jew dati, il-ħin jew ħinijiet u l-post jew postijiet għal kull tlugħ tal-logħba ta' komunikazzjoni kummerċjali; u

(d) l-oġġetti jew is-servizzi li l-bejgħ tagħhom ikun maħsub li jiġi promoss permezz ta' l-operat tal-logħba ta' komunikazzjoni kummerċjali.

(3) L-applikazzjoni għandu jkun fiha wkoll jew ikollha flimkien magħha kull informazzjoni, dokument u partikolarità oħra ħekk kif l-Awtorità tista' teħtieġ jew kif jista' jiġi preskritt b'regolamenti.

(4) Applikazzjoni għal liċenza ta' logħba ta' komunikazzjoni kummerċjali għandha ssir dwar kull logħba ta' komunikazzjoni kummerċjali li l-applikant ikun irid li topera, għalkemm tista' tingħata liċenza għal logħba tal-mezzi tax-xandir dwar xi logħba tal-mezzi tax-xandir li għandha ssir fi ġranet differenti jew f'ħinijiet differenti jew għal perjodu speċifikat.

(5) Wara li tiġi ppreżentata applikazzjoni għal liċenza ta' logħba ta' komunikazzjoni kummerċjali, l-Awtorità għandu jkollha l-poter li teħtieġ lill-applikant jipprovdi kull informazzjoni b'żjieda ma' dik mogħtija fl-applikazzjoni ħekk kif l-Awtorità tista' tqis li jkun meħtieġ bil-għan li tiddeċiedi dwar dik l-applikazzjoni.

L-għoti ta' liċenza.

2. L-Awtorità m'għandhiex toħroġ liċenza ta' loġħba ta' komunikazzjoni kummerċjali lil xi persuna kemm-il darba l-Awtorità ma tkunx sodisfatta li:

(a) id-detentur ta' liċenza propost x'aktarx ikun persuna idonea u adatta biex tassigura, jew meta d-detentur ta' liċenza propost ma jkunx individwu, il-persuni li jeserċitaw il-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza propost x'aktarx li jkunu adatti u idonei li jwettqu l-funzjonijiet u d-dmirijiet tagħhom dwar id-detentur ta' liċenza propost hekk li jkun jassigura, l-operazzjoni kif imiss tal-loġħba ta' komunikazzjoni kummerċjali rilevanti mid-detentur ta' liċenza propost;

(b) id-detentur ta' liċenza propost ikun se jħares f'kull rigward id-disposizzjonijiet ta' dan l-Att u ta' regolamenti magħmulin taħtu kif dawn ikunu japplikaw għalih, u mal-pattijiet u l-kondizzjonijiet tal-liċenza ta' loġħba ta' komunikazzjoni kummerċjali u ma' kull direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għalih.

Forma ta' liċenza.

3. (1) Il-liċenza ta' loġħba ta' komunikazzjoni kummerċjali tkun f'dik l-għamla kif l-Awtorità tista' tistabbilixxi jew kif jista' jiġi preskritt b'regolamenti.

(2) L-għoti ta' liċenza ta' loġħba ta' komunikazzjoni kummerċjali ma tnaqqasx mir-responsabbiltà tad-detentur ta' liċenza milli jikseb xi liċenza, permess jew awtorizzazzjoni oħra li jistgħu jkunu meħtieġa taħt kull liġi oħra.

Kondizzjonijiet tal-liċenza u varjazzjonijiet jew revoki relattivi.

4. (1) Fl-għoti ta' liċenza ta' loġħba ta' komunikazzjoni kummerċjali, l-Awtorità tista'tassoġġettaha għal dawk il-kondizzjonijiet hekk kif tista' tqis li jkun adatt, u wara li tkun tat tali liċenza l-Awtorità tista', minn żmien għal żmien, tvarja jew tirrevoka kull kondizzjoni hekk imposta jew timponi kondizzjonijiet ġodda:

Iżda kull meta l-Awtorità tikkonsidra li jkun adatt li tibdel xi kondizzjoni jew timponi xi kondizzjoni ġdida fil-liċenza ta' loġħba ta' komunikazzjoni kummerċjali, l-Awtorità għandha tgħarraf, b'avviż bil-miktub, lid-detentur ta' liċenza li tkun bi ħsiebha tibdel dik il-kondizzjoni jew li timponi dik il-kondizzjoni l-ġdida, fejn tgħid lid-detentur ta' liċenza jgħid għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn sebat ijiem wara l-ħruġ ta' l-avviż u li jista' jiġi speċifikat fl-istess avviż, m'għandhiex tiġi midbula dik il-kondizzjoni jew m'għandhiex tiġi imposta dik il-kondizzjoni ġdida, u l-Awtorità għandha tqis kull risposta mogħtija mid-detentur ta' liċenza fil-perjodu speċifikat fl-avviż, qabel ma tibdel il-kondizzjoni jew qabel ma timponi l-kondizzjoni l-ġdida.

(2) Kondizzjonijiet f'liċenza ta' loġħba ta' komunikazzjoni kummerċjali jistgħu jimponu xi ħtiġiet li jkollhom jitħarsu mid-detentur ta' liċenza wara li l-liċenza tkun temmet milli tibqa' sseħħ.

(3) Liċenza ta' loġħba ta' komunikazzjoni kummerċjali tista' timponi kondizzjonijiet li jkunu jeħtieġu lid-detentur ta' liċenza li:

(a) jikseb il-kunsens ta' l-Awtorità qabel ma jagħmel xi ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, li tkun qegħda fil-liċenza; u

(b) jirriferixxi kull ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza lill-Awtorità għall-approvazzjoni.

(4) Liċenza ta' loġħba ta' komunikazzjoni kummerċjali għandha tinkludi kondizzjoni li tkun teħtieġ lid-detentur ta' liċenza jħallas lill-Awtorità, f'kull waqt li jista' jiġi preskritt b'regolamenti, dawk id-drittijiet, dazji, taxxi u, jew ammonti oħra li jistgħu jiġu hekk preskritti, liema drittijiet, dazji, taxxi u, jew ammonti għandhom ikunu b'żjieda ma' dawk li d-detentur ta' liċenza jista' jkun meħtieġ li jħallas taħt xi liġi li ma tkunx dan l-Att.

(5) Liċenza ta' loġħba ta' komunikazzjoni kummerċjali għandha titqies li tkun tinkludi kondizzjoni li:

(a) il-premju jew premjijiet li jistgħu jintrebħu f'dik il-loġħba m'għandhomx jikkonsistu fi flus jew ċekk jew dokument simili li jkun jagħti dritt lid-detentur jibdlu fi flus; u

(b) il-valur fis-suq aggregat tal-premjijiet kollha li jistgħu jintrebħu f'dik il-loġħba m'għandux jeċċedi l-ammont ta' ħamsa u għoxrin elf lira.

Bidliet fil-kontroll effettiv u tmexxija eċċ.

5. (1) (a) Jekk id-detentur ta' liċenza ta' loġħba ta' komunikazzjoni kummerċjali tkun persuna li ma tkunx individwu, dak id-detentur ta' liċenza għandu, fi żmien ħamest ijiem minn kull bidla fil-persuni li jeżerċitaw il-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza, jgħarraf lill-Awtorità b'dik il-bidla. Id-detentur ta' liċenza għandu wkoll jgħarraf lill-Awtorità b'kull bidla materjali fl-informazzjoni u d-dokumentazzjoni provduti mid-detentur ta' liċenza skond partita I(2), (3) u (5) ta' din l-Iskeda jew skond kull disposizzjoni oħra ta' dan l-Att jew regolamenti magħmulin taħtu jew skond kondizzjonijiet marbutin mal-liċenza ta' loġħba ta' komunikazzjoni kummerċjali, hekk kif isir jaf b'dawk il-bidliet.

(b) Meta minħabba f'xi bidla bħalma hemm imsemmi fil-paragrafu (a) ta' din is-sotto-partita, kemm jekk l-Awtorità tkun ġiet mgħarrfa b'dik il-bidla skond dak il-paragrafu (a) kemm jekk le, tinħoloq sitwazzjoni dwarha li, li kieku

kienet teżisti fil-waqt ta' l-applikazzjoni għal-liċenza ta' loġħba ta' komunikazzjoni kummerċjali, kienet tiskwalifika lid-detentur ta' liċenza milli jikseb liċenza skond partita 2 ta' din l-Iskeda, l-Awtorità għandha tgħarraf b'dan kollu lid-detentur ta' liċenza permezz ta' avviż, u jekk is-sitwazzjoni ma tkunx ġiet rimedjata għas-sodisfazzjon ta' l-Awtorità fi żmien ħamest ijiem mill-avviż għaldaqshekk mogħti mill-Awtorità, l-Awtorità għandha tħassar dik il-liċenza:

Iżda l-Awtorità m'għandhiex toħroġ avviż kif hawn qabel imsemmi iktar tard minn xahar wara li tkun ġiet mgħarrfa mid-detentur ta' liċenza bil-bidla skond il-paragrafu (a) ta' din is-sotto-partita.

(2) Jekk id-detentur ta' liċenza jonqos milli jħares id-disposizzjonijiet ta' sub-partita (1) ta' din il-partita huwa jkun qed jagħmel reat kontra dan l-Att.

Assenjament jew ċessjoni ta' liċenza.

6. (1) Liċenza ta' loġħba ta' komunikazzjoni kummerċjali ma tistax tiġi assenjata jew trasferita mid-detentur ta' liċenza ta' loġħba ta' komunikazzjoni kummerċjali lil xi persuna oħra.

(2) Id-detentur ta' liċenza ta' loġħba ta' komunikazzjoni kummerċjali ma jistax iċedi l-liċenza ta' loġħba ta' komunikazzjoni kummerċjali matul il-perjodu ta' liċenza mingħajr l-approvazzjoni bil-quddiem bil-miktub ta' l-Awtorità, u jekk tingħata dik l-approvazzjoni, il-liċenza tista' għaldaqshekk tiġi ċeduta biss bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet li jistgħu jiġu speċifikat mill-Awtorità fl-approvazzjoni tagħha.

(3) Jekk liċenza ta' loġħba ta' komunikazzjoni kummerċjali tkun assenjata jew trasferita mid-detentur ta' liċenza ta' loġħba ta' komunikazzjoni kummerċjali lil xi persuna oħra:

(a) tali liċenza għandha tkun ikkunsidrata nulla u bla effett; u

(b) l-Awtorità tista' toħroġ direttiva lil dak id-detentur ta' liċenza biex jagħmel jew jieqaf milli jagħmel xi att li l-Awtorità tista' tqis adatti fiċ-ċirkostanzi, u dak id-detentur ta' liċenza għandu jħares kull tali direttiva, u jekk jonqos milli jagħmel dan ikun ħati ta' reat kontra dan l-Att.

(4) Detentur ta' liċenza ta' loġħba ta' komunikazzjoni kummerċjali li jaġixxi bi ksur tad-disposizzjonijiet ta' din il-partita 6 ikun ħati ta' reat kontra dan l-Att.

Raġunijiet għat-tħassir jew sospensjoni ta' liċenza.

7. L-Awtorità tista' tordna t-tħassir jew is-sospensjoni ta' liċenza ta' loġħba ta' komunikazzjoni kummerċjali għal xi raġuni minn dawn li ġejjin:

(a) id-detentur ta' liċenza, jew persuna li teżerċita l-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza, tkun ħatja ta' xi reat kontra dan l-Att, jew ta' serq, riċettazzjoni ta' proprjetà misruqa, frodi jew ta' xi delitt li jolqot il-fiduċja pubblika;

(b) id-detentur ta' liċenza jikser xi disposizzjoni ta' dan l-Att jew regolamenti magħmulin taħtu kif dawn ikunu japplikaw għalih, jew jikser xi kondizzjoni fil-liċenza ta' loghba ta' komunikazzjoni kummerċjali jew kull direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għalih;

(ċ) id-detentur ta' liċenza xjentement jew b'mod traskurat jipprovdi lill-Awtorità informazzjoni li tkun falza jew qarrieqa f'xi dettall partikolari;

(d) id-detentur ta' liċenza jonqos milli jwettaq l-obbligi finanzjarji li jkollu meta dawn isiru dovuti u jkollhom jitħallsu;

(e) id-detentur ta' liċenza ikun jinsab għaddej minn proċeduri ta' stralċ; jew

(f) l-Awtorità tkun raġonevolment sodisfatta li d-detentur ta' liċenza ma jkunx, jew ma jkunx baqa', persuna idonea biex ikollha l-liċenza ta' loghba ta' komunikazzjoni kummerċjali, jew inkella raġonevolment tqis li jkun meħtieġ fl-interess nazzjonali li tħassar jew tissospendi l-liċenza ta' loghba ta' komunikazzjoni kummerċjali.

Proċeduri għat-tħassir jew sospensjoni ta' liċenza.

8. (1) Meta jkun hemm xi raġuni għat-tħassir jew sospensjoni ta' liċenza ta' loghba ta' komunikazzjoni kummerċjali li toriġina taħt partita 7 ta' din l-Iskeda, l-Awtorità għandha, b'avviż bil-miktub, titlob lid-detentur ta' liċenza, u tista' titlob lil xi persuna oħra li fil-fehma tagħha jkollha interess fil-liċenza, tgħid għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn ħamest ijiem wara l-ħruġ ta' l-avviż kif speċifikat fl-istess avviż, il-liċenza m'għandhiex tiġi mħassra jew sospiża minħabba f'dik ir-raġuni bħalma jkun hemm dikjarat fl-avviż.

(2) L-Awtorità għandha tagħti każ ta' kull risposta li ssir taħt sub-partita (1) ta' din il-partita hekk li:

(a) meta l-ħaġa tkun ġiet solvuta għas-sodisfazzjon tagħha, m'għandha tieħu ebda azzjoni ulterjuri u għandha tgħarraf lid-detentur ta' liċenza bil-miktub b'dan kollu;

(b) meta, għalkemm il-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha, tqis li ma tkunx meħtieġa azzjoni ulterjuri, hija għandha tammonixxi lid-detentur ta' liċenza bil-miktub; jew

(ċ) meta l-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha u tkun sodisfatta li tkun teħtieġ azzjoni ulterjuri, tista' -

(i) b'avviż bil-miktub tagħti dawk id-direttivi lid-detentur ta' liċenza bħalma tqis li jkunu adatti; jew

(ii) tissospendi l-liċenza għal dak il-perjodu li tkun tqis adatt, jew tħassar tali liċenza.

(3) Meta direttiva mogħtija mill-Awtorità taħt sub-partita (2)(ċ)(i) ta' din l-Iskeda ma tiġix imħarsa fiż-żmien speċifikat fl-avviż, l-Awtorità għandha tħassar il-liċenza.

IR-RABA' SKEDA

Artikolu 41

Logħbiet tal-mezzi tax-xandir

Applikazzjoni għal liċenza.

1. (1) Applikazzjoni għal liċenza għal logħba tal-mezzi tax-xandir għandha ssir minn jew għan-nom tas-sid jew operatur ta' stazzjon tar-radju jew tat-televiżjoni, jew is-sub-kuntrattur tiegħu, li jkun bi ħsiebu jopera l-logħba tal-mezzi tax-xandir, fl-għamla u l-mod meħtieġa mill-Awtorità.

(2) Dik l-applikazzjoni għandu jkollha mill-anqas din l-informazzjoni li ġejja:

(a) l-isem u indirizz ta' l-applikant u l-indirizz f'Malta fejn jistgħu jiġu notifikati d-dokumenti lill-applikant;

(b) it-tip tal-logħba tal-mezzi tax-xandir li l-applikant ikun irid jopera, u dawk il-partikolaritajiet li jirrigwardaw ir-regoli u regolamenti dwar il-proċeduri biex tiġi operata u tintlagħab dik il-logħba tal-mezzi tax-xandir kif l-Awtorità tista' teħtieġ jew kif jista' jiġi preskritt b'regolamenti; u

(ċ) id-dati, ħinijiet, kanali, frekwenzi u *studios* trasmittenti jew ta' *recording* meta, li fuqhom u minn fejn il-logħba tal-mezzi tax-xandir tkun se tiġi operata u offruta lill-pubbliku u, skond ma japplika, id-data jew dati, il-ħin jew ħinijiet u l-post jew postijiet għal kull tlugħ tal-logħba tal-mezzi tax-xandir.

(3) L-applikazzjoni għandu jkun fiha wkoll jew ikollha magħha kull informazzjoni, dokument u partikolaritajiet oħra ħekk kif l-Awtorità tista' teħtieġ jew kif jista' jiġi preskritt b'regolamenti.

(4) Għandha ssir, dwar kull loġġba tal-mezzi tax-xandir li l-applikant ikun irid jopera, applikazzjoni għal liċenza għal loġġba tal-mezzi tax-xandir, għalkemm tista' tingħata liċenza għal loġġba tal-mezzi tax-xandir dwar xi loġġba tal-mezzi tax-xandir li tkun se ssir fi ġranet differenti jew f'ħinijiet differenti jew għal xi perjodu speċifikat.

(5) Wara li tiġi ppreżentata applikazzjoni għal liċenza għal loġġba tal-mezzi tax-xandir, l-Awtorità għandu jkollha l-poter li teħtieġ lill-applikant jipprovdi kull informazzjoni b'żjieda ma' dik mogħtija fl-applikazzjoni kif l-Awtorità tista' tqis li jkun meħtieġ bil-għan li tiddeċiedi dwar dik l-applikazzjoni.

Għoti ta' liċenza.

2. L-Awtorità m'għandhiex toħroġ liċenza għal loġġba tal-mezzi tax-xandir lil xi persuna kemm-il darba dik il-persuna tkun is-sid jew operatur ta' stazzjon tar-radju jew tat-televiżjoni jew sub-kuntrattur tiegħu u l-Awtorità tkun sodisfatta li:

(a) id-detentur ta' liċenza propost x'aktarx ikun persuna idonea u adatta biex tassigura, jew meta d-detentur ta' liċenza propost ma jkunx individwu, il-persuni li jeżerċitaw il-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza propost x'aktarx li jkunu adatti u idonei li jwettqu l-funzjonijiet u d-dmirijiet tagħhom fir-rigward tad-detentur ta' liċenza propost hekk li jkunu jassiguraw, l-operazzjoni kif imiss tal-loġġba tal-mezzi tax-xandir rilevanti mid-detentur ta' liċenza propost;

(b) id-detentur ta' liċenza propost ikun se jħares f'kull rigward id-disposizzjonijiet ta' dan l-Att u ta' regolamenti magħmulin taħtu kif dawn ikunu japplikaw għalih, u l-pattijiet u l-kondizzjonijiet tal-liċenza għal loġġba tal-mezzi tax-xandir u kull direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għalih.

Forma ta' liċenza.

3. (1) Il-liċenza għal loġġba tal-mezzi tax-xandir tkun f'dik l-għamla kif l-Awtorità tista' tistabbilixxi jew kif jista' jiġi preskritt b'regolamenti.

(2) L-għoti ta' liċenza għal loġġba tal-mezzi tax-xandir ma tnaqqasx mir-responsabbiltà tad-detentur ta' liċenza milli jikseb xi liċenza oħra, permess jew awtorizzazzjoni li jistgħu jkunu meħtieġa taħt xi liġi oħra.

Kondizzjonijiet tal-liċenza u varjazzjonijiet jew revoki relattivi.

4. (1) Fl-għoti ta' liċenza għal loġġba tal-mezzi tax-xandir, l-Awtorità tista' tassoġġettaha għal dawk il-kondizzjonijiet hekk kif tista' tqis li jkunu adatti, u wara li tkun tat tali liċenza l-Awtorità tista', minn żmien għal żmien, tvarja jew tirrevoka kull kondizzjoni hekk imposta jew timponi kondizzjonijiet ġodda:

Iżda kull meta l-Awtorità tikkonsidra li jkun adatt li tibdel xi kondizzjoni jew timponi xi kondizzjoni ġdida fil-liċenza għal loġħba tal-mezzi tax-xandir, l-Awtorità għandha, b'avviż bil-miktub, tgħarraf lid-detentur ta' liċenza bl-intenzjoni li jkollha li tibdel dik il-kondizzjoni jew li timponi dik il-kondizzjoni l-ġdida, fejn tgħid lid-detentur ta' liċenza jgħid għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn sebat ijiem wara l-ħruġ ta' l-avviż u li jista' jiġi speċifikat fl-istess avviż, dik il-kondizzjoni m'għandhiex tiġi midbula jew dik il-kondizzjoni ġdida m'għandhiex tiġi imposta, u l-Awtorità għandha tqis kull risposta mogħtija mid-detentur ta' liċenza fil-perjodu speċifikat fl-avviż, qabel ma tibdel il-kondizzjoni jew qabel ma timponi l-kondizzjoni l-ġdida.

(2) Kondizzjonijiet f'liċenza għal loġħba tal-mezzi tax-xandir jistgħu ikunu jimponu l-ħtiġiet li għandhom jitħarsu mid-detentur ta' liċenza wara li l-liċenza tkun temmet milli tibqa' sseħħ.

(3) Liċenza għal loġħba tal-mezzi tax-xandir tista' timponi kondizzjonijiet li jkunu jeħtieġu lid-detentur ta' liċenza li:

(a) jikseb il-kunsens ta' l-Awtorità qabel ma jagħmel xi ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza; u

(b) jirriferixxi kull ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza lill-Awtorità għall-approvazzjoni tagħha.

(4) Liċenza għal loġħba tal-mezzi tax-xandir għandha tinkludi kondizzjoni li tkun teħtieġ lid-detentur ta' liċenza jħallas lill-Awtorità, f'kull waqt li jista' jiġi preskritt b'regolamenti, dawk id-drittijiet, dazji, taxxi u, jew ammonti oħra li jistgħu jiġu hekk preskritti, liema drittijiet, dazji, taxxi u, jew ammonti għandhom ikunu b'żjieda ma' dawk li d-detentur ta' liċenza jista' jkun meħtieġ li jħallas taħt xi liġi li ma tkunx dan l-Att.

(5) Liċenza għal loġħba tal-mezzi tax-xandir għandha titqies li tkun tinkludi kondizzjoni li:

(a) il-premju jew premjijiet li jistgħu jintrebħu f'dik il-loġħba m'għandhomx ikunu jikkonsistu fi flus jew ċekk jew dokument simili li jkun jagħti dritt lid-detentur jibdlu fi flus; u

(b) il-valur fis-suq aggregat tal-premjijiet kollha li jistgħu jintrebħu f'dik il-loġħba m'għandux jeċċedi l-ammont ta' ħamsa u għoxrin elf lira.

Bidliet fil-kontroll effettiv u tmexxija eċċ.

5. (1) (a) Jekk id-detentur ta' liċenza għal loġħba tal-mezzi tax-xandir ikun persuna li ma tkunx individwu, dak id-detentur ta' liċenza għandu, fi żmien ħamest ijiem minn kull bidla fil-persuni li jeżerċitaw il-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza, jgħarraf lill-Awtorità b'dik il-bidla. Id-detentur

ta' liċenza għandu wkoll jgħarraf lill-Awtorità b'kull bidla materjali fl-informazzjoni u d-dokumentazzjoni provduti mid-detentur ta' liċenza skond partita 1(2), (3) u (5) ta' din l-Iskeda jew skond kull disposizzjoni oħra ta' dan l-Att jew regolamenti magħmulin taħtu jew skond kondizzjonijiet marbutin mal-liċenza għal logħba tal-mezzi tax-xandir, hekk kif isir jaf b'dawk il-bidliet.

(b) Meta minħabba f'xi bidla bħalma hemm imsemmi fil-paragrafu (a) ta' din is-sotto-partita, kemm jekk l-Awtorità tkun ġiet mgħarrfa b'dik il-bidla skond dak il-paragrafu (a) kemm jekk le, tinħoloq sitwazzjoni dwarha li, li kieku kienet teżisti fil-waqt ta' l-applikazzjoni għal-liċenza għal logħba tal-mezzi tax-xandir, kienet tiskwalifika lid-detentur ta' liċenza milli jikseb liċenza skond partita 2 ta' din l-Iskeda, l-Awtorità għandha b'avviż tgħarraf lid-detentur ta' liċenza b'dan kollu, u jekk is-sitwazzjoni ma tkunx ġiet rimedjata għas-sodisfazzjoni ta' l-Awtorità fi żmien ħamest ijiem mill-avviż għaldaqshekk mill-Awtorità, l-Awtorità għandha tħassar tali liċenza:

Iżda l-Awtorità m'għandhiex toħroġ avviż kif hawn qabel imsemmi iktar tard minn xahar wara li tkun ġiet mgħarrfa mid-detentur ta' liċenza bil-bidla skond il-paragrafu (a) ta' din is-sotto-partita.

(2) Jekk id-detentur ta' liċenza jonqos milli jħares id-disposizzjonijiet ta' sub-partita (1) ta' din il-partita huwa jkun qed jagħmel reat kontra dan l-Att.

Assenjament jew ċessjoni ta' liċenza.

6. (1) Liċenza għal logħba tal-mezzi tax-xandir ma tistax tiġi assenjata jew trasferita mid-detentur ta' liċenza għal logħba tal-mezzi tax-xandir lil xi persuna oħra.

(2) Id-detentur ta' liċenza għal logħba tal-mezzi tax-xandir ma jistax iċedi l-liċenza għal logħba tal-mezzi tax-xandir matul il-perjodu ta' liċenza mingħajr l-approvazzjoni bil-quddiem u bil-miktub ta' l-Awtorità, u jekk dik l-approvazzjoni tingħata, il-liċenza tista' għaldaqshekk tiġi ċeduta biss bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet li jistgħu jiġu speċifikat mill-Awtorità fl-approvazzjoni tagħha.

(3) Jekk liċenza għal logħba tal-mezzi tax-xandir tkun assenjata jew trasferita mid-detentur ta' liċenza għal logħba tal-mezzi tax-xandir lil xi persuna oħra:

(a) tali liċenza tkun ikkunsidrata nulla u bla effett; u

(b) l-Awtorità tista' toħroġ direttiva lil dak id-detentur ta' liċenza biex jagħmel jew iżomm milli jagħmel xi att li l-Awtorità tista' tqis adatti fiċ-ċirkostanzi, u dak id-detentur ta' liċenza għandu jħares kull tali direttiva, u jekk jonqos milli jagħmel dan ikun ħati ta' reat kontra dan l-Att.

(4) Detentur ta' liċenza għal logħba tal-mezzi tax-xandir li jagixxi bi ksur tad-disposizzjonijiet ta' din il-partita 6 ikun ħati ta' reat kontra dan l-Att.

Raġunijiet għat-tħassir jew sospensjoni ta' liċenza.

7. L-Awtorità tista' tordna t-tħassir jew sospensjoni ta' liċenza għal loġħba tal-mezzi tax-xandir għal xi raġuni minn dawn li ġejjin:

(a) id-detentur ta' liċenza, jew persuna li jeżerċitaw il-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza, tkun ħatja ta' xi reat kontra dan l-Att, jew ta' serq, riċettazzjoni ta' proprjetà misruqa, frodi jew ta' xi delitt li jolqot il-fiduċja pubblika;

(b) id-detentur ta' liċenza jikser xi disposizzjoni ta' dan l-Att jew regolamenti magħmulin taħtu kif dawn ikunu japplikaw għalih, jew jikser xi kondizzjoni fil-liċenza għal loġħba tal-mezzi tax-xandir jew xi direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għalih;

(ċ) id-detentur ta' liċenza xjentement jew b'mod traskurat jipprovdi lill-Awtorità informazzjoni li tkun falza jew qarrieqa f'dettall partikolari;

(d) id-detentur ta' liċenza jonqos milli jwettaq l-obbligi finanzjarji li jkollu meta dawn isiru dovuti u jkollhom jitħallsu;

(e) id-detentur ta' liċenza ikun għaddej minn proċeduri ta' stralċ; jew

(f) l-Awtorità tkun raġonevolment sodisfatta li d-detentur ta' liċenza ma jkunx, jew ma jkunx għadu aktar, persuna idonea biex ikollha l-liċenza għal loġħba tal-mezzi tax-xandir, jew inkella raġonevolment tqis li jkun meħtieġ fl-interess nazzjonali li tħassar jew tissospendi l-liċenza għal loġħba tal-mezzi tax-xandir.

Proċeduri għat-tħassir jew sospensjoni tal-liċenza.

8. (1) Meta jkun hemm xi raġuni għat-tħassir jew sospensjoni ta' liċenza għal loġħba tal-mezzi tax-xandir li toriġina taħt partita 7 ta' din l-Iskeda, l-Awtorità għandha, b'avviż bil-miktub, titlob lid-detentur ta' liċenza, u tista' titlob lil xi persuna oħra li fil-fehma tagħha jkollha interess fil-liċenza, tgħid għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn ħamest ijiem wara l-ħruġ ta' l-avviż kif speċifikat fl-istess avviż, il-liċenza m'għandhiex tiġi mħassra jew sospiża minħabba f'dik ir-raġuni li jkun hemm dikjarata fl-avviż.

(2) L-Awtorità għandha tagħti każ ta' kull risposta li ssir taħt sub-partita (1) ta' din il-partita hekk li:

(a) meta l-ħaġa tkun ġiet solvuta għas-sodisfazzjon tagħha, m'għandha tieħu ebda azzjoni ulterjuri u għandha tgħarraf lid-detentur ta' liċenza bil-miktub b'dan kollu;

(b) meta, għalkemm il-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha, tqis li ma tkun meħtieġa ebda azzjoni ulterjuri, hija għandha tammonixxi lid-detentur ta' liċenza bil-miktub; jew

(ċ) meta l-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha u tkun sodisfatta li tkun teħtieġ azzjoni ulterjuri, tista' -

(i) b'avviż bil-miktub tagħti dawk id-direttivi lid-detentur ta' liċenza bħalma tqis li jkunu adatti; jew

(ii) tissospendi l-liċenza għal dak il-perjodu li tkun tqis adatt, jew tħassar tali liċenza.

(3) Meta direttiva mogħtija mill-Awtorità taħt sub-partita (2)(ċ)(i) ta' din l-Iskeda ma tiġix imħarsa fiż-żmien speċifikat fl-avviż, l-Awtorità għandha tħassar il-liċenza.

IL-ĦAMES SKEDA

Artikolu 42

Mħatri u *sweepstakes* li jsiru f'korsa għat-tiġrijiet

Metodu ta' tħaddim u kif tintlagħab *sweepstake*

1. Għall-għanijiet tad-definizzjoni ta' "*sweepstake*" fl-artikolu 2(1) ta' dan l-Att, *sweepstake* hija logħba li għandha x'taqsam ma' tiġrija jew tiġrijiet taż-żwiemel li jsiru f'korsa għat-tiġrijiet u li tintlagħab:

(a) minn żewġ persuni jew aktar li fil-għadd ma jkunux iżjed mill-għadd ta' żwiemel jew ġerrejja li jipparteċipaw f'xi tiġrija taż-żwiemel li dwarha tiġi operata u tintlagħab il-logħba (hawn iżjed 'il quddiem f'dan il-paragrafu msemmija bħala "it-tiġrija taż-żwiemel rilevanti"), fejn kull wieħed minn dawk il-persuni jipparteċipa fil-logħba billi jħallas ġugata ta' flus lill-persuna li tkun qed topera l-logħba (hawn iżjed 'il quddiem f'dan il-paragrafu msejjħa "l-operatur") għal biljett li jittella' bix-xorti mill-operatur, qabel ma tibda t-tiġrija taż-żwiemel rilevanti, minn fost biljetti li fil-għadd ma jkunux iżjed mill-għadd ta' żwiemel jew ġerrejja li jipparteċipaw fit-tiġrija taż-żwiemel rilevanti u kull wieħed minn dawk il-biljetti jitqabbel ma' xi żiemel jew ġerrej differenti li jipparteċipaw fit-tiġrija taż-żwiemel rilevanti, u li tintrebaħ mill-persuna jew persuni li l-biljett jew biljetti tagħhom ikunu jaqblu maż-żiemel jew mal-ġerrej jew maż-żwiemel jew mal-ġerrejja li jiġu f'dawk il-postijiet fit-tiġrija taż-żwiemel rilevanti li jkunu preskritti bħala postijiet ta' rebħ skond ir-regoli tal-logħba, u fejn il-premju f'dik il-logħba jkun jikkonsisti fil-flus kollha li jintlagħbu f'dik il-logħba neqsin dawk l-ammonti minnhom li jistgħu, bla ħsara għad-disposizzjonijiet ta' din l-Iskeda, jitnaqqsu u

jinżammu mill-operatur skond ir-regoli ta' dik il-logħba, u liema premju jitqassam lir-rebbieħa ta' dik il-logħba fil-proporzjonijiet stabbiliti skond, u fir-regoli tal-logħba; jew

(b) permezz ta' biljetti kull wieħed b' numru, simbolu jew stampa differenti, liema biljetti jinxtraw minn parteċipanti f'dik il-logħba bi ħlas ta' flus għal ġugata lill-persuna li tkun qed topera l-logħba (hawn iżjed 'il quddiem f'dan il-paragrafu imsejjħa "l-operatur") qabel ma tibda xi tiġrija taż-żwiemel li dwarha tkun qed issir u tintlagħab il-logħba (hawn iżjed 'il quddiem f'dan il-paragrafu imsemmija bħala "it-tiġrija taż-żwiemel rilevanti"), u li permezz tagħha l-operatur itella' bix-xorti, qabel ma tibda jew wara li tintemm it-tiġrija taż-żwiemel rilevanti, għadd ta' numri, simboli jew stampi daqs l-għadd ta' żwiemel jew ġerrejja li jipparteċipaw fit-tiġrija taż-żwiemel rilevanti u li tintrebaħ mid-detenturi tal-biljetti li jkollhom l-istess numri, simboli jew stampi bħal dawk imtellgħin kif hawn qabel imsemmi, u li permezz ta' dan il-premju f'dik il-logħba jkun jikkonsisti fl-ammont kollu ta' flus li jintlagħab f'dik il-logħba nieqsa dik il-parti mill-ammont li tista', bla ħsara għad-disposizzjonijiet ta' din l-Iskeda, titnaqqas u tinżamm mill-operatur skond ir-regoli ta' dik il-logħba, liema premju jitqassam lid-detenturi tal-biljetti rebbieħa fil-proporzjonijiet stabbiliti skond u fir-regoli tal-logħba.

Għal kemm iddum liċenza u t-tiġdid tagħha.

2. (1) Liċenza biex isiru mħatri f'korsa għat-tiġrijiet tibqa' sseħħ għal sena mid-data minn meta tinħareġ.

(2) Kemm-il darba liċenza biex isiru mħatri f'korsa għat-tiġrijiet ma tkunx ġiet imħassra qabel, din tista' tiġġedded mill-Awtorità għal perjodi oħra ta' sena kull wieħed.

(3) Kull tiġdid bħal dak imsemmi fis-sub-partita (2) ta' din il-partita jkun bla ħsara għall-konformità mid-detentur ta' liċenza għat-tqegħid ta' mħatri f'korsa għat-tiġrijiet, matul il-perjodu ta' operazzjoni tal-liċenza oriġinali jew imġedded li jiġi minnufih qabel, mad-disposizzjonijiet ta' dan l-Att u tar-regolamenti magħmulin taħtu, u mal-pattijiet u l-kondizzjonijiet tal-liċenza u ma' kull direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw lil dak id-detentur ta' liċenza, u bla ħsara għall-aċċettazzjoni mill-Awtorità ta' l-applikazzjoni bil-miktub għal dak it-tiġdid magħmul mid-detentur ta' liċenza lill-Awtorità sa dik id-data qabel l-iskadenza tal-perjodu ta' operazzjoni tal-liċenza oriġinali jew imġedded li jiġi minnufih qabel, hekk kif l-Awtorità tkun speċifikat fil-liċenza, u li jkun fih dik l-informazzjoni hekk kif l-Awtorità tkun speċifikat hemm fiha stess skond kif ikun meħtieġ jew spedjenti biex tkun tista' tistabbilixxi jekk għandhiex iġġedded dik il-liċenza.

(4) Wara li tiġi ppreżentata applikazzjoni għat-tiġdid ta' liċenza biex isiru mħatri f'korsa għat-tiġrijiet, l-Awtorità tista' teħtieġ lill-applikant jipprovdi kull

informazzjoni, b'żjieda ma' dik provduta flimkien ma' l-applikazzjoni, kif jista' jkun meħtieġ bil-għan li tiddeċiedi dwar dik l-applikazzjoni.

Applikazzjoni għal liċenza.

3. (1) Applikazzjoni għal liċenza biex isiru mħatri f'korsa għat-tiġrijiet għandha ssir minn jew għan-nom tal-klabb approvat tat-tiġrijiet jew persuna oħra li tkun bi ħsiebha topera mħatri f'korsa għat-tiġrijiet u, jew *sweepstakes*, fl-għamla u l-mod meħtieġa mill-Awtorità.

(2) Dik l-applikazzjoni għandu jkollha mill-anqas din l-informazzjoni li ġejja :

(a) l-isem u l-indirizz ta' l-applikant u l-indirizz f'Malta fejn jistgħu jiġu notifikati d-dokumenti lill-applikant;

(b) it-tip ta' mħatri f'korsa għat-tiġrijiet u, jew *sweepstakes* li l-applikant ikun irid jopera, u dawk il-partikolaritajiet li jirrigwardaw ir-regoli u regolamenti dwar il-proċeduri biex jiġu operati u jintlagħbu dawk l-imħatri u, jew *sweepstakes* kif l-Awtorità tista' teħtieġ jew kif jista' jiġi preskritt b'regolamenti;

(ċ) il-korsa approvata għat-tiġrijiet jew korsi approvati għat-tiġrijiet fejn ikunu se jsiru t-tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb u li fihom jew f'dak li għandu x'jaqsam magħhom l-applikant ikun irid jopera l-imħatri rilevanti f'korsa għat-tiġrijiet u, jew *sweepstakes*.

(3) L-applikazzjoni għandu jkun fiha wkoll jew ikollha magħha kull informazzjoni, dokument u partikolarità oħra ħekk kif l-Awtorità tista' teħtieġ jew ħekk kif jista' jiġi preskritt b'regolamenti.

(4) Wara li tiġi ppreżentata applikazzjoni għal liċenza biex isiru mħatri f'korsa għat-tiġrijiet, l-Awtorità għandu jkollha l-poter li teħtieġ lill-applikant jipprovdi kull tali informazzjoni oħra b'żjieda ma' dik mogħtija fl-applikazzjoni kif l-Awtorità tista' tqis meħtieġ bil-għan li tiddeċiedi dwar dik l-applikazzjoni.

Għoti ta' liċenza.

4. L-Awtorità m'għandhiex toħroġ liċenza biex isiru mħatri f'korsa għat-tiġrijiet lil xi persuna kemm-il darba l-Awtorità ma tkunx sodisfatta li:

(a) id-detentur ta' liċenza propost x'aktarx ikun persuna idonea u adatta biex jassigura, jew meta d-detentur ta' liċenza propost ma jkunx individwu, il-persuni li jeżerċitaw il-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza propost x'aktarx li jkunu adatti u idonei li jwettqu l-funzjonijiet u d-dmirijiet tagħhom dwar id-detentur ta' liċenza propost ħekk li jkun jassigura, l-operazzjoni

kif imiss tal-imħatri f'korsa għat-tiġrijiet rilevanti u, jew *sweepstakes* mid-detentur propost ta' liċenza;

(b) id-detentur propost ta' liċenza jkun se jħares f'kull rigward id-disposizzjonijiet ta' dan l-Att u ta' regolamenti magħmulin taħtu kif dawn ikunu japplikaw għalih, u l-pattijiet u l-kondizzjonijiet tal-liċenza biex isiru mħatri f'korsa għat-tiġrijiet u kull direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għalih.

Forma ta' liċenza.

5. (1) Il-liċenza biex isiru mħatri f'korsa għat-tiġrijiet tkun f'dik l-għamla kif l-Awtorità tista' tistabbilixxi jew kif jista' jiġi preskritt b'regolamenti.

(2) L-għoti ta' liċenza biex isiru mħatri f'korsa għat-tiġrijiet ma tnaqqasx mir-responsabbiltà tad-detentur ta' liċenza li jikseb xi liċenza oħra, permess jew awtorizzazzjoni li jistgħu jkunu meħtieġa taħt kull liġi oħra.

Kondizzjonijiet tal-liċenza u varjazzjonijiet u revoki tagħha.

6. (1) Meta tagħti liċenza biex isiru mħatri f'korsa għat-tiġrijiet, l-Awtorità tista' tassoġġettaha għal dawk il-kondizzjonijiet li tista' tqis li jkunu adatti, u wara li tkun tat tali liċenza l-Awtorità tista', minn żmien għal żmien, tvarja jew tirrevoka kull kondizzjoni hekk imposta jew timponi kondizzjonijiet ġodda:

Iżda kull meta l-Awtorità tikkonsidra li jkun adatt li tibdel xi kondizzjoni jew li timponi xi kondizzjoni ġdida fil-liċenza biex isiru mħatri f'korsa għat-tiġrijiet, l-Awtorità għandha, b'avviż bil-miktub, tgħarraf lid-detentur ta' liċenza li tkun bi ħsiebha tibdel dik il-kondizzjoni jew li timponi dik il-kondizzjoni l-ġdida, fejn tgħid lid-detentur ta' liċenza jgħid għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn sebat ijiem wara l-ħruġ ta' l-avviż li jista' jiġi speċifikat fl-istess avviż, m'għandhiex tiġi midbula dik il-kondizzjoni jew m'għandhiex tiġi imposta dik il-kondizzjoni ġdida, u l-Awtorità għandha tqis kull risposta mogħtija mid-detentur ta' liċenza fil-perjodu speċifikat fl-avviż, qabel ma tibdel il-kondizzjoni jew qabel ma timponi l-kondizzjoni l-ġdida.

(2) Kondizzjonijiet f'liċenza biex isiru mħatri f'korsa għat-tiġrijiet jistgħu jimponu l-ħtiġiet li għandhom jitħarsu mid-detentur ta' liċenza wara li l-liċenza tkun temmet milli tibqa' sseħħ.

(3) Liċenza biex isiru mħatri f'korsa għat-tiġrijiet tista' timponi kondizzjonijiet li jkunu jeħtieġu lid-detentur ta' liċenza li:

(a) jikseb il-kunsens ta' l-Awtorità qabel ma jagħmel xi ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza; u

(b) jirriferixxi kull ħaġa speċifikata, jew ta' deskrizzjoni speċifikata, fil-liċenza lill-Awtorità għall-approvazzjoni.

(4) Liċenza biex isiru mħatri f'korsa għat-tiġrijiet għandha tinkludi kondizzjoni li tkun teħtieġ lid-detentur ta' liċenza jħallas lill-Awtorità, f'kull waqt li jista' jiġi preskritt b'regolamenti, dawk id-drittijiet, dazji, taxxi u, jew ammonti oħra li jistgħu jiġu ħekk preskritti, liema drittijiet, dazji, taxxi u, jew ammonti għandhom ikunu b'żjieda ma' dawk li d-detentur ta' liċenza jista' jkun meħtieġ li jħallas taħt xi liġi li ma tkunx dan l-Att.

(5) Liċenza biex isiru mħatri f'korsa għat-tiġrijiet għandha titqies li tinkludi kondizzjoni li:

(a) id-detentur ta' liċenza għandu biss jopera mħatri f'korsa għat-tiġrijiet għal tiġrijiet ta' żwiemel u, jew tiġrijiet ta' klieb li jsiru fil-korsa approvata għat-tiġrijiet jew korsi approvati għat-tiġrijiet indikati fil-liċenza f'laqgħat approvati, permezz ta' totalizzatur imwaqqaf, miżmum u operat fil-korsa approvata għat-tiġrijiet u fil-laqgħa approvata li fiha u matulha tkun qed issir it-tiġrija rilevanti taż-żwiemel jew tal-klieb li dwarha dak id-detentur ta' liċenza ikun qed jopera xi mħatra partikolari li ssir f'korsa għat-tiġrijiet; u

(b) mhux inqas minn tlieta u tmenin fil-mija mill-flus kollha li jintlagħbu dwar xi mħatra partikolari li ssir f' korsa għat-tiġrijiet operata mid-detentur ta' liċenza għandhom jitqassmu minn dak id-detentur ta' liċenza fost il-persuni li jirbħu dik l-imħatra li ssir f' korsa għat-tiġrijiet skond ir-regoli tal-imsemmija mħatra li ssir f' korsa għat-tiġrijiet .

(6) Liċenza biex isiru mħatri f'korsa għat-tiġrijiet biex isiru *sweepstakes* għandha titqies li tinkludi kondizzjoni li:

(a) id-detentur ta' liċenza għandu jopera biss *sweepstakes* fuq tiġrijiet ta' żwiemel li jsiru fuq il-korsa approvata għat-tiġrijiet jew korsi approvati għat-tiġrijiet indikati fil-liċenza f'laqgħat approvati, permezz ta' biljetti mibjugħin biss fuq il-korsa għat-tiġrijiet approvata li fuqha tkun qed issir it-tiġrija taż-żwiemel rilevanti li dwarha dak id-detentur ta' liċenza jkun qed jopera xi *sweepstake* partikolari għal persuni li jkunu ddaħħlu f'dik il-korsa approvata għat-tiġrijiet bi ħlas tad-dritt ta' dħul kif imiss u, jew permezz ta' biljetti mibjugħin biss lil dawk il-persuni l-oħra li jistgħu jiġu speċifikati fil-liċenza jew kif jista' jiġi preskritt f'regolamenti; u

(b) mhux inqas minn ħamsa u tmenin fil-mija ta' l-ammont kollu ta' flus li jintlagħab fir-rigward ta' xi *sweepstake* partikolari operata mid-detentur ta' liċenza għandhom jitqassmu minn dak id-detentur ta' liċenza fost il-persuni rebbieħa ta' tali *sweepstake* u skond ir-regoli ta' l-imsemmi *sweepstake*.

Bidliet fil-kontroll effettiv u tmexxija eċċ.

7. (1) (a) Jekk id-detentur ta' liċenza għat-tqegħid ta' mħatri f'korsa għat-tiġrijiet ma jkunx individwu, dak id-detentur ta' liċenza għandu, fi żmien ħamest ijiem minn kull bidla fil-persuni li jeżerċitaw il-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza, jgħarraf lill-Awtorità b'dik il-bidla. Id-detentur ta' liċenza għandu wkoll jgħarraf lill-Awtorità b'kull bidla materjali fl-informazzjoni u d-dokumentazzjoni provduti mid-detentur ta' liċenza skond partita 3(2), (3) u (4) ta' din l-Iskeda jew skond kull disposizzjoni oħra ta' dan l-Att jew regolamenti magħmulin taħtu jew skond kondizzjonijiet marbutin mal-liċenza biex isiru mħatri f'korsa għat-tiġrijiet, ħekk kif isir jaf b'dawk il-bidliet.

(b) Meta minħabba f'xi bidla bħalma hemm imsemmi fil-paragrafu (a) ta' din is-sotto-partita, kemm jekk l-Awtorità tkun ġiet mgħarrfa b'dik il-bidla skond dak il-paragrafu (a) kemm jekk le, tinżoloq sitwazzjoni dwarha li, li kieku kienet teżisti fil-waqt ta' l-applikazzjoni għal-liċenza biex isiru mħatri f'korsa għat-tiġrijiet, kienet tiskwalifika lid-detentur ta' liċenza milli jikseb liċenza skond partita 4 ta' din l-Iskeda, l-Awtorità għandha b'avviż tgħarraf lid-detentur ta' liċenza b'dan kollu, u jekk is-sitwazzjoni ma tkunx ġiet rimedjata għas-sodisfazzjoni ta' l-Awtorità fi żmien ħamest ijiem mill-avviż mogħti għaldaqshekk mill-Awtorità, l-Awtorità għandha tħassar dik il-liċenza:

Iżda l-Awtorità m'għandhiex toħroġ avviż kif hawn qabel imsemmi aktar tard minn xahar wara li tkun ġiet mgħarrfa mid-detentur ta' liċenza bil-bidla skond il-paragrafu (a) ta' din is-sotto-partita.

(2) Jekk id-detentur ta' liċenza jonqos milli jħares id-disposizzjonijiet ta' sub-partita (1) ta' din il-partita huwa jkun qed jagħmel reat kontra dan l-Att.

Assenjament jew ċessjoni ta' liċenza.

8. (1) Liċenza biex isiru mħatri f'korsa għat-tiġrijiet ma tistax tiġi assenjata jew trasferita mid-detentur ta' liċenza għat-tqegħid ta' mħatri f'korsa għat-tiġrijiet lil xi persuna oħra.

(2) Id-detentur ta' liċenza għat-tqegħid ta' mħatri f'korsa għat-tiġrijiet ma jistax iċedi l-liċenza tiegħu biex isiru mħatri f'korsa għat-tiġrijiet matul il-perjodu ta' liċenza mingħajr l-approvazzjoni bil-quddiem u bil-miktub ta' l-Awtorità, u jekk dik l-approvazzjoni tingħata, il-liċenza tista' għaldaqshekk tiġi ċeduta biss bla ħsara għal dawk il-pattijiet u l-kondizzjonijiet li jistgħu jiġu speċifikati mill-Awtorità fl-approvazzjoni tagħha.

(3) Jekk liċenza biex isiru mħatri f'korsa għat-tiġrijiet tkun assenjata jew trasferita mid-detentur ta' liċenza għat-tqegħid ta' mħatri f'korsa għat-tiġrijiet lil xi persuna oħra:

(a) dik il-liċenza tkun ikkunsidrata nulla u bla effett; u

(b) l-Awtorità tista' toħroġ direttiva lil dak id-detentur ta' liċenza biex jagħmel jew jieqaf milli jagħmel xi att li l-Awtorità tista' tqis bħala adatt fiċ-ċirkostanzi, u dak id-detentur ta' liċenza għandu jħares kull tali direttiva, u jekk jonqos mill jagħmel dan ikun ħati ta' reat kontra dan l-Att.

(4) Detentur ta' liċenza għat-tqegħid ta' mħatri f'korsa għat-tiġrijiet li jaġixxi bi ksur tad-disposizzjonijiet ta' din il-partita 8 ikun ħati ta' reat kontra dan l-Att.

Raġunijiet għat-tħassir jew sospensjoni ta' liċenza.

9. L-Awtorità tista' tordna t-tħassir jew is-sospensjoni ta' liċenza biex isiru mħatri f'korsa għat-tiġrijiet għal xi raġuni minn dawn li ġejjin:

(a) id-detentur ta' liċenza, jew persuna li teżerċita l-kontroll effettiv u l-ġestjoni ta' l-affarijiet tad-detentur ta' liċenza, tkun ħatja ta' xi reat kontra dan l-Att, jew ta' serq, riċettazzjoni ta' proprjetà misruqa, frodi jew ta' xi delitt li jolqot il-fiduċja pubblika;

(b) id-detentur ta' liċenza jikser xi disposizzjoni ta' dan l-Att jew regolamenti magħmulin taħtu kif dawn ikunu japplikaw għalih, jew jikser xi kondizzjoni fil-liċenza biex isiru mħatri f'korsa għat-tiġrijiet jew kull direttiva maħruġa mill-Awtorità skond dan l-Att jew regolamenti magħmulin taħtu u kif dawn ikunu japplikaw għalih;

(ċ) id-detentur ta' liċenza xjentement jew b'mod traskurat jipprovdi lill-Awtorità informazzjoni li tkun falza jew qarrieqa f'xi dettall partikolari;

(d) id-detentur ta' liċenza jonqos milli jwettaq l-obbligi finanzjarji li jkollu meta dawn isiru dovuti u jkollhom jitħallsu;

(e) id-detentur ta' liċenza ikun għaddej minn proċess ta' stralċ; jew

(f) l-Awtorità tkun raġonevolment sodisfatta li d-detentur ta' liċenza ma jkunx, jew ma jkunx baqa', persuna idonea biex ikollha l-liċenza biex isiru mħatri f'korsa għat-tiġrijiet, jew inkella raġonevolment tqis li jkun fl-interess nazzjonali meħtieġ li l-liċenza biex isiru mħatri f'korsa għat-tiġrijiet għandha titħassar jew tiġi sospiża.

Proċeduri għat-tħassir jew sospensjoni tal-liċenza.

10. (1) Meta jkun hemm xi raġuni għat-tħassir jew sospensjoni ta' liċenza biex isiru mħatri f'korsa għat-tiġrijiet li toriġina taħt partita 9 ta' din l-Iskeda, l-Awtorità għandha, b'avviż bil-miktub, titlob lid-detentur ta' liċenza, u tista' titlob ukoll lil xi

persuna oħra li fil-fehma tagħha jkollha interess fil-liċenza, tgħid għaliex, f'dak il-perjodu li ma jkunx ta' inqas minn ħamest ijiem wara l-ħruġ ta' l-avviż kif speċifikat fl-istess avviż, il-liċenza m'għandhiex tiġi mħassra jew sospiża minħabba f'dik ir-raġuni bħalma jkun hemm dikjarat fl-avviż.

(2) L-Awtorità għandha tagħti każ ta' kull risposta li ssir taħt sub-partita (1) ta' din il-partita hekk li:

(a) meta l-ħaġa tkun ġiet solvuta għas-sodisfazzjon tagħha, m'għandha tieħu ebda azzjoni ulterjuri, u għandha tgħarraf lid-detentur ta' liċenza bil-miktub b'dan kollu;

(b) meta, għalkemm il-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha, tqis li ma tkunx meħtieġa azzjoni ulterjuri, hija għandha tammonixxi lid-detentur ta' liċenza bil-miktub; jew

(ċ) meta l-ħaġa ma tkunx ġiet solvuta għas-sodisfazzjon tagħha u tkun sodisfatta li tkun teħtieġ azzjoni ulterjuri, tista' -

(i) b'avviż bil-miktub tagħti dawk id-direttivi lid-detentur ta' liċenza hekk kif tqis li jkunu adatti; jew

(ii) tissospendi l-liċenza għal dak il-perjodu li tkun tqis adatt, jew tħassar tali liċenza.

(3) Meta direttiva mogħtija mill-Awtorità taħt sub-partita (2)(ċ)(i) ta' din l-Iskeda ma tiġix imħarsa fiż-żmien speċifikat fl-avviż, l-Awtorità għandha tħassar il-liċenza.

IS-SITT SKEDA

Artikolu 80(1)

Emendi għal liġijiet

L-Ewwel Kolonna **Liġi**	**It-Tieni Kolonna** **Emendi relattivi**
Att dwar il-Prevenzjoni ta' Xiri ta' *Players*, Kap. 263.	1. Fit-tifsira ta' "logħba jew sport" fl-artikolu 2, minflok il-kliem "jew logħba oħra" għandhom jidħlu l-kliem " jew logħba oħra, li ma tkunx "logħba" kif imfissra fil-Att ta' l-2001 dwar Lotteriji u Logħob Ieħor".

2. L-artikolu 5 għandu jitħassar.

3. L-artikolu 9 għandu jiġi emendat kif ġej:

(a) il-kliem "jew 5" fis-subartikolu (1)(b) tiegħu għandhom jitħassru;u

(b) is-subartikolu (3) tiegħu għandu jitħassar.

4. Minflok l-artikolu 10, għandu jidħol dan li ġej:-

"Riserva.

10. Ebda ħaġa f'dan l-Att m'għandha tippreġudika l-operat, jew għandha titqies li tissostitwixxi jew hi b'deroga mid-disposizzjonijiet ta' l-Att ta' l-2001 dwar Lotteriji u Logħob Ieħor.".

IS-SEBA' SKEDA

Artikolu 80(2)

Emendi għal liġijiet

L-Ewwel Kolonna Liġi	It-Tieni Kolonna Emendi relattivi
Att dwar il-Logħob, Kap. 400.	1. (1) L-Arranġament ta' Artikoli għandu jiġi emendat kif ġej:- (a) minflok it-titolu "Taqsima III - Bord dwar il-Logħob u Spetturi" għandu jidool it-titolu "Taqsima III - L-Awtorità u Spetturi"; (b) fl-artikolu 5 għandhom jidħlu l-kliem "Awtorità dwar il-Lotteriji u l-Logħob"; (ċ) fl-artikoli 6 u 12, minflok il-kliem "tal-Bord" kull fejn dawn jinsabu għandhom jidħlu l-kliem "ta' l-Awtorità"; (d) ir-riferenza għall-artikoli 7, 8 u 9 għandha titħassar.

(2) Fit-titolu twil minflok il-kliem "għat-twaqqif ta' Bord dwar il-Logħob" għandhom jidħlu l-kliem "sabiex jiġi regolat kull każinò u l-logħob li jsir fihom mill-Awtorità dwar il-Lotteriji u l-Logħob".

2. L-artikolu 2 għandu jiġi emendat kif ġej:-

(a) fit-tifsira ta' "logħba awtorizzata" minflok il-kelma "Bord" għandha tidħol il-kelma "Awtorità";

(b) minflok it-tifsira ta' "Bord" għandha tidħol din it-tifsira ġdida li ġejja:

"'"Awtorità" tfisser l-Awtorità dwar il-Lotteriji u l-Logħob mwaqqfa taħt l-artikolu 9 ta' l-Att ta' l-2001 dwar Lotteriji u Logħob Ieħor;";

(ċ) fit-tifsira ta' "ċippa" minflok il-kelma "Bord" għandha tidħol il-kelma "Awtorità";

(d) fit-tifsira ta' "impjegat ta' każinò" minflok il-kelma "Bord" għandha tidħol il-kelma "Awtorità"; u

(e) minflok it-tifsira ta' "spettur" għandha tidħol din it-tifsira ġdida li ġejja:

" "spettur" għandu jkollha l-istess tifsira bħalma hu mogħti lilha fl-artikolu 2 ta' l-Att ta' l-2001 dwar Lotteriji u Logħob Ieħor;".

3. Fl-artikolu 3(3), minflok il-kelma "Bord" għandha tidħol il-kelma "Awtorità".

4. (1) Minflok it-titolu tat-Taqsima III għandu jidħol dan it-titolu ġdid li ġej:-

"Taqsima III - L-AWTORITA` U SPETTURI";

(2) Minflok l-artikolu 5 tiegħu għandu jidħol dan li ġej:-

"Awtorità dwar il-Lotteriji u l-Logħob.

5. L-Awtorità għandha taqdi dawk il-funzjonijiet mogħtijin lilha bid-disposizzjonijiet ta' dan l-Att jew ta' kull liġi oħra jew regolamenti magħmulin taħtu u għandha taqdi dawk il-funzjonijiet l-oħra li l-Ministru jista' minn żmien

għal żmien jassenja lill-Awtorità b'ordni bil-miktub u li jkunu jitqiesu bħala adatti mill-Ministru dwar l-operat ta' dan l-Att jew ta' kull liġi oħra.".

5. L-artikolu 6 għandu jiġi emendat kif ġej:-

(a) minflok il-kelma "Bord" fin-nota marġinali relattiva għandha tidħol il-kelma "Awtorità";

(b) fis-subartikolu (1), minflok il-kelma "Bord" għandha tidħol il-kelma "Awtorità", fil-paragrafu (a) minflok il-kelma "jissorvelja" għandha tidħol il-kelma "tissorvelja", fil-paragrafu (b) minflok il-kelma "joħroġ" għandha tidħol il-kelma "toħroġ", fil-paragrafu (ċ) minflok il-kelma "joħroġ" għandha tidħol il-kelma "toħroġ", il-paragrafu (d) għandu jiġi mħassar u l-paragrafi (e) sa (ħ) għandhom jiġu enumerati mill-ġdid bħala l-paragrafi (d) sa (ġ) rispettivament, fil-paragrafu (d) kif enumerat mill-ġdid minflok il-kelma "jistħarreġ" għandha tidħol il-kelma "tistħarreġ", fil-paragrafu (e) kif enumerat mill-ġdid minflok il-kelma "jirregola" għandha tidħol il-kelma "tirregola", fil-paragrafu (f) kif enumerat mill-ġdid minflok il-kelma "jagħti" għandha tidħol il-kelma "tagħti", fil-paragrafu (ġ) kif enumerat mill-ġdid minflok il-kliem "iwettaq" u "lill-Bord" għandhom jidħlu l-kliem "twettaq" u "lill-Awtorità" rispettivament;

(ċ) is-subartikoli (2) u (3) għandhom jitħassru.

6. L-artikolu 7 għandu jitħassar.

7. L-artikolu 8 għandu jitħassar.

8. L-artikolu 9 għandu jitħassar.

9. L-artikolu 11 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1)(e) minflok il-kliem "lis-Segretarju" għandhom jidħlu l-kliem "lill-Awtorità";

(b) fis-subartikolu (3), wara l-kliem "għandu jkun preżenti" għandhom jiżdiedu l-kliem "f'każinò"; u

(ċ) fis-subartikolu (5), minflok il-kliem "lis-Segretarju" għandhom jidħlu l-kliem "lill-Awtorità".

10. L-artikolu 12 għandu jiġi emendat kif ġej:-

(a) fin-nota marġinali tiegħu, minflok il-kelma "Bord" għandha tidħol il-kelma "Awtorità";

(b) fis-subartikolu (1) minflok il-kliem "il-Bord jista'", "jinnotifika" u "jeħtieġu" għandhom jidħlu l-kliem "l-Awtorità tista'", "tinnotifika" u "teħtieġu";

(ċ) fis-subartikolu (1)(a) minflok il-kliem "il-Bord" u "li l-Bord ikun raġonevolment jeħtieġ li jispezzjona" għandhom jidħlu l-kliem "l-Awtorità" u "li l-Awtorità tkun raġonevolment teħtieġ li tispezzjona" rispettivament;

(d) fis-subartikolu (1)(b) minflok il-kliem "lill-Bord" u "li l-Bord ikun raġonevolment jeħtieġ" għandhom jidħlu l-kliem "lill-Awtorità" u "li l- Awtorità tkun raġonevolment teħtieġ".

11. Fl-artikolu 13, minflok il-kliem "lil spettur u lis-segretarju tal-Bord" għandhom jidħlu l-kliem " lil spettur, lill-Awtorità jew lil membru, uffiċjal jew impjegat ta' l-Awtorità".

12. Fl-artikolu 14, minflok il-kelma "Bord" għandha tidħol il-kelma "Awtorità".

13. L-artikolu 15 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), minflok il-kliem "Il-Bord għandu setgħa li joħroġ" għandhom jidħlu l-kliem "L-Awtorità għandha s-setgħa toħroġ";

(b) fis-subartikolu (2), minflok il-kliem "Il-Bord m'għandux joħroġ" u "lill-Bord" għandhom jidħlu l-kliem "L-Awtorità m'għandhiex toħroġ" u "lill-Awtorità" rispettivament;

(ċ) fis-subartikoli (3) u (4), minflok il-kliem "mill-Bord" għandhom jidħlu l-kliem "mill-Awtorità" u fis-subartikolu (4)(a)(ix), minflok il-kliem "il-Bord jidhrulu meħtieġa" għandhom jidħlu l-kliem "ikunu jidhru meħtieġa lill-Awtorità";

(d) fis-subartikolu (5)(a), minflok il-kliem "jgħarraf lill-Bord" għandhom jidħlu l-kliem "jgħarraf lill-Awtorità";

(e) fis-subartikolu (5)(b), minflok il-kliem "il-Bord għandu skond dan jgħarraf" u "mill-Bord, il-Bord għandu jirrevoka" għandhom jidħlu l-kliem "l-Awtorità għandha skond dan tgħarraf" u "mill-Awtorità, l-Awtorità għandha tirrevoka" rispettivament, u fil-proviso li hemm miegħu minflok il-kliem "l-Bord m'għandux jagħti" u "jiġi mgħarraf" għandhom jidħlu l-kliem "l-Awtorità m'għandhiex tagħti" u "tiġi mgħarrfa" rispettivament.

14. L-artikolu 16 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), minflok il-kliem "mill-Bord", "tiegħu" u "il-Bord għandu jistabbilixxi" għandhom jidħlu l-kliem "mill-Awtorità", "tagħha" u "l-Awtorità għandha tistabbilixxi" rispettivament;

(b) fis-subartikolu (2), minflok il-kliem "lis-Segretarju" għandhom jidħlu l-kliem "lill-Awtorità".

15. Fl-artikolu 17(1), minflok il-kliem "lill-Bord" għandhom jidħlu l-kliem "lill-Awtorità", u fl-artikolu 17(3) minflok il-kliem "is-Segretarju" għandhom jidħlu l-kliem "l-Awtorità".

16. L-artikolu 18 għandu jiġi emendat kif ġej:-

(a) minflok il-kliem "Il-Bord jista', jordna" għandhom jidħlu l-kliem "L-Awtorità tista' tordna";

(b) fil-paragrafu (ċ), minflok il-kliem "lill-Bord" għandhom jidħlu l-kliem "lill-Awtorità";

(ċ) fil-paragrafu (ġ), minflok il-kliem "il-Bord ikun sodisfatt" għandhom jidħlu l-kliem "l-Awtorità tkun sodisfatta".

17. L-artikolu 19 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), minflok il-kliem "il-Bord għandu", "jitlob", "jista' jitlob" u "fil-fehma tiegħu"

għandhom jidħlu l-kliem "l-Awtorità għandha", "titlob", "tista' titlob" u "fil-fehma tagħha" rispettivament;

(b) fis-subartikolu (2), minflok il-kliem "Il-Bord għandu jikkonsidra" għandhom jidħlu l-kliem "L-Awtorità għandha tikkonsidra", fil-paragrafu (a) minflok il-kliem "tiegħu, ma jieħu" għandhom jidħlu l-kliem "tagħha, ma tieħu", fil-paragrafu (b) minflok il-kliem "tiegħu, ikun iqis" u "għandu jwissi" għandhom jidħlu l-kliem "tagħha, tkun tqis" u "għandha twissi" rispettivament, fil-paragrafu (ċ) minflok il-kliem "tiegħu u jkun sodisfatt" u "jista'" għandhom jidħlu l-kliem "tagħha u tkun sodisfatta" u "tista'" rispettivament, fil-paragrafu (ċ)(i) minflok il-kliem "jagħti" u "jqis" għandhom jidħlu l-kliem "tagħti" u "tqis" rispettivament, u fil-paragrafu (ċ)(ii) minflok il-kliem "jissospendi", "jidħirlu" u "iħassar" għandhom jidħlu l-kliem "tissospendi", "jidħrilha" u "tħassar" rispettivament;

(ċ) fis-subartikolu (3), minflok il-kliem "mill-Bord" u "il-Bord għandu jħassar" għandhom jidħlu l-kliem "mill-Awtorità" u "l-Awtorità għandha tħassar rispettivament.

18. Fl-artikolu 20(1), minflok il-kliem "mill-Bord" għandhom jidħlu l-kliem "mill-Awtorità".

19. Fl-artikolu 21(1), minflok il-kliem "tal-Bord" għandhom jidħlu l-kliem "ta' l-Awtorità".

20. Fl-artikolu 22, minflok il-kelma "Bord" kull fejn din tinsab għandha tidħol il-kelma "Awtorità".

21. Fl-artikolu 23, minflok il-kliem "mill-Bord" għandhom jidħlu l-kliem "mill-Awtorità".

22. Fl-artikolu 24, minflok il-kliem "Il-Bord għandu jistabbilixxi" u "Il-Bord jista' wkoll jistabbilixxi" għandhom jidħlu l-kliem "L-Awtorità għandha tistabbilixxi" u "L-Awtorità tista' wkoll tistabbilixxi" rispettivament.

23. L-artikolu 27 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (2), minflok il-kliem "Il-Bord" għandhom jidħlu l-kliem "L-Awtorità";

(b) fis-subartikolu (4), minflok il-kliem "mill-Bord u mill-ispetturi li jkollhom liċenza taħt dan l-Att" għandhom jidħlu l-kliem "mill-Awtorità u minn spetturi".

24. L-artikolu 29 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), minflok il-kliem "Il-Bord għandu jispeċifika" għandhom jidħlu l-kliem "L-Awtorità għandha tispeċifika";

(b) fis-subartikolu (2), minflok il-kliem "Il-Bord jista'" u "jibdel" għandhom jidħlu l-kliem "L-Awtorità tista'" u "tibdel" rispettivament;

(ċ) fis-subartikolu (3), minflok il-kliem "tiegħu" u "il-Bord għandu jara li jkollu" għandhom jidħlu l-kliem "tagħha" "l-Awtorità għandha tara li jkollha".

25. Fl-artikolu 30, minnufih wara l-kliem "Il-Ministru jista'" għandhom jiżdiedu l-kliem "wara konsultazzjoni ma' l-Awtorità," u minflok il-kliem "Il-Bord jista'" u "jispeċifika" għandhom jidħlu l-kliem "L-Awtorità tista'" u "tispeċifika" rispettivament.

26. L-artikolu 31 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), minflok il-kliem "Il-Bord għandu jispeċifika", "jista'", "jagħmel" u "mill-Bord" għandhom jidħlu l-kliem "L-Awtorità għandha tispeċifika", "tista'", "tagħmel" u "mill-Awtorità" rispettivament;

(b) fis-subartikolu (2), minflok il-kliem "il-Bord jista'", "tiegħu nnifsu" u "ivarja" għandhom jidħlu l-kliem "l-Awtorità tista'", "tagħha nnifisha" u "tvarja" ;

(ċ) fil-proviso għas-subartikolu (2), minflok il-kliem "il-Bord m'għandux jirrifjuta" għandhom jidħlu l-kliem "l-Awtorità m'għandhiex tirrifjuta".

27. Fl-artikolu 35(1) minflok il-kelma "l-Bord jista' joħroġ" għandha tidħol il-kelma "l-Awtorità tista' toħroġ".

28. L-artikolu 37 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), minflok il-kliem "lis-Segretarju tal-Bord" kulfejn dawn jinsabu għandhom jidħlu l-kliem "lill-Awtorità";

(b) fis-subartikolu (2), minflok il-kliem "lis-Segretarju" għandhom jidħlu l-kliem "lill-Awtorità";

(ċ) fis-subartikolu (3), minflok il-kliem "tas-Segretarju" għandhom jidħlu l-kliem "ta' l-Awtorità";

(d) fis-subartikolu (4), minflok il-kliem "lis-Segretarju" għandhom jidħlu l-kliem "lill-Awtorità għan-nom tal-Gvern";

(e) fl-Ewwel Skeda -

(i) fil-partita (1), minflok il-kliem "lis-Segretarju tal-Bord" għandhom jidħlu l-kliem "lill-Awtorità";

(ii) fil-partiti (1)(a)(ii) u (1)(b)(ii) minflok il-kliem "mill-Bord" għandhom jidħlu l-kliem "mill-Awtorità".

29. L-artikolu 38 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), minflok il-kliem "il-Bord jista' jeħtieġ" u "is-Segretarju" għandhom jidħlu l-kliem "l-Awtorità tista' teħtieġ" u "l-Awtorità" rispettivament;

(b) fis-subartikolu (2), minflok il-kelma "is-Segretarju" għandha tidħol il-kelma "l-Awtorità";

(ċ) fis-subartikolu (2)(b), minflok il-kliem "mill-Bord" għandhom jidħlu l-kliem "mill-Awtorità".

30. Fl-artikolu 39, minflok il-kelma "Bord" kull fejn din tinsab għandha tidħol il-kelma "Awtorità".

31. Fl-artikolu 40(1), il-kliem "responsabbli għall-finanzi" għandu jitħassar u minflok il-kliem "spettur jew il-Bord" għandhom jidħlu l-kliem "spetturi jew l-Awtorità".

32. Fl-artikolu 42(2), minflok il-kliem "mis-Segretarju" għandhom jidħlu l-kliem "miċ-*Chief Executive* ta' l-Awtorità".

33. L-artikolu 46 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), wara l-kliem "Kull min ġewwa xi fond li ma jkollux liċenza taħt dan l-Att" għandhom jiżdiedu l-kliem "jew taħt l-Att ta' l-2001 dwar Lotteriji u Logħob Ieħor";

(b) wara s-subartikolu (2) għandu jiżdied dan is-subartikolu ġdid li ġej:-

"(3) Is-subartikoli (1) u (2) ta' dan l-artikolu m'għandhomx japplikaw għar-rigward ta' xi logħba li tintlagħab skond il-liġi u l-Att ta' l-2001 dwar Lotteriji u Logħob Ieħor, jew kull liġi oħra.".

34. L-artikolu 49 għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1)(a), minflok il-kliem "se jsir il-logħob;jew" għandhom jidħlu l-kliem "se jsir il-logħob bħala każinò; jew";

(b) fis-subartikolu (1)(b), minflok il-kliem "f'Malta; jew" għandhom jidħlu l-kliem "f'xi fond bħal dak; jew";

(ċ) fis-subartikolu (2)(a), minflok il-kliem "mill-Bord" għandhom jidħlu l-kliem "mill-Awtorità";

(d) fis-subartikolu (2)(ċ), minflok il-kliem "mill-Bord" għandhom jidħlu l-kliem "mill-Awtorità".

35. (1) L-artikolu 50(1) għandu jiġi enumerat mill-ġdid bħala l-artikolu 50 u minflok il-kliem "tal-Bord" li hemm fih għandhom jidħlu l-kliem "ta' l-Awtorità".

(2) L-artikolu 50(2) għandu jitħassar.

IT-TMIEN SKEDA

Artikolu 45

Kostituzzjoni u Proċedimenti ta' Bord għall-Kontroll ta' Korsa għat-Tiġrijiet

1. Bord għall-Kontroll ta' Korsa għat-Tiġrijiet jkun magħmul minn president u minn erba' membri oħra li jiġu maħtura mill-Ministru responsabbli għall-isport.

2. Il-president ikun dik il-persuna li l-Ministru responsabbli għall-isport jaħtar għaldaqshekk.

3. Persuna ma tkunx kwalifikata li jkollha l-kariga bħala membru ta' Bord għall-Kontroll ta' Korsa għat-Tiġrijiet jekk -

(a) tkun membru tal-Kamra tad-Deputati;

(b) tkun imħallef jew maġistrat tal-qrati tal-ġustizzja;

(ċ) ikollha xi interess finanzjarju jew xi interess materjali ieżor f'xi korsa approvata għat-tiġrijiet jew f'xi klabb approvat tat-tiġrijiet li x'aktarx ikun jolqot it-twettiq tal-funzjonijiet tagħha bħala membru ta' tali Bord;

(d) tkun instabet ħatja ta' xi reat punibbli bi priġunerija għal perjodu ta' sitt xhur jew aktar;

(e) tkun instabet ħatja ta' xi reat kontra Taqsima VIII ta' dan l-Att.

4. Il-membri ta' Bord għall-Kontroll ta' Korsa għat-Tiġrijiet għandhom jibqgħu fil-kariga għal dak iż-żmien li jista' jiġi speċifikat fil-ħatriet rispettivi tagħhom:

Iżda membru ta' tali Bord jista' jitneħħa f'kull waqt mill-Ministru responsabbli għall-isport.

5. Persuna li ttemm milli tkun membru maħtur ta' Bord għall-Kontroll ta' Korsa għat-Tiġrijiet tkun tista' tinħatar mill-ġdid kemm-il darba ma jkunx hemm xi raġuni dwar dik il-persuna għall-iskwalifika milli jkollha dik il-kariga bħalma jkollu membru elenkat fil-partita 3 ta' din l-Iskeda.

6. Il-*quorum* ta' Bord għall-Kontroll ta' Korsa għat-Tiġrijiet ikun ta' tlieta, imma bla ħsara għal tali *quorum* dak il-Bord jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

7. Bord għall-Kontroll ta' Korsa għat-Tiġrijiet jista' jaħtar membru tal-Bord bħala viċi-president tal-Bord, u fl-assenza tal-president jew matul xi vakanza fil-kariga tal-president, il-viċi-president hekk maħtur jippresjedi il-laqgħat tal-Bord.

8. Id-deċiżjonijiet waqt laqgħat ta' Bord għall-Kontroll ta' Korsa għat-Tiġrijiet għandhom jiġu adottati b'maġġoranza sempliċi tal-voti tal-membri preżenti u votanti, iżda ebda deċiżjoni ma tkun valida kemm-il darba ma tkunx appoġġata mill-inqas minn żewġ membri tal-Bord. Fil-każ ta' voti ndaqs, min ikun qed jippresjedi l-laqgħa jkollu vot ieħor jew vot deċiżiv.

9. Bla ħsara għal kull regolament rilevanti magħmul mill-Ministru responsabbli għall-isport taħt l-artikolu 78(5) ta' dan l-Att, Bord għall-Kontroll ta' Korsa għat-Tiġrijiet jista' jaħtar u, jew jimpjega, b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet li jista' jistabbilixxi, dawk l-uffiċjali, impjegati u aġenti li jistgħu minn żmien għal żmien ikunu meħtieġa għall-qadi kif imiss u effiċjenti tal-funzjonijiet tal-Bord, u l-Bord għandu jippreskrivi d-dmirijiet ta' kull wieħed minn dawk l-uffiċjali, impjegati u aġenti.

10. Bla ħsara għal kull regolament rilevanti magħmul mill-Ministru responsabbli għall-isport taħt l-artikolu 78(5) ta' dan l-Att, Bord għall-Kontroll ta' Korsa għat-Tiġrijiet jista' jirregola l-proċedura tiegħu nnifsu u jagħmel ordnijiet permanenti li jkunu jirregolaw it-tmexxija ta' l-affarijiet tiegħu.

11. M'għandu jiġi indagat ebda att jew proċediment ta' Bord għall-Kontroll ta' Korsa għat-Tiġrijiet minħabba f'xi vakanza fost il-membri tiegħu jew inkella għaliex il-ħatra ta' xi membru tiegħu kienet waħda difettiva.

Għanijiet u Raġunijiet

L-għan ewlieni ta' dan l-Abbozz hu biex jistabbilixxi l-Awtorità dwar il-Lotteriji u l-Logħob biex tissorvelja u tirregola l-għemil ta' kull xorta ta' logħob u lotteriji, inklużi dawk li qabel kienu riserva unika tal-Gvern, biex jgħaddi l-ġestjoni u l-amministrazzjoni ta' dawk il-logħbiet u lotteriji tal-Gvern lil konċessjonarji privati u biex jikkonsolida kull liġi li għandha x'taqsam ma' dan. L-Abbozz jirregola wkoll għall-ewwel darba logħbiet bir-radju u t-televiżjoni u jipprovdi dwar ir-regolament tal-logħob taħt l-Att dwar il-Logħob, Kap. 400, mill-Awtorità dwar il-Lotteriji u l-Logħob stabbilita bl-Abbozz nnifsu.

LOTTERIES AND OTHER GAMES ACT, 2001

Arrangement of Articles

Part I - PRELIMINARY

Part II - DEFINITIONS

Part III - GENERAL PRINCIPLES

Part IV - ESTABLISHMENT AND FUNCTIONS OF THE LOTTERIES AND GAMING AUTHORITY

Part V - OFFICERS AND EMPLOYEES OF THE AUTHORITY

Part VI - THE NATIONAL LOTTERY

Part VII - OTHER GAMES

Part VIII - APPROVAL OF RACECOURSES AND RACING CLUBS AND APPOINTMENT OF RACECOURSE CONTROL BOARDS

Part IX - PROVISION OF MONEY FOR GAMING

Part X - FINANCIAL PROVISIONS

Part XI - TRANSFER OF CERTAIN ASSETS TO THE AUTHORITY

Part XII - OFFENCES AND PENALTIES

Part XIII - SUPPLEMENTAL PROVISIONS

FIRST SCHEDULE - Non-profit games

SECOND SCHEDULE - Commercial tombola games in tombola (bingo) halls

THIRD SCHEDULE - Commercial communication games

FOURTH SCHEDULE - Broadcasting media game

FIFTH SCHEDULE - Racecourse bets and sweepstakes

SIXTH SCHEDULE - Amendments to enactments

SEVENTH SCHEDULE - Amendments to enactments

EIGHTH SCHEDULE - Constitution and proceedings of a Racecourse Control Board

A BILL
entitled

An Act to make provision for the regulation of lotteries and other games and gaming operations in Malta, for the setting up of a Lotteries and Gaming Authority, and for any other purposes connected therewith including the amendment and consolidation of existing laws relating thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows: -

Part I - PRELIMINARY

Short title and commencement.

1. (1) The title of this Act is the Lotteries and Other Games Act, 2001.

(2) The provisions of this Act shall come into force on such date as the Minister may by notice in the Gazette or by regulations appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

Part II - DEFINITIONS

Interpretation.

2. (1) In this Act, unless the context otherwise requires:

"approved meeting" means a meeting at which horse races and, or dog races, other than trial races, are held on an approved racecourse with the approval of the respective Racecourse Control

Board appointed in respect of such approved racecourse under article 45 of this Act;

"approved racecourse" means any racecourse and any ground adjacent thereto, in respect of which racecourse and adjacent ground there is a valid certificate of approval issued by the Minister responsible for sport under article 43 of this Act;

"approved racing club" means a racing club in respect of which there is a valid certificate of approval issued by the Minister responsible for sport under article 44 of this Act;

"authorised game" means a game authorised by the Authority to be operated by a licensee in terms of its licence or a game operated by persons or other entities exempted from any licencing or authorisation requirement or permitted to operate such game without the need of any licence or authorisation in terms of this Act or regulations made thereunder;

"Authority" means the Lotteries and Gaming Authority established under article 9 of this Act;

"bet" means a game in which the player is required to forecast any result or outcome in respect of one event or a set of events; and "betting" shall be construed as the playing of a bet;

"broadcasting media game" means any game which is organised by the owner or operator of a radio or television station, or a sub-contractor thereof, where the participation of players therein takes place by or as a result of their presence during the transmission or the recording of the programme during which such game is organised or by any intervention on their part by any means of distance communication during or after the transmission or the recording of the programme during which such game is organised; and "broadcasting media game licence" means a licence to operate a broadcasting media game granted by the Authority to the owner or operator of a radio or television station or a sub-contractor thereof under article 41 of this Act, and "broadcasting media game licensee" shall be construed accordingly;

"Chairman" means the Chairman of the Authority, and includes the Deputy Chairman or other person appointed to act as Chairman as mentioned in the circumstances contemplated in article 9(3) of this Act;

"Chief Executive" means the Chief Executive appointed under article 14(1) of this Act;

"commercial communication game" means a game which is organised with the purpose to promote or encourage the sale of goods or services, and which does not constitute an economic activity in its own right, and where any payments required to be made by the participant serve only to acquire the promoted goods or services and not to participate in the game, although it may be a condition that a person purchases the promoted goods or services in order to participate in the game; and "commercial communication game licence" means a licence to operate a commercial communication game granted by the Authority to a person under article 40 of this Act, and "commercial communication game licensee" shall be construed accordingly;

"commercial tombola game" means any tombola game, other than a tombola game operated by a non-profit organization in terms of a non-profit game licence;

"Directorates" means such directorates as the Authority may establish under article 13 of this Act;

"financial year" means any period of twelve months ending on the 31st December of any year:

Provided that the first financial year of the Authority shall commence on the coming into force of Part IV of this Act and shall end on the 31st December of the next following year;

"game" means and includes a game of chance and a game of chance and skill, but does not include (i) a sport event, although it includes a sport bet and any other game the operation or playing of which depends on a sport event or a set of sport events or the result or outcome thereof and (ii) a game played by means of an "amusement machine" as such term is defined in the Use of Amusement Machines (Restriction) Regulations, 1988 published by Legal Notice 43 of 1988; and "gaming" means the playing of a game;

"game of chance" means a game for money and, or prizes with a monetary value, the results of which are totally accidental;

"game of chance and skill" means a game for money and, or prizes with a monetary value, the results of which are not totally accidental but depend, to a certain extent, on the skill of the participant;

"gaming device" means any electrical, electronic or mechanical device, ticket or any other thing which is used or intended for use in connection with the operation, promotion or sale of a game and, or in gaming, and includes a totalisator;

"information society service" shall have the same meaning assigned to it in article 2(1) of the Electronic Commerce Act, 2001; Act III of 2001.

"inspector" means a person appointed by the Authority under article 17 of this Act to be an inspector;

"licensee" means and includes a National Lottery licensee and any other games licensee;

"lottery" means any game of chance where prizes are distributed by lot or chance among participants in the game;

"means of distance communication" includes any means which, without the simultaneous physical presence of two or more persons, may be used for the communication, transmission, conveyance and receipt of information (including information in the form of data, text, images, sound or speech) or for the conclusion of a contract between those persons; such means may be unaddressed or addressed printed matter, a standard letter, press advertising with an order form, a catalogue, telephone with human intervention (including phone-ins during radio and television games) or without human intervention (such as automatic calling machine, audiotext), radio, videophone (telephone with screen), videotext (microcomputer and television screen) with keyboard or touch screen, electronic mail, facsimile machine (fax), and television (teleshopping), and any other means of communication, transmission, conveyance and receipt of information by wire, radio, optical means, electromagnetic means or by any electronic means;

"Minister" means the Minister of Finance;

"National Lottery" means generally all such games as are prescribed to form part of the National Lottery by virtue of regulations under this Act, and the terms and conditions of which and other matters relating thereto are also prescribed by regulations or in the National Lottery licence; and "National Lottery licence" means a licence to operate the National Lottery granted under article 26(3) of this Act to a company registered in Malta, and "National Lottery licensee" shall be construed accordingly;

"non-profit game" means a game organised by a non-profit organization, the net proceeds of which are intended for a religious, philanthropic, cultural, educational, social or civic purpose or for any other purpose as the Minister may by order in the Gazette prescribe; and "non-profit game licence" means a licence to operate a non-profit game granted by the Authority to a non-profit organization under article 37 of this Act, and "non-profit game licensee" shall be construed accordingly;

"non-profit organization" means any non-profit organization domiciled in Malta such as religious societies, band clubs, youth movements, cultural societies, literary societies, clubs promoting arts, sports clubs and sports associations, charitable societies, philanthropic societies, political party clubs and political parties, trades union, social clubs or any other association or body of persons or individual person pursuing objectives of a religious, philantropic, cultural, educational, social or civic nature, and approved in writing as a non-profit organization by the Authority for the purposes of this Act, and in respect of which such approval has not been revoked;

"other games" means and includes non-profit games operated by non-profit game licensees, commercial tombola games operated by tombola (bingo) hall licensees, commercial communication games operated by commercial communication game licensees, broadcasting media games operated by broadcasting media game licensees, and racecourse bets and sweepstakes operated by racecourse betting licensees, in terms of their respective licence and under such terms and conditions as may be prescribed by virtue of regulations, or by their respective licence; and "other games licensee" shall be construed accordingly;

"public officer" has the same meaning assigned to it by article 124 of the Constitution, but does not include a judge or a magistrate of the courts;

"qualifying shareholding" means a direct holding in a company which represents five per centum or more of the share capital issued by such company or of the voting rights attaching to such share capital or which makes it possible to exercise a significant influence over the management of the company, and "qualifying shareholder" shall be construed accordingly;

"racecourse" means any ground used or intended for use for the purpose of racing with horses and, or dogs thereon;

"racecourse bet" means a bet on a horse race or races or on a dog race or races conducted on a racecourse; and "racecourse betting" shall be construed as the playing of a racecourse bet;

"racecourse betting licence" means a licence to operate racecourse bets and, or sweepstakes granted by the Authority to an approved racing club or other person under article 42 of this Act, and "racecourse betting licensee" shall be construed accordingly;

"Racecourse Control Board" means a Racecourse Control Board appointed in respect of an approved racecourse by the Minister responsible for sport under article 45 of this Act;

"racing club" means and includes a club, organisation, company or any other association or body of persons which has as its object or as one of its objects the organisation and conduct of horse races and, or dog races on a racecourse, whether such club, organisation, company, association or body is the owner of such racecourse or not, and where a racecourse is owned by an individual, it includes that individual;

"relevant gaming device" means any electrical, electronic or mechanical device which is used or intended for use in connection with the operation, promotion or sale of a game and, or in gaming, and includes a totalisator;

"seasonal tombola (bingo) hall licence" means a tombola (bingo) hall licence which remains in force for such continuous period after the date of its issue as provided in item 1(2) of the Second Schedule to this Act, and which is renewable for such further periods as provided in item 1(3) thereof; and "seasonal tombola (bingo) hall licensee" shall be construed accordingly;

"small game" means any game wherein the aggregate retail value of all prizes which can be won in such game does not exceed the amount of one hundred liri or such lesser amount as may be prescribed in respect of a specified small game by the relevant regulations made under article 78(2)(g);

"sport bet" means a bet on a sport event or a set of sport events and includes a racecourse bet;

"stake" means the economic value which the player of a game, or any third party on his behalf, has to commit in order for the player to participate in such game and which he can lose, wholly or in part, following the result of the game;

"sweepstake" means a game connected with a horse race or races conducted on a racecourse which is played as provided in item 1 of the Fifth Schedule to this Act;

Cap. 386.

"subsidiary" has the same meaning as is assigned to the term "subsidiary undertaking" by the Companies Act;

"tombola game" means a game of chance, also known as "bingo", in which the player uses a tombola scoresheet or a tombola scorecard or an electronic representation thereof bearing numbers, symbols or pictures, and is played by the player marking, covering or revealing such numbers, symbols or pictures as are identical to numbers, symbols or pictures drawn by chance, whether manually or electronically, and won by the player who first marks, covers or reveals a previously designated arrangement of numbers, symbols or pictures on his tombola scoresheet or tombola scorecard;

"tombola (bingo) hall" means such premises in respect of which a tombola (bingo) hall licence has been granted to a company registered in Malta to hold commercial tombola games therein; and "tombola (bingo) hall licence" means a licence to operate commercial tombola games in a tombola (bingo) hall granted by the Authority under article 38 of this Act to a company registered in Malta and includes a yearly tombola (bingo) hall licence and a seasonal tombola (bingo) hall licence, and "tombola (bingo) hall licensee" shall be construed accordingly;

"tombola (bingo) session" means a pre-established period of time during which a number of tombola games are held;

"tombola scorecard" means the unit of a tombola game on which some of the numbers, symbols or pictures participating in such tombola game are printed or otherwise electronically represented, and by which a player may participate in such tombola game, depending on the rules of such tombola game;

"tombola scoresheet" means a combination of tombola scorecards on which all the numbers, symbols or pictures participating in a tombola game are printed or otherwise electronically represented, and by which a player participates in such tombola game;

"totalisator" means the contrivance for racecourse betting known as the totalisator of pari-mutuel, or any other device or instrument of a like nature which is used or intended for use in connection with racecourse betting, whether operated electrically, electronically, mechanically, manually or otherwise;

"yearly tombola (bingo) hall licence" means a tombola (bingo) hall licence which remains in force for a period of one year after the date of its issue as provided in item 1(1) of the Second Schedule to this Act, and which is renewable for further periods of one year each as provided in item 1(3) thereof; and "yearly tombola (bingo) hall licensee" shall be construed accordingly.

(2) Except as otherwise expressly provided in this Act, nothing in this Act shall prejudice the operation of, or shall be deemed to substitute or to derogate any of the provisions of, the Gaming Act and the Prevention of Corruption (Players) Act. Cap. 400. Cap. 263.

Part III - GENERAL PRINCIPLES

3. (1) Any game which is not an authorised game, or which is not authorised to be operated under any law in Malta other than this Act, is prohibited from being played by any person in Malta. Games which can be played by persons in Malta.

(2) The provisions of subarticle (1) hereof also apply to any game offered directly or indirectly from abroad or from Malta to persons in Malta through a means of distance communication.

4. Without prejudice to the provisions of article 78(2)(g), no authorised game may be organised on the results of games operated by any casino licensee under the Gaming Act, or a licensee under this Act, or on the results of any game which is lawfully organised outside Malta, without the prior approval in writing of the Authority, and if such approval is given, the relevant authorised game may then be organised as aforesaid only subject to such terms and conditions as may be specified by the Authority in its approval, which terms and conditions may 'inter alia' make the approval subject to the condition that the person to whom such approval is given seeks and obtains the prior consent to so organise the relevant authorised game from the casino licensee or the licensee operating the game on the results of which such relevant authorised game is to be organised or, as the case may be, from the person lawfully organising the game outside Malta on the results of which game the relevant authorised game is to be organised: Game based on the result of games.

Provided that in the case of authorised games operated by a licensee, the aforesaid approval of the Authority and any relevant terms and conditions may be incorporated in the respective licence issued to such licensee.

5. Any game which is not an authorised game, or which is not authorised to be operated under any law in Malta other than this Act, or Games which can be operated etc by persons in Malta.

which is not a game which is operated by the holder of a permit granted under regulations made under article 78(3) of this Act in terms of such permit, is prohibited from being operated, promoted or sold by any person in Malta.

Offences against this Part of the Act

6. It shall be an offence against this Act for any person to:

(a) operate, promote, sell, or participate in, or in any way to aid or abet the operation, promotion or sale of a game in contravention of articles 3 or 4 of this Act; or

(b) operate, promote or sell or in any way to aid or abet the operation, promotion or sale of a game in contravention of article 5 of this Act:

Provided that the liabilities and obligations of providers of information society services in connection with games shall be regulated by the provisions of articles 22 to 25 of the Electronic Commerce Act, 2001, and nothing in this article or in any other provision of this Act shall prejudice the operation of the said articles 22 to 25 of the Electronic Commerce Act, 2001.

Importation etc. of relevant gaming devices.

7. (1) No person shall import, maintain or supply any relevant gaming device unless such person is in possession of a valid licence issued by the Authority or unless such person is exempted from such licensing requirement in respect of such relevant gaming device in terms of regulations made under this Act.

(2) An application for a licence to import, maintain or supply a relevant gaming device shall be made in such form and manner required by the Authority or as prescribed by regulations, and in granting such licence the Authority may subject it to such conditions as it may deem appropriate or as may be prescribed by regulations. The Authority may order the cancellation or suspension of any such licence in such circumstances as may be prescribed by regulations or in the said licence.

(3) Any person who imports, maintains or supplies, or in any way aids or abets the importation, maintenance or supply of, a relevant gaming device in contravention of subarticle (1) hereof, shall be guilty of an offence against this Act.

Age prohibition.

8. (1) Without prejudice to the provisions of article 39 of this Act, any person who offers for sale or sells any game to a person under the age of sixteen years of age shall be guilty of an offence.

(2) It shall be a defence for any such person as is mentioned in subarticle (1) hereof to prove that he had requested and obtained from the person under the age of sixteen years, documentary evidence relating to his age, and that such evidence tendered by the underaged person prima facie showed that he was not under the prescribed age.

Part IV - ESTABLISHMENT AND FUNCTIONS OF THE LOTTERIES AND GAMING AUTHORITY

Establishment and composition of the Lotteries and Gaming Authority.

9. (1) There shall be a body, to be known as the Lotteries and Gaming Authority, which shall consist of a Chairman and four other members.

(2) The Chairman and the members of the Authority shall be appointed by the Minister for a term, being not more than three years, as may be specified in the instrument of appointment, but the members so appointed may be re-appointed on the expiry of their term of office.

(3) The Minister may designate one of the other members of the Authority as Deputy Chairman and the member so designated shall have all the powers and perform all the functions of the Chairman during his absence or inability to act as chairman or while the Chairman is on vacation or during any vacancy in the office of chairman. The Minister may also, in any of the circumstances mentioned above in this subarticle, appoint another person to act as chairman and in such case, the foregoing provisions of this subarticle shall apply in respect of such person.

(4) A person shall not be qualified to hold office as a member of the Authority if he -

(a) is a Minister, Parliamentary Secretary or a member of the House of Representatives;

(b) is a judge or magistrate of the courts of justice;

(c) has a financial or other interest in any enterprise or activity directly involving games or gaming, or in a licensee, which is likely to affect the discharge of his functions as a member of the Authority;

(d) he is an undischarged bankrupt;

(e) he has been convicted of an offence punishable by imprisonment for a period of six months or more;

(f) he has been found guilty of an offence under this Act or any other Act relating to lotteries or gaming or of an offence against public trust.

(5) Subject to the provisions of this article, the office of a member of the Authority shall become vacant -

(a) at the expiry of his term of office, or

(b) if he resigns, or

(c) if any circumstances arise that disqualify such member from holding office as a member of the Authority; or

(d) if he is removed from office in terms of this article.

(6) A member of the Authority may be removed from office by the Minister if, in the opinion of the Minister, such member is unfit to continue in office or has become incapable of properly performing his duties as a member.

(7) If a member resigns or if the office of a member of the Authority is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Authority. Any person so appointed shall, subject to the provisions of subarticles (5) and (6) of this article, cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(8) Any member of the Authority who has any direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from holding office as a member of the Authority, shall disclose the nature of his interest at the first meeting of the Authority after the relevant facts have come to his knowledge. Such disclosure shall then be recorded in the minutes of the Authority, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from holding office as a member of the Authority, he shall report the fact immediately to the Minister and tender his resignation.

Legal personality and representation of the Authority.

10. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions

of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

(2) Without prejudice to the provisions of article 57 of this Act, the legal and juridical representation of the Authority shall vest in the Chief Executive:

Provided that the Authority may appoint any one or more of its members, officers or employees to appear in the name and on behalf of the Authority in any judicial proceedings and in any act, contract, instrument or other document whatsoever:

Provided further that in respect of any matter falling within the functions vested in any Directorate by the Authority, the legal and judicial representation of the Authority shall also vest in the head of such Directorate or in such member, officer or employee of the Authority, as the Authority may appoint or authorise for the purpose.

(3) Any document purporting to be an instrument made or issued by the Authority and signed by the Chief Executive, or by a head of a Directorate in relation to any matter falling within the functions vested in the relative Directorate by the Authority, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

Functions of the Authority.

11. (1) The functions of the Authority shall be -

(a) to issue a National Lottery licence and licences to operate other games and to supervise the operation of licensees to ensure that licensees comply with the terms and conditions of their licence and with the provisions of this Act and of regulations under this Act and with any applicable directives issued by the Authority in terms of this Act or regulations made thereunder;

(b) to issue permits to sellers of games forming part of the National Lottery in terms of article 36 of this Act;

(c) to inquire into the suitability of licensees and the main suppliers thereof, and to ensure that those involved in the operation, promotion or sale of authorised games operated by such licensees are fit and proper persons to carry out their functions relative to such games;

(d) to ensure that licensees publish the rules of the authorised games operated by them in terms of their licence in such manner as may be deemed appropriate by the Authority;

(e) to use all powers vested in it by this or any other law to ensure that games and gaming are kept free from criminal activity, and to prevent, detect and ensure the prosecution of any offence against this Act, other than an offence arising under any provision of Part VIII of this Act;

(f) to ensure that authorised games are operated and advertised fairly and in a responsible manner and in accordance with the law;

(g) to regulate by licence the importation, supply and maintenance of relevant gaming devices, and to ensure that they are secure and satisfactory for the use for which they are intended;

(h) to supervise, attend and validate the draws of the National Lottery and of such other authorised games as it deems necessary;

(i) to receive and investigate complaints by consumers relating to games;

(j) to advise the Minister on new developments, needs and risks in gaming and to make such proposals as may be deemed necessary or expedient to respond thereto;

(k) to advise the Minister on the making of regulations;

(l) to issue directives it is authorised to issue in terms of this Act or of any other law or of regulations made thereunder;

(m) to perform any other function as may from time to time be assigned to it by this Act or any other law or by regulations made thereunder.

Relations between the Minister and the Authority.

12. (1) The Minister may in relation to matters that appear to him to affect the public interest, from time to time give to the Authority directions in writing of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority by or under this Act, and the Authority shall, as soon as may be, give effect to all such directions.

(2) The Authority shall afford to the Minister facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

Conduct of the affairs of the Authority.

13. (1) Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the Authority itself but save as aforesaid, the executive conduct of the Authority, its administration and organisation and the administrative control of its officers and employees, shall be the responsibility of the Chief Executive of the Authority, who shall also have such other powers as may from time to time be delegated to him by the Authority.

(2) The Authority may exercise its functions through Directorates which may be established by it from time to time and for such purpose it may vest in each of the Directorates so established and subject to the overall supervision and control of the Chief Executive, such of its functions as relate or are ancillary to the matters for which the said Directorate is responsible so as to enable the said Directorate to give effect to the policies of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in its respective area of operation.

(3) Each of the Directorates so established shall be headed by a person who shall either be a public officer detailed for duty with the Authority or an employee of the Authority or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking, in either case having adequate experience or knowledge in the area of operation of the said Directorate.

(4) The Authority and each of the Directorates may exercise any one or more of their functions either directly or through any of their officers or employees or agents or through an agency authorised for the purpose, or through any other person with whom an agreement for the performance of any one or more of such functions has been entered into:

Provided that nothing in this subarticle shall authorise the Authority to contract out any of its regulatory or licensing functions, although the Authority may contract out any other of its functions or procure from any person any services for the purposes of carrying out its regulatory or licensing functions.

(5) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Directorate under whose jurisdiction the matter falls by reason of a delegation of functions to such Directorate by the Authority; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate.

Appointment of Chief Executive and heads of Directorates.

14. (1) The Chief Executive and the heads of the Directorates shall be appointed by the Authority after consultation with the Minister for such period as may be established by the Authority in their letter of appointment:

Provided that the first Chief Executive shall be appointed by the Minister.

(2) The conditions pertaining to the qualification for the appointment of persons as members of the Authority in article 9 of this Act shall also pertain to the appointment of the Chief Executive and the heads of the Directorates.

(3) The Chief Executive shall attend such meetings of the Authority as requested by the said Authority, but shall not vote at such meetings.

(4) The Chief Executive shall be responsible for the implementation of the objectives of the Authority in the exercise of its functions, and without prejudice to the generality of the foregoing he shall -

(a) assume full responsibility for the overall supervision and control of the Directorates;

(b) assign to each Directorate such duties which are by, or in accordance with, the provisions of this Act vested in such Directorate;

(c) co-ordinate the workings of the Directorates;

(d) develop the necessary strategies for the implementation of the objectives of the Authority;

(e) advise the Authority on any matter it may refer to him or on any matter which he considers necessary or expedient; and

(f) perform such other duties as the Authority may assign to him from time to time.

Provisions with respect to proceedings of the Authority.

15. (1) The meetings of the Authority shall be called by the Chairman as often as may be necessary, but at least once a month, either on his own initiative or at the request of any two of the other members of the Authority.

(2) The Chairman and at least two other members of the Authority shall form a quorum. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairman shall have an initial vote and in the event of an equality of votes, a casting vote. Without prejudice to the other requirements of this Act, no decision shall be valid which is not supported by at least two members of the Authority.

(3) Subject to the provisions of this Act the Authority may regulate its own procedure.

(4) Subject to the foregoing provisions of this article, no act or proceeding of the Authority shall be invalidated merely by reason of the existence of any vacancy among the members.

(5) All acts done by any person acting in good faith, as a member of the Authority shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification be afterwards discovered. No act or proceeding of the Authority shall be questioned on the ground of the contravention, by a member, of the provisions of article 9(8) of this Act.

Powers of the Authority.

16. (1) Without prejudice to any power exercisable by virtue of the provisions of this Act or of any other law, the Authority may at any time serve on a licensee a notice requiring him, in such manner and within such reasonable time as may be specified in the notice, to produce or supply for inspection by or on behalf of the Authority, any books, documents, information or any other thing which the Authority knows, or has reasonable cause to believe, to be in the possession of, or to be known to, the licensee for the purpose of carrying out any of its functions under article 11 of this Act.

(2) If without reasonable excuse any requirement imposed by a notice served by virtue of subarticle (1) hereof is not complied with, the licensee shall be guilty of an offence under this Act.

Inspectors.

17. (1) The Authority shall, in consultation with the Minister, appoint inspectors who shall have such powers and functions as are or may be assigned to them by or under this Act or any other law or by or

under regulations made thereunder. Inspectors may, in carrying out their functions and in exercising their powers, be assisted by or accompanied with such experts as the Authority may direct.

(2) Inspectors so appointed shall be officers of the Authority and shall act under the instructions of the Authority, acting through the Chief Executive.

(3) The Authority shall cause to be issued to each inspector an identity card which shall specify the name and appointment of the inspector and contain a recent photograph of the inspector.

(4) A person appointed to be an inspector shall, upon ceasing to be an inspector, return his identity card to the Authority.

Powers of Inspectors.

18. (1) An inspector shall, for the purpose of ascertaining that the provisions of this Act, or of any regulations made thereunder, or that the conditions of any licence issued thereunder are being complied with, and that the full amount of fees, duty, tax or any other sums payable under this Act or regulations made thereunder are being paid, have the following powers and any other powers as may from time to time be given by the Authority in consultation with the Minister, namely:

(a) to require, in writing or orally as he deems appropriate, any person whom the inspector believes, on reasonable grounds, to be in possession or have under his control, any gaming device, books or any other documents whatsoever related to games, the operation of games or, generally, gaming:

(i) to produce such device, books or other documents to the inspector for inspection or testing; or

(ii) to attend before the inspector at a reasonable time and place specified by the inspector and there to answer such questions, or to supply such information, relating to the gaming device, books or documents as the inspector specifies;

(b) to require, in writing or orally as he deems appropriate, a licensee or a person acting on behalf of a licensee:

(i) to produce to the inspector for inspection such book or document or any other thing in his custody or control relating to the operation of authorised games as the inspector specifies; or

(ii) to attend before the inspector at a reasonable time and place specified by the inspector and there to answer such questions, to supply such information, or to produce such book or document or any other thing relating to the operation of authorised games as the inspector specifies;

(c) to inspect or test any gaming device, inspect such book or document, and take copies of, or make notes in relation to, such book or document, relating to the operation of games as the inspector considers necessary;

(d) to direct a licensee, in writing or orally as he deems appropriate, not to use in relation to the operation, promotion or sale of authorised games, any gaming device that the inspector considers to be unsatisfactory for the use for which it is intended;

(e) to receive and, if the inspector thinks that it is appropriate so to do, investigate a complaint with respect to any aspect of the operation of a game and to make a report of the result of such investigation to the Authority;

(f) to call to his assistance:

(i) another inspector; or

(ii) an employee of a licensee who, in the belief of the inspector, is competent to assist the inspector in the exercise of his powers or in the performance of his duties; and

(g) to require any person entering or to be found at any place where a game is offered for sale, or where games are being organised or operated, or where gaming takes place, to produce identification documents and, or evidence of his age,

and a direction given by an inspector to a licensee in terms of paragraph (d) of this subarticle shall be deemed to be a directive issued by the Authority in terms of this Act for the purposes of this Act.

(2) An inspector shall make a report on the exercise of his functions under this Act to the Authority.

(3) Any person who, without reasonable excuse, hinders or fails to assist an inspector in the exercise of his functions and powers and the discharge of his duties under subarticle (1) of this article or under article 19, shall be guilty of an offence under this Act.

Rights of inspectors.

19. An inspector may at reasonable times, upon production of his identity card, enter and remain in any place where games are offered for sale, or where games are being organised or operated, or where gaming takes place, for the purposes of:

(a) viewing gaming;

(b) observing any of the operations of licensees or of sellers of games or, generally, of gaming;

(c) ascertaining whether the operation of licensees or of sellers of games or of games is being properly conducted, supervised and managed;

(d) ascertaining whether the provisions of this Act, or of regulations made thereunder, or of any licences issued thereunder, are being complied with; and

(e) in any other respect, exercising his powers or performing his duties.

Professional secrecy. Cap. 377.

20. Without prejudice to the provisions of the Professional Secrecy Act, any information disclosed to the Authority or any member, officer or employee thereof, the Chief Executive, any Directorate or any inspector, and any document produced in pursuance of the provisions of this Act, shall be secret and confidential and may not be disclosed or produced other than for the purposes of this Act, or to the police for the purposes of any investigation or prosecution of an offence against this Act or when requested to do so by a court of law in any criminal proceedings for an offence against this Act or in any civil proceedings relating to the operation, promotion or sale of any game, or generally, to gaming.

Part V - OFFICERS AND EMPLOYEES OF THE AUTHORITY

Staff appointments.

21. Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Authority shall be made by the same Authority. The terms and conditions of employment shall be established by the Authority.

Appointment and functions of officers and employees of the Authority.

22. The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may in accordance with article 21 of this Act determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Detailing of public officers for duty with the Authority.

23. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such direction, cease to have effect after one year from the effective date of such direction unless the direction is revoked earlier by the Prime Minister.

Status of public officers detailed for duty with the Authority.

24. (1) Where any officer is detailed for duty with the Authority under any of the provisions of article 23 of this Act, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall, for other intents and purposes, remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid -

(a) shall not during the time in respect of which he is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity or benefit under the Pensions Ordinance and the Widows and Orphans' Pension Act and of any other right or privilege to which he would be entitled, and shall be liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Authority.

Cap. 93.
Cap. 58.

(3) Where an application is made as provided in subarticle (2)(a)(i) hereof, the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

25. (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under the provisions of article 23 of this Act, permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of subarticle (1) of this article shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pension Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, insofar as this applies in his case, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

Part VI - THE NATIONAL LOTTERY

Operation or concession for the operation of the National Lottery.

26. (1) The Minister may operate the National Lottery himself or decide to concede the operation of the National Lottery to another person in accordance with the provisions of this Act:

Provided that the Minister may not operate the National Lottery at a time while a National Lottery licence is still in force:

Provided further that the Minister may operate the National Lottery for such time during which a National Lottery licence is suspended in terms of article 35 of this Act.

(2) Where the National Lottery is operated by the Minister, the Minister shall exercise all such powers as may be necessary or expedient for the purposes of such operation and the provisions of this Act relating to the National Lottery, other than those relating to licensing and the National Lottery licence, shall apply and have effect with any necessary modifications or adaptations as they apply and have effect in relation to the National Lottery as operated by a National Lottery licensee.

(3) Where the Minister decides to concede the operation of the National Lottery to another person, the Authority, and for the first time after the entry into force of this Part of this Act the Minister, may by licence authorise a person to operate the National Lottery. Only one person may be licensed to operate the National Lottery at any one time. No person, other than the Minister, may operate the National Lottery unless such person is in possession of a valid National Lottery licence.

(4) The functions of the Authority relating to the National Lottery and to the National Lottery licensee under this Act shall come into effect immediately after the grant of a National Lottery licence by the Minister for the first time after the entry into force of this Part of this Act.

Duration of a National Lottery licence.

27. (1) The National Lottery licence shall remain in force for such period as the Authority after consultation with the Minister, and for the first time after the entry into force of this Part of this Act as the Minister, may specify in the licence, which period shall commence to run on such day as may be specified in the licence as the date from when the licence shall become effective. Such date may be subsequent to, but not preceding, the date of issue of the licence.

(2) Unless a National Lottery licence is previously cancelled, it may be renewed by the Authority for one further period as the Authority after consultation with the Minister may determine.

(3) The renewal of the licence by the Authority shall be subject to the compliance by the National Lottery licensee, during the original period of operation of such licence, with the provisions of this Act and of regulations made thereunder applicable to it and with the terms and conditions of such licence, and subject to the acceptance by the Authority of the written application for such renewal made by the licensee to the Authority -

(a) by such date before the expiry of the original period of the licence as specified in the licence; and

(b) containing such information as specified in the licence to be necessary or expedient to enable the Authority to determine whether to renew the said licence.

(4) After the submission of an application for the renewal of a National Lottery licence, the Authority may require the applicant to provide such other information, in addition to that provided together with the application, as may be deemed necessary for the purpose of determining the said application.

Application for the National Lottery licence.

28. (1) An application for a National Lottery licence shall be made by, or on behalf of, or in respect of a company registered or to be registered in Malta the sole object of which is or shall be the operation of the National Lottery pursuant to a National Lottery licence under this Act and the doing of all such other things as are incidental or conducive to the attainment of such object and the carrying out of other activities as may be authorised in the licence by the Authority and, for the first time after the entry into force of this Part of this Act, by the Minister. Such application shall be made in the form and manner required by the Authority, and for the first time after the entry into force of this Part of this Act by the Minister, and such application shall furthermore contain or be accompanied by such information, documents and particulars as the Authority, and for the first time after the entry into force of this Part of this Act the Minister, may require or as may be prescribed by regulations.

(2) In the case of an application for the grant of a National Lottery licence to a company which is not yet registered in Malta, the application shall be accompanied by an undertaking by the applicant to register a company in Malta as provided in subarticle (1) hereof as soon as information is imparted by the Authority, and for the first time after the entry into force of this Part of this Act by the Minister, that the licence will be granted to such company when formed.

(3) After the submission of an application for the granting of a National Lottery licence, the Authority, and for the first time after the entry into force of this Part of this Act the Minister, may require the applicant to provide such other information, in addition to that provided together with the application, as may be deemed necessary for the purpose of determining the said application.

Grant of the National Lottery licence.

29. (1) The Authority, and for the first time after the entry into force of this Part of this Act the Minister, shall not issue a National Lottery licence to a person unless such person is a company registered in Malta the sole object of which is the operation of the National Lottery pursuant to a National Lottery licence under this Act and the doing of all such other things as are incidental or conducive to the attainment of such object and the carrying out of other activities as may be authorised in the licence by the Authority and, for the first time after the entry into force of this Part of this Act, by the Minister, and unless the Authority or, as the case may be, the Minister is satisfied that:-

(a) all persons holding or owning a qualifying shareholding in the company are likely to be fit and proper to benefit from the operation by the company of the National Lottery and to exercise their rights of membership in such manner as to ensure the proper operation by the company of the National Lottery;

(b) the director or directors of the company are likely to be fit and proper to manage the affairs of the company and to exercise their functions and duties as directors in such manner as to ensure the proper operation by the company of the National Lottery;

(c) all persons who appear to the Authority to be likely to manage the business or any part of the business of the operation of the National Lottery are fit and proper persons to do so;

(d) the company has, or will have upon the issue of the licence, the financial and technical means and the expertise necessary to properly operate the National Lottery and to fulfil all its obligations under this Act;

(e) the company will take out, within seven days from the date of issue of the licence, and will thereafter maintain, the bank guarantee referred to in article 31(5) as provided and in accordance with the said article 31(5) and (6); and

(f) the company is a fit and proper person to be the holder of the National Lottery licence and to operate the National Lottery,

and will comply in all respects with the provisions of this Act and of any regulations made thereunder and applicable to it and with the terms and conditions of the licence and with directives issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it.

(2) When the Authority, and for the first time after the entry into force of this Part of this Act the Minister, makes a preliminary decision to issue a National Lottery licence to a particular company registered in Malta, the Authority or, as the case may be, the Minister shall, before the issue of such licence, cause a notice to be published in the Gazette of the intended issue of the said licence, thereby calling upon any interested party to make representations, if any, objecting to the issue of the licence to such company.

(3) Such objection as is mentioned in subarticle (2) hereof shall be in writing and shall contain a reasoned justification therefor, and is to be received by the Authority or the Minister, as the case may be, within twenty-one days from the date of the publication of the notice in the Gazette.

(4) The Authority or the Minister, as the case may be, shall consider any objection made and received by it as aforesaid before making any final decision as to the issue of the licence.

(5) The grant of a National Lottery licence shall not exonerate the licensee from obtaining any other licence, permit or authorization which may be required under any other law.

Form of the National Lottery licence.

30. The National Lottery licence shall be in such form as may be approved by the Authority, and for the first time after the entry into force of this Part of this Act by the Minister, and shall *inter alia* specify:

(a) its date of issue;

(b) its effective period of validity;

(c) the name, registered office and registration number of the licensee;

(d) the address in Malta specified by the licensee for the purpose of the service of documents on it;

(e) the name and address of the qualifying shareholders, directors and managers of the licensee;

(f) the type and particulars of games that can be operated under the licence;

(g) such matters relating to the gaming devices allowed to be used under the licence as the Authority considers necessary or expedient to specify;

(h) the minimum number, specifications and type of places from where games that can be operated under the licence may be offered for sale, and the minimum number of opening hours of such places;

(i) such other particulars as the Authority, and for the first time after the entry into force of this Part of this Act the Minister, considers necessary or expedient, or as may be prescribed in regulations.

The National Lottery licence need not specify any of the matters listed in paragraphs (f) or (h) when and to the extent that such matters are already specified in regulations made under this Act.

National Lottery licence conditions and variations and revocations thereof.

31. (1) In granting a National Lottery licence the Authority, and for the first time after the entry into force of this Part of this Act the Minister, may subject it to such conditions as it may deem appropriate, and after the grant of such licence the Authority may from time to time vary or revoke any condition so imposed, or impose new conditions:

Provided that the Authority may not vary any condition or impose any new condition in the National Lottery licence without the consent of the licensee if the licence provides that any such condition may only be varied, or that any such new condition may only be imposed, with the consent of the licensee:

Provided further that, without prejudice to the immediately preceding proviso, whenever the Authority deems it appropriate to vary any condition or impose any new condition in the National Lottery licence, the Authority shall, by notice in writing, inform the licensee of its intention to vary the said condition or impose the said new condition, and call upon the said licensee to show cause, within such period as it may establish in the notice and which shall not be less than twenty-one days after the issue of the said notice, why such condition should not be varied or imposed, and it shall be the duty of the Authority to consider any response made by the licensee before varying the condition or imposing the new condition.

(2) Conditions in a National Lottery licence may impose such requirements as may be deemed to be necessary to be complied with by the licensee after the licence has ceased to have effect.

(3) A National Lottery licence may impose conditions requiring the licensee:

(a) to obtain the consent of the Authority before doing anything specified, or of a description specified, in the licence; and

(b) to refer matters specified, or of a description specified, in the licence to the Authority for approval.

(4) A National Lottery licence shall include a condition requiring the licensee to pay to the Authority, at such times as may be determined by or under the licence, such sums out of the proceeds of sale of any games forming part of the National Lottery and, or any other sums, fees, duties and, or taxes as may be so determined, which sums, fees, duties and, or taxes shall be in addition to those which the National Lottery licensee may be required to pay under any law other than this Act.

(5) A National Lottery licence shall include a condition requiring the licensee to take out, not later than seven days from the date of issue of the licence, a bank guarantee issued by a bank or credit or financial institution acceptable to the Authority, in favour of the Authority and on its own behalf and on behalf of the Government, in such amount as may be specified in the licence or as may be prescribed by regulations, for securing:

(a) the payment and distribution of prizes by the licensee to winners of games forming part of the National Lottery;

(b) the payment of fees, taxes, duties or any other sums payable by the licensee to the Authority in terms of the licence; and

(c) the payment by the licensee of any fines or administrative penalties imposed on it under Part XII of this Act or under regulations made under this Act.

(6) Such bank guarantee as mentioned in subarticle (5) hereof shall become payable to the Authority on its first demand and it shall not be incumbent upon the relative bank, credit or financial institution which issued the bank guarantee to verify whether such

demand is justified. The bank guarantee shall remain valid until the expiry of one year after the expiry of the licence, and shall be subject to such other terms and conditions as may be specified in the licence or as may be prescribed by regulations.

(7) A National Lottery licence shall also include a condition requiring the licensee to submit to the Authority and, or publish, in such manner and at such times as may be specified in the licence, the audited accounts of the licensee and such other accounts, reports, returns and statements as may be specified in the licence.

(8) A National Lottery licence shall be deemed to include a condition that the licensee shall at all times during the period of operation of the licence have as its sole object the operation of the National Lottery pursuant to a National Lottery licence under this Act and the doing of all such other things as are incidental or conducive to the attainment of such object and the carrying out of other activities as may be authorised in the licence by the Authority and, for the first time after the entry into force of this Part of this Act, by the Minister.

Changes in ownership or management of the licensee etc.

32. (1) Without prejudice to the following subarticles of this article, it shall be the duty of the National Lottery licensee and of the qualifying shareholders and directors thereof to notify the Authority forthwith of -

(a) any change in the Board of Directors or management of the licensee, or any material changes in the information and documentation provided in terms of article 28(1) and (3) or any other information or documentation provided by the licensee in terms of any other provision of this Act or of regulations made thereunder or in terms of conditions attached to the National Lottery licence; and

(b) any resolution or intended resolution, or any application or intended application to the Court, or any other action, for the dissolution and winding up of the National Lottery licensee,

as soon as they become aware of such changes, resolutions or intended resolutions, applications or intended applications or actions.

(2) Where owing to a change as is referred to in paragraph (a) of subarticle (1) of this article, whether the Authority has been notified of such change in accordance with the said sub-article or not, a situation arises that had it existed at the time of the application for the grant of the National Lottery licence, it would have disqualified the licensee from obtaining a licence in accordance with article 29(1) of this Act,

the Authority shall by notice inform the licensee accordingly, and if the situation shall not have been remedied to the satisfaction of the Authority within one calendar month from the notice given to that effect by the Authority, the Authority shall cancel the licence and the provisions of article 35(4) and (5) shall *mutatis mutandis* apply in such circumstances:

Provided that the Authority shall not issue a notice as aforesaid later than three calendar months after being notified by the licensee or its qualifying shareholders or directors of the change in accordance with subarticle (1) of this article.

(3) In the circumstances mentioned in paragraph (b) of subarticle (1) of this article, whether the Authority has been notified of such circumstances in accordance with the said sub-article or not, the Authority may issue such directives to the National Lottery licensee, its qualifying shareholders and, or its directors as it may deem appropriate in such circumstances.

(4) Failure by the licensee or the qualifying shareholders or directors thereof to comply with the provisions of subarticle (1) of this article, or with any directive issued to them by the Authority in terms of sub-article (3) of this article, shall constitute an offence against this Act.

(5) Notwithstanding anything contained in any other law, the approval in writing of the Authority shall be required before any person may lawfully -

(a) acquire a qualifying shareholding in the National Lottery licensee;

(b) increase an existing holding which is not a qualifying shareholding so as to cause it to become a qualifying shareholding in such licensee;

(c) increase an existing qualifying shareholding in such licensee so as to cause it to equal or exceed ten per centum or twenty per centum or thirty per centum or forty per centum or fifty per centum of the share capital issued by the licensee or of the voting rights attaching to such share capital, or to cause the licensee to become that person's subsidiary;

(d) reduce an existing qualifying shareholding in such licensee so as to cause it to fall below fifty per centum or forty per centum or thirty per centum or twenty per centum or ten per centum of the share capital issued by the licensee or of the voting rights attaching to such share capital, or to cause the licensee to cease to be that person's subsidiary;

(e) reduce an existing qualifying shareholding in such licensee so as to cause it to cease to be a qualifying shareholding; or

(f) divest itself of a qualifying shareholding in such licensee.

(6) The Minister may by order in the Gazette or by regulations vary or remove any of the percentages mentioned in paragraphs (c) and (d) of subarticle (5) of this article.

(7) Subarticle (5) of this article shall apply whether or not any of the relevant shares are shares listed on any Stock Exchange.

(8) It shall be the duty of the National Lottery licensee and of the directors thereof to notify the Authority forthwith upon becoming aware that any person intends to take any of the actions set out in subarticle (5) of this article, and they shall refrain from registering the relevant action according to law or from taking any other action in respect thereof pending instructions from the Authority. Failure by the National Lottery licensee and the directors thereof to comply with the provisions of this subarticle shall constitute an offence against this Act.

(9) Notwithstanding anything contained in any other law, the approval in writing of the Authority shall be required before the National Lottery licensee may lawfully -

(a) sell or dispose of its business or a significant part thereof;

(b) merge with any other company;

(c) undergo any reconstruction, division or any conversion of its status from a company into any other kind of commercial partnership; or

(d) increase or reduce its nominal or issued share capital or effect any material change in voting rights.

(10) It shall be the duty of the directors and qualifying shareholders of the National Lottery licensee to notify the Authority forthwith upon becoming aware that the licensee intends to take any of the actions set out in subarticle (9) of this article, and in default they shall be guilty of an offence against this Act.

(11) Any person intending to take any of the actions set out in subarticle (5) of this article and the National Lottery licensee

who intends to take any of the actions set out in subarticle (9) of this article shall notify the Authority in writing in such form and manner, and such notification shall be accompanied with such information, as may be required by the Authority.

(12) Within two months of receipt of such notification or receipt of such information as the Authority may require, whichever be the later, the Authority shall issue a notice -

(a) granting unconditional approval to the taking of the action;

(b) granting approval to the taking of the action subject to such terms and conditions as the Authority may deem appropriate; or

(c) refusing approval to the taking of the action, informing the person concerned or, as the case may be, the National Lottery licensee of the reasons of the refusal,

and if the Authority fails to issue any such notice within the said period of two months, it shall be deemed that the Authority has issued a notice in terms of paragraph (a) of this subarticle.

(13) If any person or the National lottery licensee takes any action set out in subarticles (5) and (9) of this article without obtaining the prior approval of the Authority in terms of this article, or takes any such action without complying with any term and condition specified by the Authority in granting such approval in terms of subarticle (12)(b) of this article, he shall be guilty of an offence against this Act. Furthermore, if any person or the National Lottery licensee takes or intends to take any of the said actions without obtaining the said approval or without complying with the said terms and conditions, then, without prejudice to the power of the Authority to suspend or revoke the National Lottery licence in terms of article 35 of this Act, where applicable, and without prejudice to any other penalty which may be imposed under this Act, the Authority shall have the power:

(a) to issue a directive declaring the action to be void and of no effect, which directive shall be effective against all persons involved in such action notwithstanding the provisions of any other law; or

(b) to issue a directive to such person or, as the case may be, to the National Lottery licensee -

(i) restraining the person or the said licensee from taking the action;

(ii) requiring the person or the said licensee to take such steps or other action as may be necessary to restore the position existing immediately before the action was taken, within such period as may be specified by the Authority in the directive;

(iii) restraining the person or the said licensee from exercising any rights resulting from the action, including the right to receive payments; or

(iv) restraining the person or the said licensee from taking any similar action or any action within the categories set out in subarticles (5) and (9) of this article,

and such person or, as the case may be, the National Lottery licensee shall comply with any such directive issued to it by the Authority in terms of this paragraph (b), failing which it shall be guilty of an offence against this Act.

Licensee may not assign or transfer the licence.

33. (1) A National Lottery licence may not be assigned or transferred by the National Lottery licensee to any other person.

(2) The National Lottery licensee may not surrender the National Lottery licence during the licence period.

(3) The transfer or assignment of the National Lottery licence by the licensee to any other person shall be considered null and void.

(4) A National Lottery licensee who acts in breach of the provisions of this article shall be guilty of an offence against this Act.

Grounds for the cancellation or suspension of the National Lottery licence.

34. The Authority may order the cancellation or suspension of the National Lottery licence if -

(a) any qualifying shareholder or director or manager of the licensee is convicted of an offence against this Act or of theft, receiving stolen property, fraud or any crime affecting public trust, or is in breach of any directive issued by the Authority in terms of this Act or regulations made thereunder and applicable to it;

(b) the licensee contravenes any provision of this Act or of any regulations made thereunder applicable to it, or is in breach of any condition in the National Lottery licence or any directive

issued by the Authority in terms of this Act or regulations made thereunder and applicable to it;

(c) the licensee knowingly or recklessly supplies to the Authority information that is false or misleading in a material particular;

(d) the licensee fails to fulfil the licensee's financial commitments when they become due and payable;

(e) the licensee fails to take out and maintain the required bank guarantee as provided and in accordance with article 31(5) and (6) of this Act;

(f) the licensee is being wound up; or

(g) the Authority is reasonably satisfied that any person holding or owning a qualifying shareholding in the licensee is not, or has ceased to be, a fit and proper person to benefit from the operation of the National Lottery by the licensee or to exercise his rights of membership in such manner as to ensure the proper operation of the National Lottery by the licensee;

(h) the Authority is reasonably satisfied that any director of the licensee is not, or has ceased to be, a fit and proper person to manage the affairs of the licensee and to exercise his functions and duties as director in such manner as to ensure the proper operation of the National Lottery by the licensee;

(i) the Authority is reasonably satisfied that any person who is managing the business or any part of the business of the operation of the National Lottery is not, or has ceased to be, a fit and proper persons to do so;

(j) the Authority is reasonably satisfied that the licensee is not, or has ceased to be, a fit and proper person to be the holder of the National Lottery licence and to operate the National Lottery, or it reasonably deems it necessary in the national interest to cancel or suspend the National Lottery licence.

Procedures for the cancellation or suspension of the National Lottery licence.

35. (1) Where a ground for cancellation or suspension of the National Lottery licence arises under article 34 of this Act, the Authority, by notice in writing, shall request the licensee, and may request any other person who in its opinion has an interest in the licence, to show cause, within such period as may be established in the same notice being not less than twenty-one days after the issue of the notice, why the

licence should not be cancelled or suspended on such ground as stated in the notice.

(2) The Authority shall consider any response made under subarticle (1) hereof and -

(a) where the matter is resolved to its satisfaction, it shall take no further action and shall inform the licensee in writing accordingly;

(b) where, although the matter is not resolved to its satisfaction, it considers that no further action is warranted, it shall caution the licensee in writing; or

(c) where the matter is not resolved to its satisfaction, and it considers that further action is warranted, it may -

(i) by notice in writing, give such direction to the licensee as it considers appropriate; or

(ii) suspend for such period as it thinks fit, or cancel, the licence.

(3) Where a direction given by the Authority under subarticle (2)(c)(i) hereof is not complied with within the time limit specified in the notice, the Authority shall cancel the licence.

(4) The Authority shall immediately inform the Minister about the existence of a ground for cancellation or suspension of the National Lottery licence and keep him continuously informed of all measures being adopted in that regard.

(5) The Authority shall also immediately inform the Minister about its decision to suspend or cancel the licence and shall take all reasonable measures which are necessary or expedient to guarantee the uninterrupted operation of the National Lottery.

Permit for person to sell games forming part of the National Lottery.

36. (1) No person may sell games forming part of the National Lottery unless such person is in possession of a valid permit issued by the Authority.

(2) Application for such permit shall be made to the Authority by the proposed seller in such form and manner, and shall contain or be accompanied with such information, documents and particulars, including evidence of the authority or appointment of the applicant given or made by the National Lottery licensee to sell games

forming part of the National Lottery, as the Authority may require or as may be prescribed by regulations.

(3) The Authority shall not issue any such permit unless it is satisfied that the applicant is a fit and proper person to sell games forming part of the National Lottery and that he satisfies any other requirement and has any other qualifications as may be prescribed by regulations.

(4) In granting any such permit the Authority may subject the permit to such conditions as the Authority may deem appropriate, and after the grant of such permit the Authority may from time to time vary or revoke any condition so imposed or impose new conditions:

Provided that whenever the Authority deems it appropriate to vary any condition or impose any new condition in any such permit, the Authority shall, by notice in writing, inform the permit holder and the National Lottery licensee of its intention to vary the said condition or to impose the said new condition, calling upon the said permit holder and licensee to show cause, within such period being not less than seven days after the issue of the notice as may be specified in the same notice, why such condition should not be varied or such new condition should not be imposed, and the Authority shall consider any response made by the permit holder and the licensee within the period specified in the notice, before varying the condition or before imposing the new condition.

(5) Without prejudice to the provisions of subarticle (6) hereof, any such permit shall cease to have effect upon the revocation or termination of the authority or appointment of the permit holder given or made by the National Lottery licensee to sell games forming part of the National Lottery or in the event that a National Lottery licence ceases to have effect for any reason whatsoever and the holder of any new National Lottery licence issued in terms of this Part of this Act does not authorise or appoint the permit holder to sell games forming part of the National Lottery.

(6) The Authority may order the cancellation or the suspension of such permit -

(i) if the permit holder contravenes any provision of this Act or any regulations made thereunder applicable to it, or is in breach of any condition in the permit;

(ii) if the Authority is reasonably satisfied that the permit holder is not or has ceased to be a fit and proper person to sell games forming part of the National Lottery;

(iii) in any other circumstance prescribed by regulations made under this Act.

(7) (a) Where a ground for cancellation or suspension of the permit arises under subarticle (6) hereof, the Authority, by notice in writing, shall request the permit holder and the National Lottery licensee, and may request any other person who in its opinion has an interest in the permit, to show cause, within such period as may be established in the same notice being not less than twenty-one days after the issue of the notice, why the permit should not be cancelled or suspended on such ground as stated in the notice.

(b) The Authority shall consider any response made by the permit holder, the National Lottery licensee or any other person as aforesaid within the period specified in the notice, and -

(i) where the matter is resolved to its satisfaction, it shall take no further action and shall inform the permit holder in writing accordingly;

(ii) where, although the matter is not resolved to its satisfaction, it considers that no further action is warranted, it shall caution the permit holder in writing; or

(iii) where the matter is not resolved to its satisfaction, and it considers that further action is warranted, it may -

(1) by notice in writing, give such direction to the permit holder as it considers appropriate; or

(2) suspend for such period as it thinks fit, or cancel, the permit.

(c) Where a direction given by the Authority under paragraph (b)(iii)(1) of this subarticle is not complied with within the time limit specified in the notice, the Authority shall cancel the permit.

(8) A permit referred to in subarticle (1) of this article shall be considered null and void if the holder of such permit assigns or transfers the permit to any other person.

(9) Any person who sells games forming part of the National Lottery in contravention of subarticle (1) hereof, shall be guilty of an offence under this Act.

Part VII - OTHER GAMES

Requirement of a non-profit game licence.

37. (1) The Authority may grant a licence to a non-profit organization to operate a non-profit game in terms of the provisions of the First Schedule to this Act.

(2) No person may operate a non-profit game unless such person is in possession of a valid non-profit game licence.

Requirement of a tombola (bingo) hall licence.

38. (1) The Authority may grant a licence to a company registered in Malta to operate commercial tombola games in a tombola (bingo) hall in terms of the provisions of the Second Schedule to this Act.

(2) Without prejudice to the provisions of item 5(4) of the Second Schedule to this Act, no person may operate commercial tombola games in a tombola (bingo) hall unless such person is in possession of a valid tombola (bingo) hall licence.

Age limit in a tombola (bingo) hall.

39. If the tombola (bingo) hall forms part of a casino complex, where casino gaming is allowed to be operated in terms of a casino licence granted in terms of the Gaming Act, the age limit and prohibitions as laid down in article 26 of the Gaming Act, shall apply. Failure by either a casino licensee or a tombola (bingo) hall licensee to comply with this article shall constitute an offence against this Act.

Requirement of a commercial communication game licence.

40. (1) The Authority may grant a licence to a person to operate a commercial communication game in terms of the provisions of the Third Schedule to this Act.

(2) No person may operate a commercial communication game unless such person is in possession of a valid commercial communication game licence.

(3) Whenever a person, in agreement with the National Lottery licensee, utilizes tickets or other means of participation in a game or games forming part of the National Lottery as the prizes which can be won in a commercial communication game, such commercial communication game shall be exempt from the requirement of a commercial communication game licence under this article.

Requirement of a broadcasting media game licence.

41. (1) The Authority may grant a licence to the owner or operator of a radio or television station, or a sub-contractor thereof, to operate a broadcasting media game in terms of the provisions of the Fourth Schedule to this Act.

(2) No person may operate a broadcasting media game unless such person is in possession of a valid broadcasting media game licence.

Requirement of a racecourse betting licence.

42. (1) The Authority may grant a licence to an approved racing club or other person to operate:

(a) racecourse bets on horse races and, or dog races conducted on an approved racecourse or approved racecourses at approved meetings; and, or

(b) sweepstakes in connection with horse races conducted on an approved racecourse or approved racecourses at approved meetings,

in terms of the provisions of the Fifth Schedule to this Act.

(2) No person may operate racecourse bets or sweepstakes unless such person is in possession of a valid racecourse betting licence.

Part VIII - APPROVAL OF RACECOURSES AND RACING CLUBS AND APPOINTMENT OF RACECOURSE CONTROL BOARDS

Approval of racecourses.

43. (1) (a) The Minister responsible for sport may grant a certificate of approval in respect of any racecourse and any ground adjacent thereto for the purpose of conducting therein horse races and, or dog races and activities ancillary to such races.

(b) The said Minister may grant such certificate of approval in respect of any racecourse and any ground adjacent thereto which is owned by the Government of Malta, in which case the following provisions of this article 43 shall apply to the said Government only to such extent as the said Minister may, on the advice of the Cabinet, determine in the certificate of approval.

(2) An application for a certificate of approval referred to in subarticle (1) of this article shall be made by the owner of the racecourse and any ground adjacent thereto which are the subject of the application, in such form and manner required by the Minister responsible for sport or as prescribed by regulations made by the said Minister under article 78(5) of this Act, and shall furthermore contain or be accompanied by such information, documents and particulars as the said Minister may require or as may be prescribed by regulations made by the said Minister under article 78(5) of this Act.

(3) The Minister responsible for sport shall not grant any such certificate of approval unless he is satisfied that the applicant and, or the racecourse and any ground adjacent thereto which are the subject of the application, satisfy or meet, and will after the grant of the certificate continue to satisfy or meet, such requirements, specifications and criteria as may be prescribed by regulations made by the said Minister under article 78(5) of this Act, and unless the said Minister is satisfied that the applicant will comply in all respects with the provisions of this Part of this Act and of any regulations made under article 78(5) of this Act and applicable to it and with the terms and conditions of the certificate of approval.

(4) In granting such certificate of approval, the Minister responsible for sport may subject it to such conditions as he may deem appropriate or as may be prescribed by regulations made by him under article 78(5) of this Act, and after the grant of such certificate the said Minister may from time to time vary or revoke any condition so imposed or impose new conditions:

Provided that whenever the Minister responsible for sport deems it appropriate to vary any condition or impose any new condition in any such certificate of approval, the said Minister shall, by notice in writing, inform the holder of the certificate of his intention to vary the said condition or to impose the said new condition, calling upon such holder to show cause, within such period being not less than seven days after the issue of the notice as may be specified in the same notice, why such condition should not be varied or such new condition should not be imposed, and the said Minister shall consider any response made by the holder of the certificate within the period specified in the notice, before varying the condition or before imposing the new condition.

(5) The Minister responsible for sport may revoke a certificate of approval referred to in subarticle (1) of this article -

(i) if the holder of such certificate contravenes any provision of this Part of this Act and of any regulations made under article 78(5) of this Act and applicable to it, or is in breach of any condition in the certificate;

(ii) if the said Minister is reasonably satisfied that the holder of the certificate of approval and, or the racecourse and any ground adjacent thereto to which the certificate relates, no longer satisfy or meet the requirements, specifications and criteria referred to in subarticle (3) of this article, or if the said Minister reasonably deems it necessary in the national

interest or in the interest of the horse and, or dog breed to revoke the certificate of approval; and

(iii) in any other circumstance prescribed by regulations made by the said Minister under article 78(5) of this Act.

(6) Before revoking a certificate of approval referred to in subarticle (1) of this article on any of the grounds referred to in subarticle (5) of this article, the Minister responsible for sport shall, by notice in writing, request the holder of the certificate to show cause, within such period as may be established in the same notice being not less than twenty-one days after the issue of the notice, why the certificate should not be revoked on such ground as stated in the notice, and the said Minister shall consider any response made by such holder within the period specified in the notice before revoking the certificate.

(7) The holder of a certificate of approval referred to in subarticle (1) of this article shall forthwith inform the Minister responsible for sport upon becoming aware of any material changes in the information, documents and particulars provided by such holder in terms of subarticle (2) of this article or in terms of any other provision of this Part of this Act or of regulations made under article 78(5) of this Act, and in default he shall be guilty of an offence against this Part of this Act.

(8) The holder of a certificate of approval referred to in subarticle (1) of this article may not assign or transfer to any person the said certificate, or the ownership of the whole or any part of the racecourse and any ground adjacent thereto to which the certificate relates, without the prior approval in writing of the Minister responsible for sport, and if such approval is given, such holder may then take any of the aforesaid actions subject to such terms and conditions as may be specified by the said Minister in its approval. A certificate of approval referred to in subarticle (1) of this article shall be considered null and void if the holder thereof takes any of the aforesaid actions without the prior approval in writing of the Minister responsible for sport, or in breach of any terms and conditions specified by the said Minister in any such approval. The holder of the said certificate of approval shall not be required to seek and obtain the prior approval of the Minister responsible for sport before transferring the ownership of the whole or any part of the racecourse and any ground adjacent thereto to which the certificate relates if, before effecting any such transfer, he surrenders the said certificate of approval. The holder of such certificate of approval who acts in breach of the provisions of this subarticle shall be guilty of an offence against this Part of this Act.

(9) The grant of a certificate of approval referred to in subarticle (1) of this article shall not exonerate the holder of such certificate from obtaining any other licence, permit or authorization which may be required under any other law.

(10) The owner of any place which is not an approved racecourse and who uses or knowingly permits the use of such place for the purpose of conducting therein horse races and, or dog races and, or activities ancillary to such races shall be guilty of an offence against this Part of this Act.

(11) Any person who organises or conducts, or who in any way participates in the organisation or conduct of, or who acts as a judge, steward, runner or in any other way participates in, horse races or dog races in any place which is not an approved racecourse shall be guilty of an offence against this Part of this Act.

Approval of racing clubs

44. (1) The Minister responsible for sport may grant a certificate of approval to any racing club for the purposes of organising and conducting horse races and, or dog races on an approved racecourse or approved racecourses:

Provided that where the racing club is an individual who owns an approved racecourse in accordance with the definition of "racing club" in article 2(1) of this Act, the Minister may only grant such certificate of approval to such individual for the purpose of organising and conducting horse races and, or dog races only on the said approved racecourse owned by such individual.

(2) An application for a certificate of approval referred to in subarticle (1) of this article shall be made by the racing club concerned, in such form and manner required by the Minister responsible for sport or as prescribed by regulations made by the said Minister under article 78(5) of this Act, and shall furthermore contain or be accompanied by such information, documents and particulars as the said Minister may require or as may be prescribed by regulations made by the said Minister under article 78(5) of this Act.

(3) The Minister responsible for sport shall not grant any such certificate of approval unless he is satisfied that the applicant satisfies or meets, and will after the grant of the certificate continue to satisfy or meet, such requirements and criteria as may be prescribed by regulations made by the said Minister under article 78(5) of this Act, and unless the said Minister is satisfied that the applicant will comply in all respects with the provisions of this Part of this Act and of any regulations made under article 78(5) of this Act and applicable to it,

with the terms and conditions of the certificate of approval and with any rules and regulations made by any Racecourse Control Board in terms of this Part of this Act or regulations made under article 78(5) of this Act and applicable to it.

(4) In granting such certificate of approval, the Minister responsible for sport may subject it to such conditions as he may deem appropriate or as may be prescribed by regulations made by him under article 78(5) of this Act, and after the grant of such certificate the said Minister may from time to time vary or revoke any condition so imposed or impose new conditions:

Provided that whenever the Minister responsible for sport deems it appropriate to vary any condition or impose any new condition in any such certificate of approval, the said Minister shall, by notice in writing, inform the holder of the certificate of his intention to vary the said condition or to impose the said new condition, calling upon the holder to show cause, within such period being not less than seven days after the issue of the notice as may be specified in the same notice, why such condition should not be varied or such new condition should not be imposed, and the said Minister shall consider any response made by the holder of the certificate within the period specified in the notice, before varying the condition or before imposing the new condition.

(5) The Minister responsible for sport may revoke a certificate of approval referred to in subarticle (1) of this article -

(i) if the holder of such certificate contravenes any provision of this Part of this Act and of any regulations made under article 78(5) of this Act and applicable to it, or is in breach of any condition in the certificate or of any rules and regulations made by any Racecourse Control Board in terms of this Part of this Act or regulations made under article 78(5) of this Act and applicable to it;

(ii) if the said Minister is reasonably satisfied that the holder of the certificate of approval no longer satisfies or meets the requirements and criteria referred to in subarticle (3) of this article, or if the said Minister reasonably deems it necessary in the national interest or in the interest of the horse and, or dog breed to revoke the certificate of approval; and

(iii) in any other circumstance prescribed by regulations made by the said Minister under article 78(5) of this Act.

(6) Before revoking a certificate of approval referred to in subarticle (1) of this article on any of the grounds referred to in subarticle (5) of this article, the Minister responsible for sport shall, by notice in writing, request the holder of the certificate to show cause, within such period as may be established in the same notice being not less than twenty-one days after the issue of the notice, why the certificate should not be revoked on such ground as stated in the notice, and the said Minister shall consider any response made by such holder within the period specified in the notice before revoking the certificate.

(7) The holder of a certificate of approval referred to in subarticle (1) of this article shall forthwith inform the Minister responsible for sport upon becoming aware of any material changes in the information, documents and particulars provided by such holder in terms of subarticle (2) of this article or in terms of any other provision of this Part of this Act or of regulations made under article 78(5) of this Act, and in default he shall be guilty of an offence against this Part of this Act.

(8) The holder of a certificate of approval referred to in subarticle (1) of this article may not assign or transfer the said certificate to any person without the prior approval in writing of the Minister responsible for sport, and if such approval is given, such holder may then assign or transfer such certificate subject to such terms and conditions as may be specified by the said Minister in its approval. A certificate of approval referred to in subarticle (1) of this article shall be considered null and void if the holder thereof transfers or assigns the same to any person without the prior approval in writing of the Minister responsible for sport, or in breach of any terms and conditions specified by the said Minister in any such approval. The holder of such certificate of approval who acts in breach of the provisions of this subarticle shall be guilty of an offence against this Part of this Act.

(9) The grant of a certificate of approval referred to in subarticle (1) of this article shall not exonerate the holder of such certificate from obtaining any other licence, permit or authorization which may be required under any other law.

(10) Any person who is not an approved racing club and who organises or conducts any horse race or dog race shall be guilty of an offence against this Part of this Act.

(11) The owner of any place who knowingly permits the use of such place for the purpose of the organisation or conduct therein of any horse race and, or dog race by a person who is not an approved racing club shall be guilty of an offence against this Part of this Act.

Appointment of Racecourse Control Boards.

45. (1) The Minister responsible for sport shall appoint in respect of each approved racecourse a Racecourse Control Board which shall be constituted and the proceedings of which shall be conducted in accordance with the provisions of the Eighth Schedule to this Act.

(2) The functions of a Racecourse Control Board shall be -

(a) to supervise the conduct of horse races and dog races on the approved racecourse in respect of which such Board has been appointed to ensure that such races are conducted fairly and properly and in accordance with the provisions of this Part of this Act and of regulations made by the Minister responsible for sport under article 78(5) of this Act and in accordance with rules and regulations made by such Board itself in terms of this Part of this Act or regulations made under article 78(5) of this Act;

(b) to approve the holding of meetings at which horse races and, or dog races, other than trial races, are to be conducted on the approved racecourse in respect of which such Board has been appointed;

(c) to advise the Minister responsible for sport on new developments in, and any matter relating to, horseracing and dog racing and the conduct thereof and racecourses;

(d) to perform any other function as may from time to time be assigned to it by this Part of this Act or regulations made under article 78(5) of this Act.

(3) Subject to any relevant regulations made by the Minister responsible for sport under article 78(5) of this Act, a Racecourse Control Board may appoint judges and stewards in respect of horse races and dog races taking place on the approved racecourse in respect of which such Board has been appointed and may make rules and regulations relating to:

(a) the conduct of horse races and dog races on the approved racecourse in respect of which such Board has been appointed;

(b) the payments to be made by the approved racing club or approved racing clubs organising and conducting horse races and, or dog races on the approved racecourse in respect of which such Board has been appointed to:

(i) the judges and stewards appointed by the Board as provided in this subarticle; and

(ii) the Board itself in respect of the performance of its functions;

(c) such other matters as may be prescribed by regulations made by the Minister responsible for sport under article 78(5) of this Act.

(4) A Racecourse Control Board shall also have such other powers as may be prescribed by regulations made by the Minister responsible for sport under article 78(5) of this Act.

Part IX - PROVISION OF MONEY FOR GAMING

Restriction on credit.

46. (1) It shall not be lawful, and shall constitute an offence against this Act, for a licensee or an operator of a game exempt from licence under this Act or regulations made thereunder, or any person acting on behalf of such licensee or operator or under any arrangement with him, to make any loan or otherwise provide or allow any credit to any person for enabling such person to participate in authorised games.

(2) It shall likewise not be lawful, and shall constitute an offence against this Act, for the holder of a permit granted under regulations made under article 78(3) of this Act or any person acting on his behalf or under any arrangement with him to make any loan or otherwise provide or allow any credit to any person for enabling such person to participate in games operated in terms of the said permit.

Applicability of the Civil Code, Cap. 16.

47. Article 1716 of the Civil Code shall not apply with respect to an authorised game and to a game operated in terms of a permit granted under regulations made under article 78(3) of this Act.

Payment of stakes and prizes.

48. (1) Subject to any regulations made by the Minister or any relevant directive that may be issued by the Authority, a licensee, or operator of a game exempted from licence under this Act or regulations made thereunder, or the holder of a permit granted under regulations made under article 78(3) of this Act, or any person acting on behalf of such licensee, operator or permit holder or under any arrangement with him, may:

(a) accept payment of a stake in respect of an authorised game or, as the case may be, in respect of a game operated in terms of the said permit:

(i) in cash; or

(ii) except where he has reasonable cause to believe that such means of payment will not be honoured upon presentation or claim therefor, by cheque, credit card, debit card or any other lawful means of payment, whether documentary or electronic; and

(b) effect payment of any monetary prize won in an authorised game or, as the case may be, in a game operated in terms of the said permit, by any of the means of payment referred to in subparagraphs (i) and (ii) of paragraph (a) of this subarticle (1).

(2) The acceptance of payment of stakes in accordance with the provisions of subarticle (1)(a) of this article shall not be deemed to be contrary to the provisions of article 46(1) of this Act.

(3) The provisions of article 1713 of the Civil Code shall not prejudice:

(a) the right of a licensee, operator, permit holder or person referred to in subarticle (1) of this article, to recover a debt arising from the acceptance of payment of a stake by any of the means of payment referred to in subarticle (1)(a) of this article in accordance with the provisions of the said subarticle (1)(a); or

(b) the right of a winner of a monetary prize under an authorised game or, as the case may be, under a game operated in terms of a permit granted under regulations made under article 78(3) of this Act, to recover any debt arising from acceptance of payment of such prize by any of the means of payment referred to in subarticle (1)(b) of this article.

Part X - FINANCIAL PROVISIONS

Authority to meet expenditure out of revenue and constitution of National Lottery Good Causes Fund.

49. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For such purpose as is mentioned in subarticle (1) hereof the Authority shall levy all fees, rates, taxes, duties and other payments prescribed or deemed to be prescribed by or under this Act or any other law or regulations made thereunder related to the powers and functions of the Authority.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as the House may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by the Authority, being works of infrastructure or a similar capital nature.

(4) Any funds of the Authority, other than funds standing to the credit of the Gaming Authority National Lottery Reserve Fund referred to in subarticle (6) of this article, which are not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

(5) Any excess of revenue over expenditure shall, subject to such directions as the Minister may from time to time give and subject to the provisions of subarticle (6) of this article, be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority; and without prejudice to the generality of the powers given to the Minister by this subarticle, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates, taxes and duties and other payments levied in accordance with subarticle (2) of this article or any such excess as aforesaid.

(6) Without prejudice to the powers of the Minister under subarticle (5) of this article, the Authority shall create and maintain a reserve fund, to be styled as the "Gaming Authority National Lottery Reserve Fund", to which there shall be credited and paid by the Authority, immediately upon receipt thereof:

(a) such percentage of the gross sums, fees, duties and, or taxes paid by the National Lottery licensee to the Authority in terms of article 31(4) of this Act as may be prescribed by regulations made by the Minister under this Act;

(b) the gross amounts paid by the National Lottery licensee to the Authority in terms of article 58(2) of this Act; and

(c) any other amounts which the Authority is required to credit and pay into the Gaming Authority National Lottery Reserve Fund under any other provision of this Act or of any other law or of regulations made thereunder,

and all funds standing to the credit of the Gaming Authority National Lottery Reserve Fund after the end of each financial year shall, not later than six weeks from the end of such financial year, be paid by the

Authority into the Treasury and shall be credited to the National Lottery Good Causes Fund created by subarticle (7) of this article. The Authority shall not dispose of or use any funds from time to time standing to the credit of the Gaming Authority National Lottery Reserve Fund in any manner or for any purpose other than as provided in this subarticle.

(7) There shall be created and kept in the Treasury Department an account to be styled "National Lottery Good Causes Fund" to which there shall be credited and paid the credit balance in the Gaming Authority National Lottery Reserve Fund paid by the Authority to the Treasury in terms of subarticle (6) of this article. The funds from time to time standing to the credit of the National Lottery Good Causes Fund shall be paid out by the Minister, without any further appropriation other than this Act, to such persons, organisations, bodies or other entities pursuing objectives of a religious, philanthropic, cultural, educational, social or civic nature or in support of other deserving causes, and in such amounts, in such manner and at such times, as may be determined by the Minister from time to time after consultation with an Advisory Board appointed by him for the purpose.

(8) A statement of the receipts and expenditure of the National Lottery Good Causes Fund shall, as soon as possible after the close of each financial year and in any case not later than three months after the close of such year, be forwarded by the Accountant General to the Auditor General, and article 65(2) of the Financial Administration and Audit Act shall apply to such statement.

Power to borrow or raise capital.

50. For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister may approve in writing.

Advances from Government.

51. The Minister may make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may deem appropriate. Any such advance may be made by the Minister out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Borrowing from Government.

52. (1) The Minister may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House as soon as possible.

(3) Pending the raising of any such loan as is mentioned in subarticle (1) hereof, or for the purpose of providing the Authority with working capital, the Minister may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Malta Lotteries and Gaming Loan Fund".

(5) Sums received by the Accountant General from the Authority, in respect of advances made to the Authority under subarticle (3) hereof shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amounts received by way of interest into the Consolidated Fund.

Estimates of the Authority.

53. (1) The Authority shall cause to be prepared in every financial year, and shall not later than six weeks after the end of each such year adopt, estimates of the income and expenditure of the Authority for the next following financial year:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates, the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous years as the Minister may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment.

Expenditure to be according to approved estimates.

54. (1) No expenditure shall be made or incurred by the Authority unless it has been approved by the Minister as provided in article 53 of this Act.

(2) Notwithstanding the provisions of subarticle (1) of this article -

(a) until the expiry of six months from the beginning of a financial year, or until the approval of the estimates for that year by the Minister, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved by the Minister for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure not exceeding in the aggregate such amounts as the Minister may allow;

(d) if in respect of any financial year it is found that the amount approved by the Minister is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

Publication of approved estimates.

55. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House.

Accounts and audit.

56. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Cap. 396.

Provided that the Minister may require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have all the powers set out in the Auditor General and National Audit Office Act.

(3) After the end of each financial year, and not later than the date on which the estimates of the Authority are forwarded to the Minister under article 53 of this Act, the Authority shall cause a copy of the statement of account duly audited to be transmitted to the Minister together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such statement and report, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session, cause every such statement and report to be laid on the Table of the House.

Deposit of revenues and payments by the Authority.

57. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority; such monies shall, as far as practicable, be paid into any such banks from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the same Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairman, or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to -

(a) the manner in which, and the officer or officers by whom, payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Authority,

and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the Authority.

Unclaimed Prizes Reserve.

58. (1) The National Lottery licensee shall maintain a reserve, to be styled as the Unclaimed Prizes Reserve, to which there shall be credited and paid by such licensee an amount equal to the value of any monetary prize or to the retail value of any non-monetary prize in an authorised game operated by such licensee in terms of the National Lottery licence, which remains unclaimed at the end of the period for claiming such prize set out in the rules of the said authorised game. Such payment into the Unclaimed Prizes Reserve shall be made by the National Lottery licensee within seven days from the end of the period for claiming the prize referred to above.

(2) All funds standing to the credit of the Unclaimed Prizes Reserve of the National Lottery licensee after the 31st May and 30th November of each financial year of the licensee shall, not later than two weeks from each of the aforesaid two dates of each financial year of the licensee, be paid by the licensee to the Authority and shall be credited and paid by the Authority into the Gaming Authority National Lottery Reserve Fund referred to in article 49(6). The National Lottery licensee shall not distribute to its shareholders or otherwise dispose of or use any funds from time to time standing to the credit of the Unclaimed Prizes Reserve in any manner or for any purpose other than as provided in this subarticle.

(3) A National Lottery licensee who acts in breach of any of the provisions of the foregoing subarticles of this article shall be guilty of an offence against this Act. Furthermore, compliance by the National Lottery licensee with the said provisions shall be deemed to be a condition attached to the National Lottery licence for the purposes of this Act.

(4) The Minister may by regulations apply the provisions of this article to other games licensees or to such categories of other games licensees as may be specified in the same regulations.

Contracts of supply of works.

59. Without prejudice to any directions communicated by the Minister under article 12(1) of this Act, the Authority shall not, except with the approval of the Minister granted for special reasons, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to exceed three thousand liri in value, or such other amount as the Minister may by regulations prescribe, except after notice of the intention of the Authority to enter into the contract has been published and competitive tenders have been issued.

Money laundering.

Cap. 373.

60. (1) Without prejudice to the provisions of the Prevention of Money Laundering Act, hereinafter in this article called "the Act", the Minister with the concurrence of the Minister responsible for justice, may by order provide guidelines relating to the conduct of a licensee or officers or employees thereof or persons acting on his behalf or under an arrangement with him, or the Authority or members, officers or employees thereof, in relation to certain transactions that may give rise to any suspicion of money laundering, and may in particular provide that the provisions of article 9(1) of the Act shall apply with regard to licensees, gaming and operation of games with such modifications and adaptations as may be specified.

(2) Where a member, officer or employee of the Authority or an officer or employee of a licensee or other person acting on behalf of a licensee or under an arrangement with him, has reason to suspect that a transaction, or a proposed transaction, could involve money laundering, he shall act in accordance with the regulations made under the Act and any regulations made under this Act, as applicable thereto.

Annual report.

61. The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time require. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such report, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session, cause a copy of every such report to be laid on the Table of the House.

Part XI - TRANSFER OF CERTAIN ASSETS TO THE AUTHORITY

Transfer of assets to the Authority.

62. (1) (a) The property and undertakings owned by the Government and used by it, immediately before the date of the coming into force of this Part of this Act, for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vested in the Authority under the same title by which they were held by the Government immediately before the said date. The provisions of this paragraph shall not apply to immovable property.

(b) The immovable assets from time to time specified in an Order made by the President of Malta and published in the Gazette (hereinafter referred to as "the immovable assets") being immovable assets which immediately before the coming into force of this Part of this Act were owned by the Government and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Authority or otherwise for the operation of any of the functions prescribed by any law being repealed in terms of article 80 of this Act, shall, with effect from such day as may be specified in any such order, and by virtue of this Act and without any further assurance, be transferred to and vested in the Authority under the same title by which they were held by the Government before such day.

(2) The transfer and vesting aforesaid shall, subject to the provisions of paragraphs (a) and (b) of subarticle (1) of this article, extend to the whole of such property and undertakings or assets and, without prejudice to the generality aforesaid, shall include all plant, equipment, apparata, instruments, vehicles, craft, buildings, structures, installations, land, roads, works, stocks and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property and undertakings or assets or other thing included therein as aforesaid.

Construction of laws, etc.

63. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act affecting or relating to the properties and undertakings transferred to the Authority by virtue of article 62(1)(a)

of this Act, or those affecting or relating to any immovable asset referred to in article 62(1)(b) of this Act in respect of which an Order as referred to in the said article 62(1)(b) has been published and subsisting immediately before the date specified in such Order as the date with effect from which the said immovable asset shall be transferred to the Authority by virtue of the said article 62(1)(b), shall have full force and effect against or in favour of the Authority, and shall be enforceable freely and effectually, as if instead of the Government or government department or authority, the Authority had been named therein or had been a party thereto, and otherwise in substitution of the Government or government department or authority.

Transitory provisions relating to the transfer of assets.

64. (1) When anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Part of this Act and such thing relates to any of the properties and undertakings referred to in article 62(1)(a) of this Act or to any right or liability related thereto transferred to the Authority by or under this Act, such thing may be carried on and completed by or as authorised by the Authority.

(2) Where immediately before the date of the coming into force of this Part of this Act, any legal proceedings are pending to which the Government is, or is entitled, to be a party, and such proceedings are related to any of the properties and undertakings referred to in article 62(1)(a) of this Act or to any right or liability related thereto transferred to the Authority by or under this Act, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a party thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

(3) When anything has been commenced by or under the authority of the Government prior to the date specified in an Order as referred to in article 62(1)(b) of this Act relating to an immovable asset as referred to in the said article 62(1)(b) as the date with effect from which the said immovable asset shall be transferred to the Authority by virtue of the said article 62(1)(b), and such thing relates to the said immovable asset or any right or liability related to such asset transferred to the Authority by or under this Act, such thing may be carried on and completed by or as authorised by the Authority.

(4) Where immediately before the date specified in an Order as referred to in article 62(1)(b) of this Act relating to an immovable asset as referred to in the said article 62(1)(b) as the date with effect from which the said immovable asset shall be transferred to the Authority by virtue of the said article 62(1)(b), any legal proceedings

are pending to which the Government is or is entitled to be a party, and such proceedings are related to the said immovable asset or any right or liability related to such asset transferred to the Authority by or under this Act, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a party thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

Minister may make provisions to determine assets transferred to the Authority.

65. The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the properties, undertakings or assets, rights or liabilities transferred to the Authority by this Act and securing and giving full effect to the transfer of any such property, undertaking or asset or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred properties, undertakings, assets, rights or liabilities exercisable by or on behalf of the Authority.

Part XII - OFFENCES AND PENALTIES

Penalty for offences against this Act.

66. (1) Any person guilty of an offence against this Act or any Part thereof shall, on conviction, be liable to a fine (*multa*) of not less than three thousand liri and not more than one hundred thousand liri or to imprisonment for a term of not more than two years, or to both such fine and imprisonment:

Provided that where the person convicted of an offence against this Act is a recidivist, he shall be liable to a fine (*multa*) of not less than five thousand liri and not more than one hundred and fifty thousand liri, or to imprisonment for a term of not less than six months and of not more than three years, or to both such fine and imprisonment:

Provided further that where the person so found guilty is the president, director, manager, secretary or other similar officer of a company or other undertaking, organisation, club, society or other association or body of persons, the said person shall, for the purpose of this article, be deemed to be vested with the legal representation of the same company or other undertaking, organisation, club, society or other association or body of persons, which shall accordingly be liable *in solidum* with the person found guilty for the payment of the said fine:

Provided further that where the Attorney General in the sanction issued in accordance with article 73(2) of this Act, certifies that the offence will be adequately punished with a fine (*multa*) of not less than one hundred liri and not more than three thousand liri, the applicable penalty shall be a fine (*multa*) of not less than one hundred liri and not more than three thousand liri.

(2) The fine referred to in subarticle (1) hereof shall be recoverable by the Minister responsible for sport as a civil debt in favour of the Government where the relevant offence arises under any provision of Part VIII of this Act, and where the relevant offence arises under any other provision of this Act the said fine shall be recoverable by the Chief Executive as a civil debt in favour of the Government.

Cap. 152.
Cap. 9.

(3) The provisions of the Probation of Offenders Act and of article 21 and 28A to 28I of the Criminal Code shall not apply with respect to offences referred to in subarticle (1) hereof.

Administrative penalty.

67. (1) Without prejudice to the provisions of article 66 and to the power of the Authority to revoke or suspend the respective licence in terms of this Act, if the Authority is satisfied that a licensee has contravened a condition in a licence issued to such licensee under this Act or a directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to such licensee, the Authority may without recourse to a court hearing, impose and collect from the licensee an administrative penalty which shall not be less than one hundred liri and which shall not exceed fifty thousand liri.

(2) Without prejudice to articles 36(7) and 66 of this Act, if the Authority is satisfied that the holder of a permit issued in terms of article 36 has contravened a condition in such permit or a directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to such permit holder, the Authority may without recourse to a court hearing, impose and collect from the permit holder an administrative penalty which shall not be less than fifty liri and which shall not exceed five thousand liri.

(3) Without prejudice to articles 43(5) and 66 of this Act, if the Minister responsible for sport is satisfied that the holder of a certificate of approval issued in terms of article 43 has contravened a condition in such certificate, the said Minister may without recourse to a court hearing, impose and collect from the holder of such certificate an administrative penalty which shall not be less than one hundred liri and which shall not exceed fifty thousand liri.

(4) Without prejudice to articles 44(5) and 66 of this Act, if the Minister responsible for sport is satisfied that the holder of a certificate of approval issued in terms of article 44 has contravened a condition in such certificate or any rule or regulation made by any Racecourse Control Board in terms of Part VIII of the Act or regulations made under article 78(5) of this Act and applicable to such holder, the said Minister may without recourse to a court hearing, impose and collect from the holder of such certificate an administrative penalty which shall not be less than one hundred liri and which shall not exceed fifty thousand liri.

Counterfeit gaming devices and forgery of licences.

68. (1) It shall not be lawful for a person to use, or have in his possession, any gaming device or a licence issued under, used or to be used for the purposes of this Act, which the person knows to have been forged, counterfeited or otherwise tampered with.

(2) It shall not be lawful for a person -

(a) to forge, counterfeit or tamper with any gaming device or any licence issued under, used or to be used for the purposes of this Act; or

(b) knowingly to utter any such forged, counterfeit or tampered with gaming device or licence.

(3) Whosoever shall contravene subarticles (1) or (2) of this article shall be guilty of an offence against this Act. Furthermore, any gaming device or licence referred to in the said subarticles shall be seized and forfeited in favour of the Government.

Place used for unlawful gaming.

69. (1) Any person who knowingly permits the use of any place for the purpose of the operation, promotion, sale or playing of any game in contravention of any provision of this Act or of regulations made thereunder or in breach of any conditions attached to a licence issued under this Act or in breach of any directive issued by the Authority in terms of this Act or of regulations made thereunder or for the purpose of storage of a relevant gaming device imported or supplied in contravention of the provisions of article 7 of this Act or in breach of the conditions attached to a licence in terms of the said article 7 or for the purpose of carrying out maintenance of a relevant gaming device in contravention of the provisions of article 7 of this Act or in breach of the conditions attached to a licence in terms of the said article 7, or who wilfully prevents any Police Officer who is lawfully authorised to enter into any place suspected of being used as aforesaid, from entering into such place or any part thereof, or obstructs or delays any such officer in so entering, or by any bolt, bar or other contrivance secures any external

or internal door or means of access to any such place or part thereof, or uses any means or contrivance whatsoever for the purposes of preventing, obstructing or delaying the entry of such officer into any such place or any part thereof or for giving an alarm or warning in case of such entry, shall be guilty of an offence against the Act.

(2) Where any Police officer who is lawfully authorised to enter any place suspected of being used for any of the unlawful purposes mentioned in subarticle (1) of this article is wilfully prevented from or obstructed or delayed in entering the same or any part thereof, or where any bolt, bar or other contrivance or means whatsoever is found in such place for securing any external or internal door or means of access to any such place or for preventing, delaying or obstructing the entry into the same by such officer or for giving alarm or warning in case of such entry, it shall be evidence, until the contrary is made to appear, that such place is used for the said unlawful purposes and that the persons found therein were taking part in the relevant unlawful activities.

(3) In addition to any penalty under any other provision of this Act the money and effects representing the stakes as well as any other money and gaming devices found in any place referred to under subarticle (1) hereof shall be seized and forfeited in favour of the Government.

The use of the name "National Lottery" and false representations as to the National Lottery.

70. (1) A person shall not, for the purposes of a game other than a game forming part of the National Lottery, make use of the names "National Lottery" or "Maltese National Lottery" or of any name so closely resembling either of those names as to be reasonably capable of leading to the belief that either of those names is being referred to.

(2) It shall not be lawful for a person advertising, or selling, or offering for sale, or offering the opportunity to participate in, a game not forming part of the National Lottery to give, by whatever means, a false indication that it is a game forming part of the National Lottery.

(3) Whosoever shall contravene subarticles (1) or (2) of this article shall be guilty of an offence against this Act.

Forfeiture in favour of the Government.

71. In addition to any penalty under any other provision of this Act, any gaming device and any moneys relating to or used in the commission of any offence against this Act or any Part thereof, or which has served or was intended to serve for the commission of any such offence, shall be seized and forfeited in favour of the Government.

Saving as to higher punishments established in the Criminal Code.

72. Where the fact which constitutes an offence under any provision of this Act also constitutes an offence under any other law and is liable to a higher punishment under such law, such higher punishment shall be applied in lieu of the punishment established in this Act.

Offences to be tried by the Court of Magistrates and sanction of the Attorney General.

73. (1) The Court of Magistrates, in its criminal jurisdiction, shall be the competent court to take cognizance of offences against this Act or any Part thereof.

(2) No proceedings for any offence against this Act or any Part thereof shall be commenced without the sanction of the Attorney General.

Part XIII - SUPPLEMENTAL PROVISIONS

Persons deemed public officers.

74. (1) The members of the Authority and all officers and employees of the Authority shall be deemed to be public officers for the purposes of the Criminal Code.

(2) The members of the Authority and its officers shall not for a period of one year following the termination of their appointment or office engage in any activity which in accordance with the provisions of article 9(4)(c) of this Act would disqualify a person from holding office as a member of the Authority.

Codes of conduct and rules about responsible gaming.

75. (1) The Authority may establish such codes of conduct as it may deem necessary and useful from time to time with regard to, among other things, the advertising of authorised games, the prevention of illegal gaming and gaming by underaged persons, and the prevention of the gaming addiction.

(2) The Authority may also conduct arrangements, and may also involve any licensees it deems fit in arrangements, involving the organization of any programme or information campaign, including by the issuing of brochures, publications or other documents, the display of notices, signs, labels or pictures, or by way of sound broadcasting or television or other means of communication, with an aim of combating irresponsible or illegal gaming or gaming by underaged persons.

(3) The Authority may make any codes of conduct or arrangements referred to in subarticles (1) or (2) of this article binding on licensees or categories of licensees by means of conditions attached to their licences or by means of directives issued by it.

Derivatives.

76. Without prejudice to any relevant licensing requirements under the Investment Services Act and to the provisions of that Act or of any other law, contracts of differences, interest cap agreements, swap agreements, foreign currency exchange or other similar agreements, the purpose or intended purpose of which is to secure a profit or avoid a loss (by reference to fluctuations in the value or price of property of any description or in an index or other factor designated for such purpose in the contract), and debts or other obligations arising from such contracts or agreements, shall not be prohibited, void or unenforceable by reason of any provision of this Act.

Qualification of authorised games for the purposes of the Value Added Tax Act, Cap. 406.

77. Authorised games shall qualify as "government lotto and lotteries" for the purposes of paragraph 8 of Part Two of the Fourth Schedule to the Value Added Tax Act.

Power to make regulations.

78. (1) The Minister may, after consultation with the Authority, make regulations for carrying out the provisions of this Act, except the provisions of Part VIII of this Act.

(2) Without prejudice to the generality of the provisions of the previous subarticle, the Minister may by such regulations:

(a) regulate the issue, suspension and cancellation of a licence under this Act and other matters connected therewith, including measures to be taken in case of the cancellation or suspension of any licence;

(b) regulate games, including the payment of stakes and, or prizes in games;

(c) regulate the importation, supply and maintenance of relevant gaming devices and the use of gaming devices;

(d) exempt all persons or specified categories of persons from the licensing requirement under article 7(1) in respect of all relevant gaming devices or specified categories of relevant gaming devices or specified relevant gaming devices;

(e) empower the Authority to exempt all persons or such categories of persons as may be specified in such regulations or as may be determined by the Authority itself from the licensing requirement under article 7(1) in respect of all relevant gaming devices or in respect of such categories of relevant gaming devices or particular relevant gaming devices as may be specified in such regulations or as may be determined by the Authority itself;

(f) prescribe the records and accounts to be kept by a licensee and other matters and obligations of licensees relating to such records and accounts;

(g) exempt all persons or specified categories of persons from any licensing or authorization requirement in respect of the operation of a specified small game or games and, or permit all persons or specified categories of persons to operate a specified small game or games without the need of any licence or authorisation and, notwithstanding the provisions of article 4, such regulations may permit such persons or specified categories of persons or any of such categories to operate such specified small game or games or any of them on the results of games operated by licensees or specified categories of licensees or specified licensees without the need of the prior approval of the Authority in terms of article 4:

Provided that such regulations may limit such exemption or permission to a specified number of small games per year in respect of any particular person:

Provided further that such regulations may make provision for an obligation on the part of the person operating the small game to produce to the Authority such evidence as to the value of the prizes and other matters relating to the game, and in such manner and at such time or times, as may be prescribed by such regulations or as may be required by the Authority;

(h) exempt from any licensing requirement or authorization specified government departments or authorities in respect of the operation of specified games for the purpose of furthering the objectives of the respective departments or authorities and, or permit specified government departments or authorities to operate specified games for the purpose of furthering their objectives without the need of any licence or authorisation, and such regulations may provide for the payment of prize funds in respect of such games out of the Consolidated Fund by warrant under the hand of the Minister authorising the Accountant General to make such payment and without further appropriation other than such regulations, provided that the amount of the prize fund in respect of any such game shall not exceed the sum of five hundred thousand liri per year;

(i) limit the number of tombola (bingo) hall licences which may be granted and be in force at any time; and

(j) prescribe anything that is to be prescribed under any other provision of this Act, other than a provision under Part VIII of this Act.

(3) The Minister may by regulations regulate the giving of permits for the operation of offices in Malta wherefrom specified games are provided through all or specified means of distance communication, and which establish the manner of running such offices and, without prejudice to the generality of the foregoing, he may by such regulations:

(a) provide that such offices be under the supervision of the Authority and of inspectors;

(b) provide for the prevention against money laundering;

(c) establish the tax which shall be paid on such games provided from such offices; and

(d) make any other provision which will ensure that such games provided from such offices are played fairly and that such offices are run by suitable persons and that a proper account be held of the activities of such offices,

and such regulations may contain transitional provisions in respect of permits issued in terms of the Operation of Betting Offices Regulations, 2000 published by Legal Notice 34 of 2000 and made under the Public Lotto Ordinance, which Regulations will be repealed on the date of coming into force of article 80(3)(a) pursuant to the repeal of the said Ordinance.

(4) The Minister may, after consultation with the Authority, make regulations in respect of the functions and powers of the Authority and the exercise of such functions and powers.

(5) The Minister responsible for sport may make regulations for carrying out the provisions of Part VIII of this Act and, without prejudice to the generality of the foregoing, he may by such regulations:

(a) regulate the issue and revocation of the certificates of approval referred to in articles 43 and 44 of this Act and other matters connected therewith;

(b) regulate the conduct of horse races and dog races on approved racecourses and regulate approved racing clubs and their operations;

(c) regulate the functions of Racecourse Control Boards, confer powers on such Boards and regulate the exercise of such functions and powers;

(d) prescribe matters in respect of which Racecourse Control Boards may make rules and regulations in terms of article 45(3) of this Act;

(e) regulate payments to be made by approved racing clubs as are mentioned in article 45(3)(b) of this Act and other payments as he may deem necessary or desirable;

(f) regulate payments to be made by members of the public to be admitted to approved racecourses for the purpose of attending and watching horse races and, or dog races; and

(g) prescribe anything that is to be prescribed under any other provision of Part VIII of this Act.

(6) The Minister may by regulations amend the First, Second, Third, Fourth and Fifth Schedules to this Act and the Minister responsible for sport may by regulations amend the Eighth Schedule to this Act.

(7) Any regulation made under this Act may provide for any matter relating to liability for the observance of such regulations, and the persons who may be liable, or for any matter relating to the enforcement of the said regulations, including, but not limited to, the imposition of a fine (*multa*) not exceeding one hundred thousand liri in respect of any contravention of, or failure to comply with, the provisions of such regulations.

Serving of notices.

79. Where any notice or other instrument or document whatsoever is required or authorised to be served or given by or under this Act, it may be served or given in any of the following manners:

(a) by delivering it to the person on whom it is to be served or to whom it is to be given; or

(b) by leaving it at the usual or last known place of abode of that person or, if such person has furnished an address for service, at that address; or

(c) by sending it by registered mail addressed to that person at the place of abode or the address for service aforesaid; or

(d) in the case of a body corporate or other body of persons, by delivering it to an officer or employee thereof at the registered or principal office, or by sending it by registered mail addressed to the body aforesaid at that office; or

(e) in any case in which it is not reasonably possible to effect service or give notice in any of the foregoing manners whether on all or on any one or more of the persons on whom service is to be made or notice is to be given, by affixing the document to be served or given in a conspicuous place on the premises to which it relates and keeping it so affixed for a period of not less than seven working days and by publishing the contents thereof in the Gazette.

Amendments, repeals and savings.

80. (1) With effect from the date of coming into force of this subarticle, the enactments shown in the First Column of the Sixth Schedule to this Act shall have effect subject to the amendments shown in the Second Column of the said Schedule.

(2) With effect from the date of coming into force of this subarticle, the enactments shown in the First Column of the Seventh Schedule to this Act shall have effect subject to the amendments shown in the Second Column of the said Schedule and, with effect from such date, the Gaming Board established by article 5 of the Gaming Act shall stand dissolved.

(3) The following Acts are hereby repealed:-

(a) Public Lotto Ordinance, Cap. 70;

(b) Racecourse Betting Ordinance, Cap. 78;

(c) Director of Public Lotto (Constitution of Office) Act, Cap. 122;

(d) Maltese Government Forecast Pools Act, Cap. 131;

(e) Director of Public Lotto (Powers and Functions) Act, Cap. 137;

(f) Government Home Lotteries Act, Cap. 150;

(g) Government Tombola Act, Cap. 238;

(h) Government Lotteries Act, Cap. 292.

(4) A permission granted to a company registered in Malta to hold tombola (bingo) sessions (as defined in the Tombola (Bingo) Regulations, 2000, published by Legal Notice 229 of 2000, hereinafter in this subarticle referred to as "the Tombola Regulations") of a commercial nature in a tombola (bingo) hall (as defined in the Tombola Regulations) in terms of the Tombola Regulations and still in force on the date of the coming into force of article 38 of this Act, shall continue in force thereafter as if it were a tombola (bingo) hall licence granted under the said article 38, with such modifications, adaptations and limitations as may be necessary or appropriate for the purpose; and any such permission as aforesaid shall, with effect from the aforesaid date, be subject to the provisions of the said article 38 and be treated and dealt with accordingly. L.N. 229 of 2000.

(5) A certificate of approval issued by the Minister responsible for the Police in respect of a racecourse and ground adjacent thereto in terms of article 3 of the Racecourse Betting Ordinance and still in force on the date of the coming into force of article 43 of this Act, shall continue in force thereafter as if it were a certificate of approval granted by the Minister responsible for sport under the said article 43, with such modifications, adaptations and limitations as may be necessary or appropriate for the purpose; and any such certificate of approval as aforesaid and the holder thereof shall, with effect from the aforesaid date and subject to the provisions of article 43(1)(b) of this Act, be subject to the provisions of the said article 43 and be treated and dealt with accordingly. Cap. 78.

FIRST SCHEDULE

Article 37

Non-profit games

Application for a licence.

1. (1) An application for a non-profit game licence shall be made by or on behalf of the non-profit organization which intends to operate the non-profit game, in the form and manner required by the Authority.

(2) Such application shall at least contain the following information:

(a) the name and address of the applicant and the address in Malta where any documents may be served on the applicant;

(b) the type of the non-profit game which the applicant wants to operate, and such particulars relating to the rules and regulations regarding the procedures for operating and playing such non-profit game as the Authority may require or as may be prescribed by regulations;

(c) the dates, times and places when and wherefrom the relevant non-profit game will be operated and offered to the public and, where applicable, the date or dates, time or times and place or places for the drawing or drawings of the non-profit game; and

(d) the purpose for which the net proceeds of the relevant non-profit game are intended.

(3) The application shall also contain or be accompanied with such other information, documents and particulars as the Authority may require or as may be prescribed by regulations.

(4) An application for a non-profit game licence has to be made in respect of each and every non-profit game which a non-profit organization wants to operate, although a non-profit game licence may be granted in respect of a non-profit game which is to be operated on different days or at different times or for a specified period. Except where the game to be operated under the non-profit game licence is a tombola game, the Authority may not grant a non-profit game licence to the same non-profit organisation more than:

(a) twelve times in any calendar year; or

(b) such number of times in any calendar year as would ensure that the aggregate retail value of all prizes which can be won in all non-profit games

operated by such non-profit organisation under all non-profit game licences granted to such organisation in such year does not exceed the amount of ten thousand liri,

whichever is the lesser.

(5) After the submission of an application for a non-profit game licence, the Authority shall have the power to require the applicant to provide such other information in addition to that given with the application as the Authority may deem necessary for the purpose of determining the said application.

Grant of licence.

2. The Authority shall not issue a non-profit game licence to a person unless that person is a non-profit organization and the Authority is satisfied that:

(a) the proposed licensee is likely to be a fit and proper person to ensure, or where the proposed licensee is not an individual, the persons who exercise effective control and management of the affairs of the proposed licensee are likely to be fit and proper to carry out their functions and duties in relation to the proposed licensee in such manner as to ensure, the proper operation of the relevant non-profit game by the proposed licensee;

(b) the proposed licensee will comply in all respects with the provisions of this Act and of any regulations made thereunder applicable to it, and with the terms and conditions of the non-profit game licence and with any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it.

Form of licence.

3. (1) The non-profit game licence shall be in such form as the Authority may determine or as may be prescribed by regulations.

(2) The grant of a non-profit game licence does not exonerate the licensee from obtaining any other licence, permit or authorization which may be required under any other law.

Licence conditions and variations and revocations thereof.

4. (1) In granting a non-profit game licence, the Authority may subject it to such conditions as it may deem appropriate, and having granted such licence the Authority may, from time to time, vary or revoke any condition so imposed or impose new conditions:

Provided that whenever the Authority deems it appropriate to vary any condition or impose any new condition in the non-profit game licence, the Authority shall, by notice in writing, inform the licensee of its intention to vary the said condition or to

impose the said new condition, calling upon the said licensee to show cause, within such period being not less than seven days after the issue of the notice as may be specified in the same notice, why such condition should not be varied or such new condition should not be imposed, and the Authority shall consider any response made by the licensee within the period specified in the notice, before varying the condition or before imposing the new condition.

(2) Conditions in a non-profit game licence may impose requirements to be complied with by the licensee after the licence has ceased to have effect.

(3) A non-profit game licence may impose conditions requiring the licensee:

(a) to obtain the consent of the Authority before doing anything specified, or of a description specified, in the licence; and

(b) to refer matters specified, or of a description specified, in the licence to the Authority for approval.

(4) A non-profit game licence shall include a condition requiring the licensee to pay to the Authority, at such times as may be prescribed by regulations, such fees, duties, taxes and, or other sums as may be so prescribed, which fees, duties, taxes and, or sums shall be in addition to those which the licensee may be required to pay under any law other than this Act.

(5) Where the non-profit game being the subject of the non-profit game licence is not a tombola game, the non-profit game licence shall be deemed to include a condition that:

(a) the prize or prizes which can be won in such game shall not consist of money or a cheque or similar document entitling the holder to convert it into money;

(b) the aggregate retail value of all prizes which can be won in such game shall not exceed the amount of ten thousand liri or such lesser amount as is necessary to ensure that the provisions of item 1(4) of this Schedule are complied with; and

(c) the amount of each stake in such game shall not exceed fifty cents.

(6) Where the non-profit game being the subject of the non-profit game licence is a tombola game, the non-profit game licence shall be deemed to include a condition that:

(a) the price for each tombola scoresheet participating in the relevant tombola game shall not exceed thirty cents, and when the said tombola game can

be played by a tombola scorecard or a number of tombola scorecards which fall short of a whole tombola scoresheet, the price for each such tombola scorecard shall not exceed such proportion of thirty cents equivalent to the proportion which the total number of numbers, symbols or pictures printed or otherwise electronically represented on such tombola scorecard bears to the total number of numbers, symbols or pictures participating in the relevant tombola game and printed or otherwise electronically represented on a tombola scoresheet participating in such game;

(b) not less than sixty per centum of the amount collected in sales of tombola scoresheets and tombola scorecards participating in the relevant tombola game shall be distributed in prizes in respect of such game.

Changes in effective control and management etc.

5. (1) (a) If the non-profit game licensee is not an individual, such licensee shall within five days of any change in the persons who exercise effective control and management of the affairs of the licensee inform the Authority of such change. The licensee shall also inform the Authority of any material changes in the information and documentation provided by the licensee in terms of item 1(2), (3) and (5) of this Schedule or in terms of any other provision of this Act or of regulations made thereunder or in terms of conditions attached to the non-profit game licence, as soon as it becomes aware of such changes.

(b) Where owing to any change as is referred to in paragraph (a) hereof, whether the Authority has been informed of such change in accordance with the said paragraph (a) or not, a situation is brought about that, had it existed at the time of the application for the non-profit game licence, it would have disqualified the licensee from obtaining a licence in terms of item 2 of this Schedule, the Authority shall by notice inform the licensee accordingly, and if the situation shall not have been remedied to the satisfaction of the Authority within five days from the notice to that effect by the Authority, the Authority shall cancel such licence:

Provided that the Authority shall not issue a notice as aforesaid any later than one month after being informed by the licensee of the change in accordance with paragraph (a) hereof.

(2) Failure by the licensee to comply with the provisions of sub-item (1) hereof shall constitute an offence against this Act.

Assignment or surrender of licence.

6. (1) A non-profit game licence may not be assigned or transferred by the non-profit game licensee to any other person.

(2) The non-profit game licensee may not surrender the non-profit game licence during the licence period without the prior approval in writing of the Authority, and if such approval is given, the licence may then be surrendered only subject to such terms and conditions as may be specified by the Authority in its approval.

(3) If a non-profit game licence is assigned or transferred by the non-profit game licensee to any other person:

(a) such licence shall be considered null and void; and

(b) the Authority may issue a directive to such licensee to do or restrain from doing any act which the Authority may deem appropriate in the circumstances, and such licensee shall comply with any such directive, failing which it shall be guilty of an offence against this Act.

(4) A non-profit game licensee who acts in breach of the provisions of this item 6 shall be guilty of an offence against this Act.

Grounds for cancellation or suspension of licence.

7. The Authority may order the cancellation or suspension of a non-profit game licence on any of the following grounds:

(a) the licensee, or any person who exercises effective control and management of the affairs of the licensee, is convicted of an offence against this Act, or of theft, receiving stolen property, fraud or any crime affecting public trust;

(b) the licensee contravenes any provision of this Act or of any regulations made thereunder applicable to it, or is in breach of any condition in the non-profit game licence or any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it;

(c) the licensee knowingly or recklessly supplies to the Authority information that is false or misleading in a material particular;

(d) the licensee fails to fulfil his financial commitments when they become due and payable;

(e) the intended purpose of the net proceeds of the relevant non-profit game in respect of which the licence has been granted, no longer exists;

(f) the licensee is being wound up; or

(g) the Authority is reasonably satisfied that the licensee is not, or has ceased to be, a suitable person to hold the non-profit game licence, or it reasonably

deems it necessary in the national interest to cancel or suspend the non-profit game licence.

Procedures for the cancellation or suspension of the licence.

8. (1) Where a ground for cancellation or suspension of a non-profit game licence arises under item 7 of this Schedule, the Authority shall, by notice in writing, request the licensee, and may request any other person who in its opinion has an interest in the licence, to show cause, within such period being not less than five days after the issue of the notice as specified in the same notice, why the licence should not be cancelled or suspended on such ground as is stated in the notice.

(2) The Authority shall have regard to any response made under sub-item (1) hereof in such manner that:

(a) where the matter is resolved to its satisfaction, it shall take no further action, and shall inform the licensee in writing accordingly;

(b) where, although the matter is not resolved to its satisfaction, it considers that further action is not warranted, it shall caution the licensee in writing; or

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is warranted, it may -

(i) by notice in writing give such direction to the licensee as it considers appropriate; or

(ii) suspend the licence for such period as it thinks fit, or cancel such licence.

(3) Where a direction given by the Authority under sub-item (2)(c)(i) hereof is not complied with within the time specified in the notice, the Authority shall cancel the licence.

Non-profit games not to be held in a tombola (bingo) hall.

9. A non-profit game licensee may not hold a non-profit game in a tombola (bingo) hall, and failure by a non-profit game licensee or by a tombola (bingo) hall licensee to comply with this item 9 shall constitute an offence against this Act.

Net proceeds of non-profit game to be applied only for stated purpose.

10. A non-profit game licensee who, without the prior approval of the Authority, applies the net proceeds of the non-profit game in respect of which the non-profit game licence has been granted for any purpose other than that indicated in the application for the licence, shall be guilty of an offence against this Act.

SECOND SCHEDULE

Article 38

Commercial tombola games in tombola (bingo) halls

Duration and renewal of licence.

1. (1) A yearly tombola (bingo) hall licence remains in force for one year after the date of its issue.

(2) A seasonal tombola (bingo) hall licence remains in force for a continuous period of six months after the date of its issue.

(3) Unless it is previously cancelled, a yearly tombola (bingo) hall licence may be renewed by the Authority for further periods of one year each, and a seasonal tombola (bingo) hall licence may be renewed by the Authority for further periods of six months each.

(4) Any such renewal as is mentioned in sub-item (3) hereof is subject to compliance by the tombola (bingo) hall licensee, during the immediately preceding original or renewed period of operation of the licence, with the provisions of this Act and of any regulations made thereunder, and with the terms and conditions of the licence and with any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to such licensee, and subject to the acceptance by the Authority of the written application for such renewal made by the licensee to the Authority by such date before the expiry of the immediately preceding original or renewed period of the licence as the Authority has specified in the licence, and containing such information as the Authority has specified therein as necessary or expedient to enable it determine whether to renew the said licence.

(5) After the submission of an application for the renewal of a tombola (bingo) hall licence, the Authority may require the applicant to provide such other information, in addition to that provided together with the application, as may be deemed necessary for the purpose of determining the said application.

Application for a licence.

2. (1) An application for a tombola (bingo) hall licence shall be made by, or on behalf of, the company registered in Malta which intends to operate commercial tombola games in a tombola (bingo) hall, in the form and manner required by the Authority.

(2) Such application shall at least contain the following information:-

(a) the name, registered office and registration number of the applicant company and the address in Malta for the service of documents on the applicant company;

(b) a description of the location, layout and specifications of the premises in respect of which the application is made;

(c) the dates or days of the week, and the tombola (bingo) sessions or times during such dates or days, on and during which commercial tombola games are to be operated; and

(d) the rules and regulations regarding the procedures for operating and playing the commercial tombola game, the winning combinations, the elements of the tombola game, the proposed procedures for the printing, procurement, distribution, use and sale of tombola scorecards and tombola scoresheets, the number, type and specifications of gaming devices to be used in operating and playing the game, the selling price of tombola scorecards and tombola scoresheets proposed to be applied, the proposed prizes, the proposed procedures for payment and distribution of prizes, the proposed procedures for making reimbursements to players, the proposed procedures for keeping registers recording the tombola games played and the proposed measures to ensure the regular operation and playing of the tombola game.

(3) Such application shall contain or be accompanied by:-

(a) a copy of the certificate of registration and of the memorandum and articles of association of the applicant company;

(b) a site plan of the premises in respect of which the application is made;

(c) a certificate indicating the safety of the premises against fire and other accidents; and

(d) such other information, documents and particulars as the Authority may require or as may be prescribed by regulations.

(4) After the submission of an application for a tombola (bingo) hall licence, the Authority shall have the power to require the applicant to provide such other information in addition to that provided together with the application as it shall deem necessary for the purpose of determining the said application.

Grant of a licence.

3. The Authority shall not issue a tombola (bingo) hall licence to a person unless that person is a company registered in Malta and the Authority is satisfied that:-

(a) the voting share capital of the company is owned directly or indirectly by a person or persons who are likely to be fit and proper to benefit from the operation by the company of commercial tombola games and to exercise their rights of membership in such manner as to ensure the proper operation by the company of commercial tombola games;

(b) the director or directors of the company are likely to be fit and proper to manage the company and to exercise their functions and duties as directors in such manner as to ensure the proper operation by the company of commercial tombola games;

(c) the company has the financial and technical means and the expertise necessary to properly operate commercial tombola games and to fulfil all its obligations under this Act;

(d) the company will, prior to the commencement of operations, take out and thereafter maintain, the bank guarantee referred to in item 6 of this Schedule as provided and in accordance with the said item 6; and

(e) the company will comply in all respects with the provisions of this Act and of any regulations made thereunder applicable to it, and with the terms and conditions of the licence and with any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it.

Form of licence.

4. (1) The tombola (bingo) hall licence shall be in such form as the Authority may determine or as may be prescribed by regulations.

(2) The grant of a tombola (bingo) hall licence does not exonerate the licensee from obtaining any other licence, permit or authorization which may be required under any other law.

Licence conditions and variations or revocations thereof.

5. (1) In granting a tombola (bingo) hall licence the Authority may subject it to such conditions as it may deem appropriate, including conditions relating to the maintenance of a tombola game centralised control system, and having granted such licence the Authority may, from time to time, vary or revoke any condition so imposed or impose new conditions:

Provided that whenever the Authority deems it appropriate to vary any condition or impose any new condition in a tombola (bingo) hall licence, the Authority shall, by notice in writing, inform the licensee of its intention to vary the said condition or to impose the said new condition, and call upon the said licensee to show cause, within such period being not less that twenty-one days after the issue of the notice as may be

specified in the same notice, why such condition should not be varied or such new condition should not be imposed, and the Authority shall consider any response made by the licensee within the period specified in the notice before varying the condition or before imposing the new condition.

(2) Conditions in a tombola (bingo) hall licence may impose requirements to be complied with by the licensee after the licence has ceased to have effect.

(3) A tombola (bingo) hall licence may impose conditions requiring the licensee:-

(a) to obtain the consent of the Authority before doing anything specified, or of a description specified, in the licence; and

(b) to refer matters specified, or of a description specified, in the licence to the Authority for approval.

(4) A tombola (bingo) hall licence shall be deemed to include a condition requiring the licensee to obtain the consent of the Authority before entering into any arrangement with any person, other than an employee of the licensee, for the operation of commercial tombola games within the tombola (bingo) hall in respect of which the tombola (bingo) hall licence has been granted to such licensee.

(5) A tombola (bingo) hall licence shall include a condition requiring the licensee to pay to the Authority, at such times as may be prescribed by regulations, such fees, duties, taxes and, or other sums as may be so prescribed, which fees, duties, taxes and, or sums shall be in addition to those which the licensee may be required to pay under any law other than this Act.

Requirement of bank guarantee.

6. (1) A tombola (bingo) hall licence shall include a condition requiring the licensee to take out, prior to the commencement of operations, a bank guarantee, to be issued by a bank or by a credit or financial institution acceptable to the Authority, in favour of the Authority and on its own behalf and on behalf of the Government, to the amount of ten thousand liri, for securing:

(a) the payment and distribution of prizes by the licensee to winners of commercial tombola games operated under the licence;

(b) the payment of fees, taxes, duties or any other sums payable by the licensee to the Authority in terms of item 5(5) of this Schedule;

(c) the payment by the licensee of any fines or administrative penalties imposed on it under Part XII of this Act or under regulations made under this Act.

(2) The bank guarantee shall become payable to the Authority on its first demand, and it shall not be incumbent upon the relative bank, credit or financial institution which issued the bank guarantee to verify whether such demand is justified.

(3) The bank guarantee shall remain valid until the expiry of one year from the expiry of the licence or until such time as the Authority considers and notifies the licensee in writing that such bank guarantee is no longer required, whichever is the earlier.

(4) The bank guarantee shall be subject to such other terms and conditions as may be specified in the licence or as may be prescribed by regulations made under this Act.

Changes in ownership and management etc.

7. (1) (a) Without prejudice to the provisions of item 8 of this Schedule, it shall be the duty of the tombola (bingo) hall licensee and of the directors thereof, to inform the Authority of any change in, or in the direct or indirect ownership of, the voting share capital of the licensee, or of any change in the management or Board of Directors of the licensee, within five days of such change. It shall also be the duty of the licensee and of its directors to inform the Authority of any material changes in the information and documentation provided by the licensee in terms of item 2(2), (3) and (4) of this Schedule or in terms of any other provision of this Act or of regulations made thereunder or in terms of conditions attached to the tombola (bingo) hall licence, as soon as they becomes aware of such changes.

(b) Where owing to any change as is referred to in paragraph (a) hereof, whether the Authority has been informed of such change in accordance with the said paragraph (a) or not, a situation is brought about that, had it existed at the time of the application for the tombola (bingo) hall licence, it would have disqualified the licensee from obtaining a licence in terms of item 3 of this Schedule, the Authority shall by notice inform the licensee accordingly, and if the situation shall not have been remedied to the satisfaction of the Authority within one calendar month from the notice to that effect by the Authority, the Authority shall cancel such licence:

Provided that the Authority shall not issue a notice as aforesaid any later than three calendar months after being informed by the licensee or its directors of the change in accordance with paragraph (a) hereof.

(2) Failure by the licensee or the directors thereof to comply with the provisions of sub-item (1) hereof shall constitute an offence against this Act.

Assignment or surrender of licence and transfer of controlling interests.

8. (1) It shall be the duty of a tombola (bingo) hall licensee to obtain the

prior approval in writing of the Authority before taking any of the actions set out in paragraphs (a) to (f) of sub-item (2) of this item 8, and if such approval is given, the licensee may then take any of the said actions only subject to such terms and conditions as may be specified by the Authority in its approval. A tombola (bingo) hall licensee who acts in breach of the provisions of this sub-item (1) shall be guilty of an offence against this Act. It shall be the duty of all the directors of the licensee to inform the Authority forthwith upon becoming aware that the licensee intends to take any of the said actions, and in default they shall be guilty of an offence against this Act.

(2) The actions referred to in sub-item (1) of this item 8 are -

(a) the transfer or assignment of the tombola (bingo) hall licence by the tombola (bingo) hall licensee to any other person;

(b) the sale or other disposition by the tombola (bingo) hall licensee of its business or a significant part thereof;

(c) the merger by the tombola (bingo) hall licensee with any other company;

(d) the tombola (bingo) hall licensee undergoing any reconstruction, division or any conversion of its status from a company into any other kind of commercial partnership;

(e) the reduction of the nominal or issued share capital of the tombola (bingo) hall licensee or the increase or reduction of its voting share capital or any material change in voting rights in such licensee; or

(f) the surrender of the tombola (bingo) hall licence by the tombola (bingo) hall licensee during the licence period.

(3) It shall be the duty of any person who holds or owns the controlling interests of a tombola (bingo) hall licensee to obtain the prior approval in writing of the Authority before transferring such controlling interests to any other person, and if such approval is given, the said person may then transfer such controlling interests only subject to such terms and conditions as may be specified by the Authority in its approval. A person who acts in breach of the provisions of this sub-item (3) shall be guilty of an offence against this Act. It shall be the duty of the tombola (bingo) hall licensee and of all the directors thereof to inform the Authority forthwith upon becoming aware that any such person intends to transfer the controlling interests of the licensee to any other person, and in default they shall be guilty of an offence against this Act.

(4) If a tombola (bingo) hall licensee takes any of the actions set out in paragraphs (a) to (e) of sub-item (2) of this item 8, or if a person referred to in sub-item (3) of this item 8 transfers the controlling interests of the tombola (bingo) hall licensee to any other person, without the prior approval in writing of the Authority, or in breach

of any terms and conditions specified by the Authority in any such approval, the Authority may:

(a) issue a directive declaring such action or transfer to be void and of no effect, which directive shall be effective against all persons involved in such action or transfer notwithstanding the provisions of any other law; and, or

(b) issue a directive declaring the tombola (bingo) hall licence to be null and void; and, or

(c) issue a directive to such licensee or, as the case may be, to such person to do or restrain from doing any act which the Authority may deem appropriate in the circumstances,

and such licensee or, as the case may be, such person shall comply with any such directive issued to it by the Authority in terms of paragraph (c) of this sub-item (4), failing which it shall be guilty of an offence against this Act.

Grounds for cancellation or suspension of licence.

9. The Authority may order the cancellation or suspension of a tombola (bingo) hall licence on any of the following grounds:

(a) any director or manager of the licensee is convicted of an offence against this Act, or of theft, receiving stolen property, fraud or any crime affecting public trust;

(b) the licensee contravenes any provision of this Act or of any regulations made thereunder applicable to it, or is in breach of any condition in the tombola (bingo) hall licence or any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it;

(c) the licensee knowingly or recklessly supplies to the Authority information that is false or misleading in a material particular;

(d) the licensee fails to fulfil his financial commitments when they become due and payable;

(e) the licensee fails to take out and maintain the required bank guarantee as provided and in accordance with item 6 of this Schedule;

(f) the licensee is being wound up; or

(g) the Authority is reasonably satisfied that the licensee is not, or has ceased to be, a suitable person to hold the tombola (bingo) hall licence, or it

reasonably deems it necessary in the national interest to cancel or suspend the tombola (bingo) hall licence.

Procedures for the cancellation or suspension of licence.

10. (1) Where a ground for cancellation or suspension of a tombola (bingo) hall licence arises under item 9 of this Schedule, the Authority shall, by notice in writing, request the licensee, and may request any other person who in its opinion has an interest in the licence, to show cause, within such period being not less than twenty-one days after the issue of the notice as specified in the same notice, why the licence should not be cancelled or suspended on such ground as is stated in the notice.

(2) The Authority shall have regard to any response made under sub-item (1) hereof in such manner that:

(a) where the matter is resolved to its satisfaction, it shall take no further action and shall inform the licensee in writing accordingly;

(b) where, although the matter is not resolved to its satisfaction, it considers that further action is not warranted, it shall caution the licensee in writing; or

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is warranted, it may -

(i) by notice in writing give such direction to the licensee as it considers appropriate; or

(ii) suspend the licence for such period as it thinks fit, or cancel such licence.

(3) Where a direction given by the Authority under sub-item (2)(c)(i) hereof is not complied with within the time specified in the notice, the Authority shall cancel the licence.

Other operations in a tombola (bingo) hall.

11. A tombola (bingo) hall may not be used for the conduct of operations other than the operation of commercial tombola games without the Authority's prior approval in writing of such other operations. Failure by a tombola (bingo) hall licensee to comply with the provisions of this item 11 shall constitute an offence against this Act.

THIRD SCHEDULE

Article 40

Commercial communication games

Application for a licence.

1. (1) An application for a commercial communication game licence shall be made by or on behalf of the person who intends to operate the commercial communication game, in the form and manner required by the Authority.

(2) Such application shall at least contain the following information:

(a) the name and address of the applicant and the address in Malta where any documents may be served on the applicant;

(b) the type of the commercial communication game which the applicant wants to operate, and such particulars relating to the rules and regulations regarding the procedures for operating and playing such commercial communication game as the Authority may require or as may be prescribed by regulations;

(c) the dates, times and places when and wherefrom the commercial communication game will be operated and offered to the public and, where applicable, the date or dates, time or times and place or places for the drawing or drawings of the commercial communication game; and

(d) the goods or services the sale of which is intended to be promoted through the operation of the commercial communication game.

(3) The application shall also contain or be accompanied with such other information, documents and particulars as the Authority may require or as may be prescribed by regulations.

(4) An application for a commercial communication game licence has to be made in respect of each and every commercial communication game which the applicant wants to operate, although a broadcasting media game licence may be granted in respect of a broadcasting media game which is to be operated on different days or at different times or for a specified period.

(5) After the submission of an application for a commercial communication game licence, the Authority shall have the power to require the applicant to provide such other information in addition to that given with the application as the Authority may deem necessary for the purpose of determining the said application.

Grant of a licence.

2. The Authority shall not issue a commercial communication game licence to a person unless the Authority is satisfied that:

(a) the proposed licensee is likely to be a fit and proper person to ensure, or where the proposed licensee is not an individual, the persons who exercise effective control and management of the affairs of the proposed licensee are likely to be fit and proper to carry out their functions and duties in relation to the proposed licensee in such manner as to ensure, the proper operation of the relevant commercial communication game by the proposed licensee;

(b) the proposed licensee will comply in all respects with the provisions of this Act and of any regulations made thereunder applicable to it, and with the terms and conditions of the commercial communication game licence and with any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it.

Form of licence.

3. (1) The commercial communication game licence shall be in such form as the Authority may determine or as may be prescribed by regulations.

(2) The grant of a commercial communication game licence does not exonerate the licensee from obtaining any other licence, permit or authorization which may be required under any other law.

Licence conditions and variations or revocations thereof.

4. (1) In granting a commercial communication game licence, the Authority may subject it to such conditions as it may deem appropriate, and having granted such licence the Authority may, from time to time, vary or revoke any condition so imposed or impose new conditions:

Provided that whenever the Authority deems it appropriate to vary any condition or impose any new condition in the commercial communication game licence, the Authority shall, by notice in writing, inform the licensee of its intention to vary the said condition or to impose the said new condition, calling upon the said licensee to show cause, within such period being not less than seven days after the issue of the notice as may be specified in the same notice, why such condition should not be varied or such new condition should not be imposed, and the Authority shall consider any response made by the licensee within the period specified in the notice, before varying the condition or before imposing the new condition.

(2) Conditions in a commercial communication game licence may impose requirements to be complied with by the licensee after the licence has ceased to have effect.

(3) A commercial communication game licence may impose conditions requiring the licensee:

(a) to obtain the consent of the Authority before doing anything specified, or of a description specified, in the licence; and

(b) to refer matters specified, or of a description specified, in the licence to the Authority for approval.

(4) A commercial communication game licence shall include a condition requiring the licensee to pay to the Authority, at such times as may be prescribed by regulations, such fees, duties, taxes and, or other sums as may be so prescribed, which fees, duties, taxes and, or sums shall be in addition to those which the licensee may be required to pay under any law other than this Act.

(5) A commercial communication game licence shall be deemed to include a condition that:

(a) the prize or prizes which can be won in such game shall not consist of money or a cheque or similar document entitling the holder to convert it into money; and

(b) the aggregate retail value of all prizes which can be won in such game shall not exceed the amount of twenty five thousand liri.

Changes in effective control and management etc.

5. (1) (a) If the commercial communication game licensee is a person other than an individual, such licensee shall within five days of any change in the persons who exercise effective control and management of the affairs of the licensee inform the Authority of such change. The licensee shall also inform the Authority of any material changes in the information and documentation provided by the licensee in terms of item 1(2), (3) and (5) of this Schedule or in terms of any other provision of this Act or of regulations made thereunder or in terms of conditions attached to the commercial communication game licence, as soon as it becomes aware of such changes.

(b) Where owing to any change as is referred to in paragraph (a) hereof, whether the Authority has been informed of such change in accordance with the said paragraph (a) or not, a situation is brought about that, had it existed at the time of the application for the commercial communication game licence, it would have disqualified the licensee from obtaining a licence in terms of item 2 of this Schedule, the Authority shall by notice inform the licensee accordingly, and if

the situation shall not have been remedied to the satisfaction of the Authority within five days from the notice to that effect by the Authority, the Authority shall cancel such licence:

Provided that the Authority shall not issue a notice as aforesaid any later than one month after being informed by the licensee of the change in accordance with paragraph (a) hereof.

(2) Failure by the licensee to comply with the provisions of sub-item (1) hereof shall constitute an offence against this Act.

Assignment or surrender of licence.

6. (1) A commercial communication game licence may not be assigned or transferred by the commercial communication game licensee to any other person.

(2) The commercial communication game licensee may not surrender the commercial communication game licence during the licence period without the prior approval in writing of the Authority, and if such approval is given, the licence may then be surrendered only subject to such terms and conditions as may be specified by the Authority in its approval.

(3) If a commercial communication game licence is assigned or transferred by the commercial communication game licensee to any other person:

(a) such licence shall be considered null and void; and

(b) the Authority may issue a directive to such licensee to do or restrain from doing any act which the Authority may deem appropriate in the circumstances, and such licensee shall comply with any such directive, failing which it shall be guilty of an offence against this Act.

(4) A commercial communication game licensee who acts in breach of the provisions of this item 6 shall be guilty of an offence against this Act.

Grounds for cancellation or suspension of licence.

7. The Authority may order the cancellation or suspension of a commercial communication game licence on any of the following grounds:

(a) the licensee, or any person who exercises effective control and management of the affairs of the licensee, is convicted of an offence against this Act, or of theft, receiving stolen property, fraud or any crime affecting public trust;

(b) the licensee contravenes any provision of this Act or of any regulations made thereunder applicable to it, or is in breach of any condition in the commercial communication game licence or any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it;

(c) the licensee knowingly or recklessly supplies to the Authority information that is false or misleading in a material particular;

(d) the licensee fails to fulfil his financial commitments when they become due and payable;

(e) the licensee is being wound up; or

(f) the Authority is reasonably satisfied that the licensee is not, or has ceased to be, a suitable person to hold the commercial communication game licence, or it reasonably deems it necessary in the national interest to cancel or suspend the commercial communication game licence.

Procedures for the cancellation or suspension of licence.

8. (1) Where a ground for cancellation or suspension of a commercial communication game licence arises under item 7 of this Schedule, the Authority shall, by notice in writing, request the licensee, and may request any other person who in its opinion has an interest in the licence, to show cause, within such period being not less than five days after the issue of the notice as specified in the same notice, why the licence should not be cancelled or suspended on such ground as is stated in the notice.

(2) The Authority shall have regard to any response made under sub-item (1) hereof in such manner that:

(a) where the matter is resolved to its satisfaction, it shall take no further action and shall inform the licensee in writing accordingly;

(b) where, although the matter is not resolved to its satisfaction, it considers that further action is not warranted, it shall caution the licensee in writing; or

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is warranted, it may -

(i) by notice in writing give such direction to the licensee as it considers appropriate; or

(ii) suspend the licence for such period as it thinks fit, or cancel such licence.

(3) Where a direction given by the Authority under sub-item (2)(c)(i) hereof is not complied with within the time specified in the notice, the Authority shall cancel the licence.

FOURTH SCHEDULE

Article 41

Broadcasting media games

Application for a licence.

1. (1) An application for a broadcasting media game licence shall be made by or on behalf of the owner or operator of a radio or television station, or the sub-contractor thereof, who intends to operate the broadcasting media game, in the form and manner required by the Authority.

(2) Such application shall at least contain the following information:

(a) the name and address of the applicant and the address in Malta where any documents may be served on the applicant;

(b) the type of the broadcasting media game which the applicant wants to operate, and such particulars relating to the rules and regulations regarding the procedures for operating and playing such broadcasting media game as the Authority may require or as may be prescribed by regulations; and

(c) the dates, times, channels, frequencies and transmitting or recording studios when, on which and wherefrom the broadcasting media game will be operated and offered to the public and, where applicable, the date or dates, time or times and place or places for the drawing or drawings of the broadcasting media game.

(3) The application shall also contain or be accompanied with such other information, documents and particulars as the Authority may require or as may be prescribed by regulations.

(4) An application for a broadcasting media game licence has to be made in respect of each and every broadcasting media game which the applicant wants to operate, although a broadcasting media game licence may be granted in respect of a broadcasting media game which is to be operated on different days or at different times or for a specified period.

(5) After the submission of an application for a broadcasting media game licence, the Authority shall have the power to require the applicant to provide such other information in addition to that given with the application as the Authority may deem necessary for the purpose of determining the said application.

Grant of a licence.

2. The Authority shall not issue a broadcasting media game licence to a person unless that person is the owner or operator of a radio or television station or a sub-contractor thereof and the Authority is satisfied that:

(a) the proposed licensee is likely to be a fit and proper person to ensure, or where the proposed licensee is not an individual, the persons who exercise effective control and management of the affairs of the proposed licensee are likely to be fit and proper to carry out their functions and duties in relation to the proposed licensee in such manner as to ensure, the proper operation of the relevant broadcasting media game by the proposed licensee;

(b) the proposed licensee will comply in all respects with the provisions of this Act and of any regulations made thereunder applicable to it, and with the terms and conditions of the broadcasting media game licence and with any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it.

Form of licence.

3. (1) The broadcasting media game licence shall be in such form as the Authority may determine or as may be prescribed by regulations.

(2) The grant of a broadcasting media game licence does not exonerate the licensee from obtaining any other licence, permit or authorization which may be required under any other law.

Licence conditions and variations or revocations thereof.

4. (1) In granting a broadcasting media game licence, the Authority may subject it to such conditions as it may deem appropriate, and having granted such licence the Authority may, from time to time, vary or revoke any condition so imposed or impose new conditions:

Provided that whenever the Authority deems it appropriate to vary any condition or impose any new condition in the broadcasting media game licence, the Authority shall, by notice in writing, inform the licensee of its intention to vary the said condition or to impose the said new condition, calling upon the said licensee to show cause, within such period being not less than seven days after the issue of the notice as may be specified in the same notice, why such condition should not be varied or such new condition should not be imposed, and the Authority shall consider any response made by the licensee within the period specified in the notice, before varying the condition or before imposing the new condition.

(2) Conditions in a broadcasting media game licence may impose requirements to be complied with by the licensee after the licence has ceased to have effect.

(3) A broadcasting media game licence may impose conditions requiring the licensee:

(a) to obtain the consent of the Authority before doing anything specified, or of a description specified, in the licence; and

(b) to refer matters specified, or of a description specified, in the licence to the Authority for approval.

(4) A broadcasting media game licence shall include a condition requiring the licensee to pay to the Authority, at such times as may be prescribed by regulations, such fees, duties, taxes and, or other sums as may be so prescribed, which fees, duties, taxes and, or sums shall be in addition to those which the licensee may be required to pay under any law other than this Act.

(5) A broadcasting media game licence shall be deemed to include a condition that:

(a) the prize or prizes which can be won in such game shall not consist of money or a cheque or similar document entitling the holder to convert it into money; and

(b) the aggregate retail value of all prizes which can be won in such game shall not exceed the amount of twenty five thousand liri.

Changes in effective control and management etc.

5. (1) (a) If the broadcasting media game licensee is a person other than an individual, such licensee shall within five days of any change in the persons who exercise effective control and management of the affairs of the licensee inform the Authority of such change. The licensee shall also inform the Authority of any material changes in the information and documentation provided by the licensee in terms of item 1(2), (3) and (5) of this Schedule or in terms of any other provision of this Act or of regulations made thereunder or in terms of conditions attached to the broadcasting media game licence, as soon as it becomes aware of such changes.

(b) Where owing to any change as is referred to in paragraph (a) hereof, whether the Authority has been informed of such change in accordance with the said paragraph (a) or not, a situation is brought about that, had it existed at the time of the application for the broadcasting media game licence, it would have disqualified the licensee from obtaining a licence in terms of item 2 of this Schedule, the Authority shall by notice inform the licensee accordingly, and if the situation shall not have been remedied to the satisfaction of the Authority within five days from the notice to that effect by the Authority, the Authority shall cancel such licence:

Provided that the Authority shall not issue a notice as aforesaid any later than one month after being informed by the licensee of the change in accordance with paragraph (a) hereof.

(2) Failure by the licensee to comply with the provisions of sub-item (1) hereof shall constitute an offence against this Act.

Assignment or surrender of licence.

6. (1) A broadcasting media game licence may not be assigned or transferred by the broadcasting media game licensee to any other person.

(2) The broadcasting media game licensee may not surrender the broadcasting media game licence during the licence period without the prior approval in writing of the Authority, and if such approval is given, the licence may then be surrendered only subject to such terms and conditions as may be specified by the Authority in its approval.

(3) If a broadcasting media game licence is assigned or transferred by the broadcasting media game licensee to any other person:

(a) such licence shall be considered null and void; and

(b) the Authority may issue a directive to such licensee to do or restrain from doing any act which the Authority may deem appropriate in the circumstances, and such licensee shall comply with any such directive, failing which it shall be guilty of an offence against this Act.

(4) A broadcasting media game licensee who acts in breach of the provisions of this item 6 shall be guilty of an offence against this Act.

Grounds for cancellation or suspension of licence.

7. The Authority may order the cancellation or suspension of a broadcasting media game licence on any of the following grounds:

(a) the licensee, or any person who exercises effective control and management of the affairs of the licensee, is convicted of an offence against this Act, or of theft, receiving stolen property, fraud or any crime affecting public trust;

(b) the licensee contravenes any provision of this Act or of any regulations made thereunder applicable to it, or is in breach of any condition in the broadcasting media game licence or any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it;

(c) the licensee knowingly or recklessly supplies to the Authority information that is false or misleading in a material particular;

(d) the licensee fails to fulfil his financial commitments when they become due and payable;

(e) the licensee is being wound up; or

(f) the Authority is reasonably satisfied that the licensee is not, or has ceased to be, a suitable person to hold the broadcasting media game licence, or it reasonably deems it necessary in the national interest to cancel or suspend the broadcasting media game licence.

Procedures for the cancellation or suspension of the licence.

8. (1) Where a ground for cancellation or suspension of a broadcasting media game licence arises under item 7 of this Schedule, the Authority shall, by notice in writing, request the licensee, and may request any other person who in its opinion has an interest in the licence, to show cause, within such period being not less than five days after the issue of the notice as specified in the same notice, why the licence should not be cancelled or suspended on such ground as is stated in the notice.

(2) The Authority shall have regard to any response made under sub-item (1) hereof in such manner that:

(a) where the matter is resolved to its satisfaction, it shall take no further action and shall inform the licensee in writing accordingly;

(b) where, although the matter is not resolved to its satisfaction, it considers that further action is not warranted, it shall caution the licensee in writing; or

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is warranted, it may -

(i) by notice in writing give such direction to the licensee as it considers appropriate; or

(ii) suspend the licence for such period as it thinks fit, or cancel such licence.

(3) Where a direction given by the Authority under sub-item (2)(c)(i) hereof is not complied with within the time specified in the notice, the Authority shall cancel the licence.

FIFTH SCHEDULE

Article 42

Racecourse Bets and sweepstakes

Method of operating and playing a sweepstake

1. For the purposes of the definition of "sweepstake" in article 2(1) of this Act, a sweepstake is a game connected with a horse race or races conducted on a racecourse which is played:

(a) by two or more persons not exceeding in number the number of horses or runners participating in any horse race in connection with which the game is operated and played (hereinafter in this paragraph referred to as "the relevant horse race"), each of which persons participates in the game by paying a monetary stake to the person operating the game (hereinafter in this paragraph referred to as "the operator") in return for a ticket drawn by lot by the operator, previously to the start of the relevant horse race, from among tickets not exceeding in number the number of horses or runners participating in the relevant horse race and each of which tickets is matched to a different horse or runner participating in the relevant horse race, and which is won by the person or persons whose ticket or tickets are matched to the horse or runner or horses or runners placing in such places in the relevant horse race which are prescribed to be winning places by the rules of the game, and whereby the prize in such game consists of the whole of the monies staked in such game less such amount thereof as may, subject to the provisions of this Schedule, be deducted and kept by the operator in accordance with the rules of such game, which prize is distributed to the winners of such game in the proportions set out in, and according to, the rules of the game; or

(b) by means of tickets each bearing a different number, symbol or picture, which tickets are purchased by participants in such game against payment of a monetary stake to the person operating the game (hereinafter in this paragraph referred to as "the operator") previously to the start of any horse race in connection with which the game is operated and played (hereinafter in this paragraph referred to as "the relevant horse race"), and whereby the operator draws by lot, previously to the start or after the termination of the relevant horse race a number of numbers, symbols or pictures equal to the number of horses or runners participating in the relevant horse race and is won by the holders of the tickets bearing the same numbers, symbols or pictures as those drawn as aforesaid, and whereby the prize in such game consists of the whole of the monies staked in such game less such amount thereof as may, subject to the provisions of this Schedule, be deducted and kept by the operator in accordance with the rules of such game, which prize is distributed to the holders of the winning tickets in the proportions set out in, and according to, the rules of the game.

Duration and renewal of licence.

2. (1) A racecourse betting licence remains in force for one year after the date of its issue.

(2) Unless it is previously cancelled, a racecourse betting licence may be renewed by the Authority for further periods of one year each.

(3) Any such renewal as is mentioned in sub-item (2) hereof is subject to compliance by the racecourse betting licensee, during the immediately preceding original or renewed period of operation of the licence, with the provisions of this Act and of any regulations made thereunder, and with the terms and conditions of the licence and with any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to such licensee, and subject to the acceptance by the Authority of the written application for such renewal made by the licensee to the Authority by such date before the expiry of the immediately preceding original or renewed period of the licence as the Authority has specified in the licence, and containing such information as the Authority has specified therein as necessary or expedient to enable it determine whether to renew the said licence.

(4) After the submission of an application for the renewal of a racecourse betting licence, the Authority may require the applicant to provide such other information, in addition to that provided together with the application, as may be deemed necessary for the purpose of determining the said application.

Application for a licence.

3. (1) An application for a racecourse betting licence shall be made by or on behalf of the approved racing club or other person who intends to operate racecourse bets and, or sweepstakes, in the form and manner required by the Authority.

(2) Such application shall at least contain the following information:

(a) the name and address of the applicant and the address in Malta where any documents may be served on the applicant;

(b) the type of racecourse bets and, or sweepstakes which the applicant wants to operate, and such particulars relating to the rules and regulations regarding the procedures for operating and playing such bets and, or sweepstakes as the Authority may require or as may be prescribed by regulations;

(c) the approved racecourse or approved racecourses in which there will be conducted the horse races and, or dog races on or in connection with which the applicant wants to operate the relevant racecourse bets and, or sweepstakes.

(3) The application shall also contain or be accompanied with such other information, documents and particulars as the Authority may require or as may be prescribed by regulations.

(4) After the submission of an application for a racecourse betting licence, the Authority shall have the power to require the applicant to provide such other information in addition to that given with the application as the Authority may deem necessary for the purpose of determining the said application.

Grant of licence.

4. The Authority shall not issue a racecourse betting licence to a person unless the Authority is satisfied that:

(a) the proposed licensee is likely to be a fit and proper person to ensure, or where the proposed licensee is not an individual, the persons who exercise effective control and management of the affairs of the proposed licensee are likely to be fit and proper to carry out their functions and duties in relation to the proposed licensee in such manner as to ensure, the proper operation of the relevant racecourse bets and, or sweepstakes by the proposed licensee;

(b) the proposed licensee will comply in all respects with the provisions of this Act and of any regulations made thereunder applicable to it, and with the terms and conditions of the racecourse betting licence and with any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it.

Form of licence.

5. (1) The racecourse betting licence shall be in such form as the Authority may determine or as may be prescribed by regulations.

(2) The grant of a racecourse betting licence does not exonerate the licensee from obtaining any other licence, permit or authorization which may be required under any other law.

Licence conditions and variations and revocations thereof.

6. (1) In granting a racecourse betting licence, the Authority may subject it to such conditions as it may deem appropriate, and having granted such licence the Authority may, from time to time, vary or revoke any condition so imposed or impose new conditions:

Provided that whenever the Authority deems it appropriate to vary any condition or impose any new condition in the racecourse betting licence, the Authority shall, by notice in writing, inform the licensee of its intention to vary the said condition or to

impose the said new condition, calling upon the said licensee to show cause, within such period being not less than seven days after the issue of the notice as may be specified in the same notice, why such condition should not be varied or such new condition should not be imposed, and the Authority shall consider any response made by the licensee within the period specified in the notice, before varying the condition or before imposing the new condition.

(2) Conditions in a racecourse betting licence may impose requirements to be complied with by the licensee after the licence has ceased to have effect.

(3) A racecourse betting licence may impose conditions requiring the licensee:

(a) to obtain the consent of the Authority before doing anything specified, or of a description specified, in the licence; and

(b) to refer matters specified, or of a description specified, in the licence to the Authority for approval.

(4) A racecourse betting licence shall include a condition requiring the licensee to pay to the Authority, at such times as may be prescribed by regulations, such fees, duties, taxes and, or other sums as may be so prescribed, which fees, duties, taxes and, or sums shall be in addition to those which the licensee may be required to pay under any law other than this Act.

(5) A racecourse betting licence to operate racecourse bets shall be deemed to include a condition that:

(a) the licensee shall only operate racecourse bets on horse races and, or dog races conducted on the approved racecourse or approved racecourses indicated in the licence at approved meetings, by means of a totalisator set up, kept and operated on the approved racecourse and at the approved meeting on and during which there is being conducted the relevant horse or dog race in respect of which the said licensee is operating any particular racecourse bet; and

(b) not less than eighty-three per centum of the whole of the monies staked in respect of any particular racecourse bet operated by the licensee shall be distributed by such licensee among the persons winning such racecourse bet in accordance with the rules of the said racecourse bet.

(6) A racecourse betting licence to operate sweepstakes shall be deemed to include a condition that:

(a) the licensee shall only operate sweepstakes on horse races conducted on the approved racecourse or approved racecourses indicated in the licence at approved meetings, by means of tickets sold only on the approved racecourse on

which there is being conducted the relevant horse race in respect of which the said licensee is operating any particular sweepstake to persons who have been admitted to such approved racecourse on payment of the applicable admission fee and, or by means of tickets sold only to such other persons as may be specified in the licence or as may be prescribed in regulations; and

(b) not less than eighty-five per centum of the whole of the monies staked in respect of any particular sweepstake operated by the licensee shall be distributed by such licensee among the persons winning such sweepstake in accordance with the rules of the said sweepstake.

Changes in effective control and management etc.

7. (1) (a) If the racecourse betting licensee is not an individual, such licensee shall within five days of any change in the persons who exercise effective control and management of the affairs of the licensee inform the Authority of such change. The licensee shall also inform the Authority of any material changes in the information and documentation provided by the licensee in terms of item 3(2), (3) and (4) of this Schedule or in terms of any other provision of this Act or of regulations made thereunder or in terms of conditions attached to the racecourse betting licence, as soon as it becomes aware of such changes.

(b) Where owing to any change as is referred to in paragraph (a) hereof, whether the Authority has been informed of such change in accordance with the said paragraph (a) or not, a situation is brought about that, had it existed at the time of the application for the racecourse betting licence, it would have disqualified the licensee from obtaining a licence in terms of item 4 of this Schedule, the Authority shall by notice inform the licensee accordingly, and if the situation shall not have been remedied to the satisfaction of the Authority within five days from the notice to that effect by the Authority, the Authority shall cancel such licence:

Provided that the Authority shall not issue a notice as aforesaid any later than one month after being informed by the licensee of the change in accordance with paragraph (a) hereof.

(2) Failure by the licensee to comply with the provisions of sub-item (1) hereof shall constitute an offence against this Act.

Assignment or surrender of licence.

8. (1) A racecourse betting licence may not be assigned or transferred by the racecourse betting licensee to any other person.

(2) The racecourse betting licensee may not surrender the racecourse betting licence during the licence period without the prior approval in writing of the

Authority, and if such approval is given, the licence may then be surrendered only subject to such terms and conditions as may be specified by the Authority in its approval.

(3) If a racecourse betting licence is assigned or transferred by the racecourse betting licensee to any other person:

(a) such licence shall be considered null and void; and

(b) the Authority may issue a directive to such licensee to do or restrain from doing any act which the Authority may deem appropriate in the circumstances, and such licensee shall comply with any such directive, failing which it shall be guilty of an offence against this Act.

(4) A racecourse betting licensee who acts in breach of the provisions of this item 8 shall be guilty of an offence against this Act.

Grounds for cancellation or suspension of licence.

9. The Authority may order the cancellation or suspension of a racecourse betting licence on any of the following grounds:

(a) the licensee, or any person who exercises effective control and management of the affairs of the licensee, is convicted of an offence against this Act, or of theft, receiving stolen property, fraud or any crime affecting public trust;

(b) the licensee contravenes any provision of this Act or of any regulations made thereunder applicable to it, or is in breach of any condition in the racecourse betting licence or any directive issued by the Authority in terms of this Act or of regulations made thereunder and applicable to it;

(c) the licensee knowingly or recklessly supplies to the Authority information that is false or misleading in a material particular;

(d) the licensee fails to fulfil his financial commitments when they become due and payable;

(e) the licensee is being wound up; or

(f) the Authority is reasonably satisfied that the licensee is not, or has ceased to be, a suitable person to hold the racecourse betting licence, or it reasonably deems it necessary in the national interest to cancel or suspend the racecourse betting licence.

Procedures for the cancellation or suspension of the licence.

10. (1) Where a ground for cancellation or suspension of a racecourse betting licence arises under item 9 of this Schedule, the Authority shall, by notice in writing, request the licensee, and may request any other person who in its opinion has an interest in the licence, to show cause, within such period being not less than five days after the issue of the notice as specified in the same notice, why the licence should not be cancelled or suspended on such ground as is stated in the notice.

(2) The Authority shall have regard to any response made under sub-item (1) hereof in such manner that:

(a) where the matter is resolved to its satisfaction, it shall take no further action, and shall inform the licensee in writing accordingly;

(b) where, although the matter is not resolved to its satisfaction, it considers that further action is not warranted, it shall caution the licensee in writing; or

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is warranted, it may -

(i) by notice in writing give such direction to the licensee as it considers appropriate; or

(ii) suspend the licence for such period as it thinks fit, or cancel such licence.

(3) Where a direction given by the Authority under sub-item (2)(c)(i) hereof is not complied with within the time specified in the notice, the Authority shall cancel the licence.

SIXTH SCHEDULE

Article 80(1)

Amendments to enactments

First Column Enactment	Second Column Extent of Amendments
Prevention of Corruption (Players) Act, Cap.263	1. In the definition of "game or sport" in article 2, for the words "or other game" there shall be substituted the words "or other game, other than a "game" as defined in the Lotteries and Other Games Act, 2001"
	2. Article 5 shall be deleted.
	3. Article 9 shall be amended as follows: (a) the words "or 5" in subarticle (1)(b) thereof shall be deleted; and (b) subarticle (3) thereof shall be deleted.
	4. For article 10, there shall be substituted the following:-
"Saving.	10. Nothing in this Act shall prejudice the operation of, or shall be deemed to substitute or to derogate any of the provisions of, the Lotteries and Other Games Act, 2001.".

SEVENTH SCHEDULE

Article 80(2)

Amendments to enactments

First Column Enactment	Second Column Extent of Amendments
Gaming Act, Cap. 400.	1. (1) The Arrangement of Articles shall be amended as follows:-
	(a) for the title "Part III - Gaming Board and Inspectors" there shall be substituted the title "Part III - The Authority and Inspectors";
	(b) in article 5 there shall be substituted the words "Lotteries and Gaming Authority";
	(c) in articles 6 and 12, for the word "Board" wherever it appears there shall be substituted the word "Authority";
	(d) the reference to articles 7, 8 and 9 shall be deleted.
	(2) In the long title for the words "for the setting up of a Gaming Board" there shall be substituted the words "for the regulation of casinos and gaming therein by the Lotteries and Gaming Authority".
	2. Article 2 shall be amended as follows:-
	(a) in the definition of "authorised game" for the word "Board" there shall be substituted the word "Authority";
	(b) for the definition of "Board" there shall be substituted the following new definition:
	" "Authority" means the Lotteries and Gaming Authority established under article 9 of the Lotteries and Other Games Act, 2001;";
	(c) in the definition of "casino employee" for the word "Board" there shall be substituted the word "Authority";

(d) in the definition of "chips" for the word "Board" there shall be substituted the word "Authority"; and

(e) for the definition of "inspector" there shall be substituted the following new definition:

" "inspector" shall have the same meaning as is assigned to it in article 2 of the Lotteries and Other Games Act, 2001;".

3. In article 3(3), for the word "Board" there shall be substituted the word "Authority".

4. (1) For the title of Part III there shall be substituted the following new title:-

"Part III - THE AUTHORITY AND INSPECTORS";

(2) For article 5 thereof there shall be substituted the following:-

"Lotteries and Gaming Authority.

5. The Authority shall carry out the functions assigned to it by the provisions of this Act or of any other law or of regulations made thereunder and shall perform such other functions as the Minister may from time to time assign to the Authority by order in writing and considered appropriate by the Minister in relation to the operation of this Act or of any other law.".

5. Article 6 shall be amended as follows:-

(a) for the word "Board" in the marginal note there shall be substituted the word "Authority";

(b) in subarticle (1), for the word "Board" there shall be substituted the word "Authority", paragraph (d) thereof is to be deleted, and paragraphs (e) to (h) thereof are to be renumbered as paragraphs (d) to (g) respectively;

(c) subarticles (2) and (3) shall be deleted.

6. Article 7 shall be deleted.

7. Article 8 shall be deleted.

8. Article 9 shall be deleted.

9. Article 11 shall be amended as follows:-

(a) in subarticle (1)(e) for the words "to the Secretary" there shall be substituted the words "to the Authority";

(b) in subarticle (3), after the words "shall be present" there shall be added the words "in a casino"; and

(c) in subarticle (5), for the word "Secretary" there shall be substituted the words "Authority".

10. Article 12 shall be amended as follows:-

(a) in the marginal note thereof, for the word "Board" there shall be substituted the word "Authority";

(b) in subarticle (1) for the words "the Board may" there shall be substituted the words "the Authority may";

(c) in subarticle (1)(a) for the words "of the Board" and "which the Board" there shall be substituted the words "of the Authority" and "which the Authority" respectively;

(d) in subarticle (1)(b) for the words "the Board", wherever they appear, there shall be substituted the words "the Authority".

11. In article 13, for the words "an inspector, the Secretary of the Board" there shall be substituted the words "an inspector, the Authority or any member, officer or employee of the Authority".

12. In article 14, for the word "Board" there shall be substituted the word "Authority".

13. Article 15 shall be amended as follows:-

(a) in subarticle (1), for the words "for the Board" there shall be substituted the words "for the Authority";

(b) in subarticle (2), for the words "The Board shall not" and "to the Board" there shall be substituted the words "The Authority shall not" and "to the Authority" respectively;

(c) in subarticles (3) and (4), for the words "by the Board" there shall be substituted the words "by the Authority" and in subarticle (4)(a)(ix), for the words "the Board" there shall be substituted the words "the Authority";

(d) in subarticle (5)(a), for the words "inform the Board" there shall be substituted the words "inform the Authority";

(e) in subarticle (5)(b), for the words "the Board shall by notice", "by the Board" and "the Board shall revoke", and for the words "the Board shall not" in the proviso thereto, there shall be substituted the words "the Authority shall by notice", "by the Authority" and "the Authority shall revoke", and "the Authority shall not" respectively.

14. Article 16 shall be amended as follows:-

(a) in subarticle (1), for the words "The Board shall" and "by the Board" there shall be substituted the words "The Authority shall" and "by itself" respectively;

(b) in subarticle (2), for the words "Secretary" there shall be substituted the words "Authority".

15. In article 17(1), for the words "to the Board" there shall be substituted the words "to the Authority", and in article 17(3) for the words "to the Secretary" there shall be substituted the words "to the Authority".

16. Article 18 shall be amended as follows:-

(a) for the words "The Board may" there shall be substituted the words "The Authority may";

(b) in paragraph (c), for the words "to the Board" there shall be substituted the words "to the Authority";

(c) in paragraph (g), for the words "the Board is" there shall be substituted the words "the Authority is".

17. Article 19 shall be amended as follows:-

(a) in subarticle (1), for the words "the Board" there shall be substituted the words "the Authority";

(b) in subarticle (2); for the words "The Board" there shall be substituted the words "The Authority"; and in paragraphs (a), (b) and (c) the Maltese text shall be amended accordingly;

(c) in subarticle (3), for the words "by the Board" and "the Board shall" there shall be substituted the words "by the Authority" and "the Authority shall" respectively.

18. In article 20(1), for the words "from the Board" there shall be substituted the words "from the Authority".

19. In article 21(1), for the words "of the Board" there shall be substituted the words "of the Authority".

20. In article 22, for the word "Board" wherever it appears there shall be substituted the word "Authority".

21. In article 23, for the words "by the Board" there shall be substituted the words "by the Authority".

22. In article 24, for the words "The Board shall" and "The Board may" there shall be substituted the words "The Authority shall" and "The Authority may" respectively.

23. Article 27 shall be amended as follows:-

(a) in subarticle (2), for the words "The Board" there shall be substituted the words "The Authority";

(b) in subarticle (4), for the words "by the Board and by inspectors licensed under this Act" there shall be substituted the words "by the Authority and by inspectors".

24. Article 29 shall be amended as follows:-

(a) in subarticle (1), for the words "The Board shall" there shall be substituted the words "The Authority shall";

(b) in subarticle (2), for the words "The Board may" there shall be substituted the words "The Authority may";

(c) in subarticle (3), for the words "the Board shall seek" there shall be substituted the words "the Authority shall seek".

25. In article 30, immediately after the words "The Minister may" there shall be added the words ", after consultation with the Authority," and for the words "The Board may" there shall be substituted the words "The Authority may".

26. Article 31 shall be amended as follows:-

(a) in subarticle (1), for the words "The Board shall" and "by the Board" there shall be substituted the words "The Authority shall" and "by the Authority" respectively;

(b) in subarticle (2), for the words "the Board may" there shall be substituted the words "the Authority may";

(c) in the proviso to subarticle (2), for the words "the Board shall not" there shall be substituted the words "the Authority shall not".

27. In article 35(1) for the word "Board" there shall be substituted the word "Authority".

28. Article 37 shall be amended as follows:-

(a) in subarticle (1), for the words "to the Secretary of the Board" wherever they appear there shall be substituted the words "to the Authority";

(b) in subarticle (2), for the words "to the Secretary" there shall be substituted the words "to the Authority";

(c) in subarticle (3), for the words "of the Secretary" there shall be substituted the words "of the Authority";

(d) in subarticle (4), for the words "to the Secretary" there shall be substituted the words "to the Authority on behalf of the Government";

(e) in the First Schedule -

(i) in item (1), for the words "to the Secretary of the Board" there shall be substituted the words "to the Authority";

(ii) in items (1)(a)(ii) and (1)(b)(ii) for the words "by the Board" there shall be substituted the words "by the Authority".

29. Article 38 shall be amended as follows:-

(a) in subarticle (1), for the words "the Board may" and "Secretary" there shall be substituted the words "the Authority may" and "Authority" respectively;

(b) in subarticle (2), for the word "Secretary" there shall be substituted the word "Authority";

(c) in subarticle (2)(b), for the words "by the Board" there shall be substituted the words "by the Authority".

30. In article 39, for the word "Board" wherever it appears there shall be substituted the word "Authority".

31. In article 40(1), the words "responsible for finance" shall be deleted and for the words "an inspector or the Board" there shall be substituted the words "inspectors or the Authority".

32. In article 42(2), for the words "by the Secretary" there shall be substituted the words "by the Chief Executive of the Authority".

33. Article 46 shall be amended as follows:-

(a) in subarticle (1), after the words "Every person who in any premises not licensed under this Act"

there shall be added the words "or under the Lotteries and Other Games Act, 2001";

(b) after subarticle (2) there shall be added the following new subarticle:-

"(3) Subarticles (1) and (2) of this article shall not apply in respect of any game lawfully played in terms of the Lotteries and Other Games Act, 2001 or any other law.".

34. Article 49 shall be amended as follows:-

(a) in subarticle (1)(a), for the words "or is to take place; or" there shall be substituted the words "or is to take place as a casino; or";

(b) in subarticle (1)(b), for the words "in Malta; or" there shall be substituted the words "in any such premises; or";

(c) in subarticle (2)(a), for the words "by the Board" there shall be substituted the words "by the Authority";

(d) in subarticle (2)(c), for the words "by the Board" there shall be substituted the words "by the Authority".

35. (1) Article 50(1) shall be renumbered as article 50 and for the words "of the Board" therein, there shall be substituted the words "of the Authority".

(2) Article 50(2) shall be deleted.

EIGHTH SCHEDULE

Article 45

Constitution and Proceedings of a Racecourse Control Board

1. A Racecourse Control Board shall consist of a chairman and four other members to be appointed by the Minister responsible for sport.

2. The chairman shall be such person as the Minister responsible for sport shall appoint in that behalf.

3. A person shall not be qualified to hold office as a member of a Racecourse Control Board if he -

(a) is a member of the House of Representatives;

(b) is a judge or magistrate of the courts of justice;

(c) has a financial or other material interest in any approved racecourse or in any approved racing club which is likely to affect the discharge of his functions as a member of such Board;

(d) he has been convicted of an offence punishable by imprisonment for a period of six months or more;

(e) he has been convicted of an offence against Part VIII of this Act.

4. The members of a Racecourse Control Board shall hold office for such time as may be specified in their respective appointments:

Provided that any member of such Board may be removed at any time by the Minister responsible for sport.

5. Any person ceasing to be an appointed member of a Racecourse Control Board shall be eligible for reappointment unless there exists in respect of such person any of the grounds for disqualification to hold office as such member listed in item 3 of this Schedule.

6. The quorum of a Racecourse Control Board shall be three, but subject to such quorum such Board may act notwithstanding any vacancy among its members.

7. A Racecourse Control Board may appoint a member of the Board to be vice-chairman of the Board, and in the absence of the chairman or during any vacancy in the office of the chairman, the vice-chairman so appointed shall preside at meetings of the Board.

8. Decisions at meetings of a Racecourse Control Board shall be adopted by a simple majority of the votes of the members present and voting, provided that no decision shall be valid unless it is supported by at least two members of the Board. In case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

9. Subject to any relevant regulations made by the Minister responsible for sport under article 78(5) of this Act, a Racecourse Control Board may appoint and, or employ, at such remuneration and upon such terms and conditions as it may determine, such officers, employees and agents as may from time to time be necessary for the due and efficient discharge of the functions of the Board, and the Board shall prescribe the duties of each of such officers, employees and agents.

10. Subject to any relevant regulations made by the Minister responsible for sport under article 78(5) of this Act, a Racecourse Control Board may regulate its own procedure and make standing orders governing the conduct of its business.

11. No act or proceeding of a Racecourse Control Board shall be questioned on account of any vacancy among its members or on account of the appointment of any member having been defective.

Objects and Reasons

The main object of this Bill is to establish the Lotteries and Gaming Authority to oversee and regulate the holding of all kinds of games and lotteries, including those which previously were a sole Government reserve, to allot the running and administration of such Government games and lotteries to private concessionnaires and to consolidate legislation relating thereto. The Bill also regulates for the first time radio and television games and provides for the regulation of gaming under the Gaming Act, Cap. 400, by the Lotteries and Gaming Authority established by the Bill itself.

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