

**Nru. 66**

28. 3. 84

**MALTA****KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorevoli Wistin Abela, M.P., Deputat Prim Ministru u Ministru tal-Finanzi u tad-Dwana' u moqri għall-Ewwel darba fis-Seduta tal-14 ta' Marzu, 1984.

A BILL introduced by the Honourable Wistin Abela, M.P., Deputy Prime Minister and Minister of Finance and Customs and read the First time at the Sitting of the 14th March, 1984.

ATT biex jemenda l-Ordinanza ta' l-1962 dwar il-Kursal.

AN ACT to amend the Kursaal Ordinance, 1962.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex jemenda l-Ordinanza ta' l-1962 dwar il-Kursal.*

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:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1984 li jemenda l-Ordinanza dwar il-Kursal, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Ordinanza ta' l-1962 dwar il-Kursal, hawnhekk iżjed 'il quddiem imsejġha "il-liġi prinċipali".

Emenda ta' l-artikoli 3, 7 u 8 tal-liġi prinċipali.

2. Fl-artikoli 3, 7 u 8 tal-liġi prinċipali minflok il-kliem "Ministru responsabbli għat-turiżmu" kull fejn jinsabu għandhom jidhlu l-kliem "Ministru responsabbli għall-finanzi".

Emenda ta' l-artikolu 4 tal-liġi prinċipali.

3. L-artikolu 4 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu, minnufih wara l-kliem "persuni li jkollhom iżjed minn tmintax-il sena" għandhom jidhlu l-kliem "u li ma jkunux ċittadini ta' Malta,"; u

(b) fil-paragrafu (b) tiegħu minnufih wara l-kliem "persuna li jkollha iżjed minn tmintax-il sena" għandhom jidhlu l-kliem "u li ma tkunx ċittadin ta' Malta,".

Zieda ta' artikolu ġdid 4A mal-liġi prinċipali.

4. Minnufih wara l-artikolu 4 tal-liġi prinċipali għandu jżied l-artikolu ġdid li ġej:

"Ċittadini ta' Malta ma jistgħux jidhlu fi swali tal-logħob.

4A. (1) Ebda persuna li tkun ċittadin ta' Malta ma tista' tidhol f'xi parti ta' kursal fejn hu permess li jsir logħob ta' sogr għal flus jew valur ta' flus skond liċenza mogħtija skond l-artikolu 3 ta' din l-Ordinanza.

(2) Is-subartikolu (1) ta' dan l-artikolu ma japplikax għal —

(a) impjegati waqt li jkunu qed jaqdu dmirijethom dwar l-impieg tagħhom mal-persuna li lilha tkun ingħatat liċenza taħt l-artikolu 3 ta' din l-Ordinanza, jew mal-persuna li lilha tkun assenjata legalment dik il-liċenza; jew

(b) xi persuna awtorizzata skond l-artikolu 8 ta' din l-Ordinanza għall-fini tal-qadi ta' dmirijetha skond dak l-artikolu; jew

(c) kull impjegat jew uffiċjal ta' Dipartiment tal-Gvern jew ta' xi awtorità oħra mwaqqfa b'ligi waqt il-qadi ta' dmirijietu; jew

(d) kull persuna matul dak il-ħin u għal dak il-għan kif jiġi awtorizzat mill-Ministru għall-fini tal-qadi ta' xi xogħol dwar is-sengħa, ix-xogħol jew il-professjoni ta' dik il-persuna:

Għall-fini ta' dan il-paragrafu Ministru tfisser il-Ministru responsabbli għall-finanzi u tinkludi kull uffiċjal pubbliku delegat mill-Ministru għal dak il-għan.

(3) Kull persuna li tikser jew li tippermetti jew tħalli lil xi persuna li tikser is-subartikolu (1) ta' dan l-artikolu tkun ħatja ta' reat kontra dan l-Att u teħel meta tinsab ħatja —

(a) fil-każ ta' persuna li lilha tkun ingħatat jew giet assenjata liċenza —

(i) meta tinsab ħatja l-ewwel darba multa ta' mhux inqas minn ħames mitt lira Maltija u mhux iżjed minn elf lira Maltija; iżda meta ċ-ċittadin ta' Malta li jidhol f'dik l-parti tal-kursal fejn hu permess li jsir logħob ta' sgru għal flus jew valur ta' flus, ukoll jieħu sehem f'xi waħda minn dak il-logħob il-piena tkun ta' mhux inqas minn seba' mitt lira Maltija u mhux iżjed minn elf u ħames mitt lira Maltija;

(ii) meta tinsab ħatja t-tieni darba multa ta' mhux inqas minn seba' mitt lira Maltija u mhux iżjed minn elf u ħames mitt lira Maltija; u l-Qorti għandha tordna t-telf tal-liċenza;

(b) fil-każ ta' kull persuna oħra —

(i) meta tinsab ħatja l-ewwel darba multa ta' mhux inqas minn mitt lira Maltija u mhux iżjed minn tliet mitt lira Maltija; iżda meta dik il-persuna wkoll tieħu sehem f'xi logħba ta' sgru għal flus jew valur ta' flus il-piena ma tkunx inqas minn mitejn lira Maltija u mhux iżjed minn ħames mitt lira Maltija;

(ii) meta tinsab ħatja t-tieni darba jew wara multa ta' mhux inqas minn mitejn lira Maltija u mhux iżjed minn ħames mitt lira Maltija u prigunerija għal żmien ta' mhux iżjed minn tliet xhur;

Att XII  
ta' l-1957  
Kap. 12

u d-dispożizzjonijiet ta' l-Att ta' l-1957 dwar il-*Probation* ta' Ħatjin u ta' l-artikolu 23A tal-Kodiċi Kriminali ma jkunux applikabbli.

(4) Meta l-persuna li lilha tkun ingħatat jew giet assenjata liċenza tkun kumpannija jew għaqda ta' persuni, reat jitqies li jkun sar minn dik il-kumpannija jew għaqda ta' per-

suni meta dak ir-reat ikun jaf bih is-segretarju jew xi persuna li minn żmien għal żmien ikollha t-tmexxija, l-amministrazzjoni, id-deċiżjoni jew il-kontroll tax-xogħol, li għalih tkun ingħatat liċenza taħt l-artikolu 3 ta' din l-Ordinanza jew meta dak is-segretarju jew dik il-persuna l-oħra ma tkunx eżerċitat id-diligenza kollha xierqa biex tevita l-egħmil tar-reat.

(5) Kull piena li, skond is-subartikolu (3) ta' dan l-artikolu, tista' tehel persuna li lilha tkun ingħatat jew giet assenjata liċenza, tkun bla ħsara għal kull penali li tista' tehel skond il-kondizzjonijiet tal-liċenza.”.

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### Għanijiet u Ragunijiet

L-Għan ta' dan l-Abbozz huwa li persuni fuq it-tmintax-il sena u persuni li ma jkunux ċittadini ta' Malta biss jistgħu jilagħbu loġħob ta' l-azzard f'kursal. L-Abbozz jipprovdi wkoll li l-awtorità li tista' tohroġ liċenza għal kursal tkun il-Ministru responsabbli għall-finanzi u mhux il-Ministru responsabbli għat-turiżmu.

**A BILL****entitled***AN ACT to amend the Kursaal Ordinance, 1962*

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:—

1. This Act may be cited as the Kursaal (Amendment) Act, 1984, and shall be read and construed as one with the Kursaal Ordinance, 1962, hereinafter referred to as "the principal law". Short title.
2. In sections 3, 7 and 8 of the principal law for the words "Minister responsible for tourism" wherever they occur there shall be substituted the words "Minister responsible for finance". Amendment of sections 3, 7 and 8 of the principal law.
3. Section 4 of the principal law shall be amended as follows:
  - (a) in paragraph (a) thereof, immediately after the words "persons over the age of eighteen years" there shall be inserted the words "and who are not citizens of Malta,"; and
  - (b) in paragraph (b) thereof, immediately after the words "person over the age of eighteen years" there shall be added the words "and who is not a citizen of Malta,".Amendment of section 4 of the principal law.
4. Immediately after section 4 of the principal law there shall be added the following new section: Addition of new section 4A to the principal law.

"Citizens of Malta may not have access to gaming rooms.

4A. (1) No person who is a citizen of Malta shall have access to any part of a kursaal where the playing of games of chance for money or money's worth is permitted in accordance with a licence granted under section 3 of this Ordinance.

(2) Subsection (1) of this section shall not apply to:

(a) employees during the course of their duties relative to their employment with the person to whom a licence has been granted under section 3 of this Ordinance, or with the person to whom such licence may have been lawfully assigned; or

(b) any person authorised in terms of section 8 of this Ordinance for the purpose of the performance of his duties in accordance with that section; or

(c) any employee or officer of a Government Department or any other authority established by law, during the course of his duties; or

(d) any person during such time and for such purpose as may be authorised by the Minister for the purpose of the performance of any work in connection with such person's trade, business or profession:

For the purpose of this paragraph Minister means the Minister responsible for finance and includes any public officer delegated by the Minister for such purpose.

(3) Any person who contravenes or allows or suffers any person to contravene subsection (1) of this section shall be guilty of an offence against this Act and shall be liable on conviction —

(a) in the case of the person to whom the licence has been granted or assigned —

(i) for a first conviction to a fine (*multa*) of not less than five hundred Maltese liri and not exceeding one thousand Maltese liri; provided that where the Maltese citizen having access to such part of the kursaal where the playing of games of chance for money or money's worth is permitted, also takes part in any of such games the fine shall be of not less than seven hundred Maltese liri and not exceeding one thousand five hundred Maltese liri;

(ii) for a second conviction to a fine (*multa*) of not less than seven hundred Maltese liri and not exceeding one thousand five hundred Maltese liri; and the Court shall order the forfeiture of the licence;

(b) in the case of any other person —

(i) for a first conviction to a fine (*multa*) of not less than one hundred Maltese liri and not exceeding three hundred Maltese liri; provided that if such person also participates in any game of chance for money or money's worth the fine shall not be less than two hundred Maltese liri and not exceeding five hundred Maltese liri;

(ii) for a second or subsequent conviction to a fine (*multa*) of not less than two hundred Maltese liri and not exceeding five hundred Maltese liri and to imprisonment for a term not exceeding three months;

Act XII of 1957 and the provisions of the Probation of Offenders Act, 1957 and of section 23A of the Criminal Code shall not be applicable.  
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(4) Where the person to whom a licence has been granted or assigned is a company or other association of persons, an offence shall be deemed to have been committed by such company or association of persons where such offence has been committed with the knowledge, of the secretary or any other person who from time to time has the management, administration, direction or control of the operations, for which a licence has been granted under section 3 of this Ordinance or where such secretary or such other person has not exercised all due diligence for the prevention of the commission of such offence.

(5) Any penalty to which a person to whom a licence has been granted or assigned may be liable in virtue of subsection (3) of this section shall be without prejudice to any liability, incurred in terms of the conditions of the licence.”.

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### Objects and Reasons

The Object of the Bill is to restrict the playing of games of chance in kursaals to persons over eighteen years and to persons who are not citizens of Malta. The Bill also provides that authority granting a licence to keep a kursaal shall be the Minister responsible for finance and not the Minister responsible for tourism.