

MALTA

ATT Nru. VII ta' l-1984

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT b'leż jemmenda l-Ordinanza ta' l-1962 dwar il-Kursal.

ACT No. VII of 1984

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Kursaal Ordinance, 1962.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

3 ta' April, 1984

ATT Nru. VII ta' 1-1984

ATT biex jemenda l-Ordinanza ta' 1-1962 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' jissejjah l-Att ta' 1-1984 li jemenda l-Ordinanza dwar il-Kursal, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Ordinanza ta' 1-1962 dwar il-Kursal, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

Emenda ta' l-artikolu 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 jiżdiedu 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 jiżdied l-artikolu ġdid li ġej:

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

4A. (1) Ebda persuna li tkun ċittadin ta' Malta ma tista' tidhlo f'xi parti ta' kursal fejn hu permess li jsir logħob ta' sogru 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 taht 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

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

(d) kull persuna matul dak il-hin u għal dak il-għan kif jiġi awtorizzat mill-Ministru għall-fini tal-qadi ta' xi xogħol dwar is-sengha, 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 l-għan.

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

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

(i) meta tinsab hatja 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 loġġob ta' sagra għal flus jew valur ta' flus, ukoll jieħu sehem f'xi waħda minn dak il-loġġob il-piena tkun ta' mhux inqas minn seba' mitt lira Maltija u mhux iżjed minn elf u ħames mitt lira Maltija;

(ii) meta tinsab hatja 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 hatja 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 loġġba ta' sagra 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 hatja 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' Hatjin 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-direzzjoni 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-diliġenza kollha xierqa biex tevita l-egħmil tar-reat.

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

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 164 tat-2 ta' April, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

3rd April, 1984

ACT No. VII of 1984

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: Amendment of section 4 of the principal law.
- (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,".
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.
- 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:
- "Citizens of Malta may not have access to gaming rooms."

(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;

(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.”.

Passed by the House of Representatives at Sitting No. 164 of the 2nd April, 1984.

DANIEL MICALLES
Speaker

C. MIFSUD
Clerk to the House of Representatives