

Naghti l-kunsens tieghi.

(L.S.)

GEORGE ABELA  
President

18 ta' Diċembru, 2009

**ATT Nru. XXII tal-2009**

*ATT biex jemenda l-Att dwar il-Lotteriji u Logħob Ieħor.*

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

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2009 li Jemenda l-Att dwar Lotteriji u Logħob Ieħor. Titolu fil-qosor.

**TAQSIMA I**

**EMENDA TAL-ATT DWAR LOTTERIJI U LOGĦOB IEĦOR**

**2.** Din it-Taqsima temenda l-Att dwar Lotteriji u Logħob Ieħor u għandha tinqara u tiftiehem haġa waħda mal-Att dwar Lotteriji u Logħob Ieħor, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali". Emenda tal-Att dwar Lotteriji u Logħob Ieħor. Kap. 438.

**3.** Is-subartikolu (1) tal-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 2 tal-Att prinċipali.

(a) fit-tifsira "apparat għal-logħob", minflok il-kliem "jew fil-logħob, u tinkludi totalizzatur, VLT, *computer* ċentrali VLT, kartella tat-tombla u ġog tat-tombla", għandhom jidhlu l-kliem "jew fil-logħob";

(b) fit-tifsira "apparat rilevanti għal-logħob" minflok il-kliem "fil-logħob, u tinkludi totalizzatur, VLT u *computer* ċentrali VLT;"; għandhom jidhlu l-kliem "fil-logħob;";

(ċ) minflok it-tifsira "detentur ta' liċenza" għandha tidhol it-tifsira li ġejja:

" "detentur ta' liċenza" tfisser kull persuna li jkollha liċenza mahruġa mill-Awtorita taht dan l-Att;";

(d) fit-tifsira "logħba żgħira", minflok il-kliem "mitejn u tnejn u tletin euro u erbgħa u disgħin ċenteżmu (232.94)" għandhom jidhlu l-kliem "mitejn u hamsa u tletin euro (€235.00)";

(e) fit-tifsira "logħbiet oħra" il-kliem "logħbiet VLT operati minn detenturi ta' liċenza ta' VLT," għandhom jithassru;

(f) minnufih qabel it-tifsira "logħba" għandha tizdied it-tifsira ġdida li ġejja:

" "li jintlaqa' minn haddiehor" tfisser li wiehed iqieghed jew iħalli jew b'kwalunkwe mod ieħor jippermetti t-tqeghid, f'postijiet aċċessibbli għall-pubbliku; u l-kliem "jilqa' għandu" u "li jintlaqa minn haddiehor" għandhom jiġu mfissra skond hekk; u

(g) it-tifsiriet "*Video Lottery Terminal*", "VLT", "*computer* ċentrali VLT", "VLT CPU", "logħba VLT", "liċenza VLT", "detentur ta' liċenza VLT" u "*voucher* għall-hlas VLT" għandhom jithassru.

4. L-artikolu 7 tal-Att prinċipali għandu jiġi emendat kif ġejj:

(a) fin-nota marginali tiegħu, minflok il-kliem "Importazzjoni, eċċ., ta' apparat rilevanti għal-logħbiet", għandhom jidhlu l-kliem "Tqeghid fis-suq, eċċ., ta' apparat rilevanti għal-logħob";

(b) fis-subartikolu (1) tiegħu, minflok il-kliem "jqieghed fis-suq, jimmanifattura, jagħmel manutenzjoni, jew jipprovdi xi apparat rilevanti għal-logħob," għandhom jidhlu l-kliem "jimmanifattura, jimmonta, isewwi, iwettaq manutenzjoni fuq, iqieghed fis-suq, jiddistribwixxi, iforni, ibiegħ, jikri, jittrasferixxi, jagħmel disponibbli għall-użu, jilqa' għandu jew jopera xi apparat rilevanti għal-logħob," u minnufih wara l-kliem "dwar dak l-apparat rilevanti għal-logħob" għandhom jidhlu l-kliem "jew dik l-attività";

(c) fis-subartikolu (2) tiegħu, minflok il-kliem "biex tqiegħed fis-suq, timmanifattura, tagħmel manutenzjoni jew tippovdi apparat rilevanti għal-logħob," għandhom jidhlu l-kliem "biex wiehed jimmanifattura, jimmonta, isewwi, iwettaq manutenzjoni fuq, iqiegħed fis-suq, jiddistribwixxi, iforni, ibiegħ, jikri, jittrasferixxi, jagħmel disponibbli għall-użu, jilqa' għandu jew jopera xi apparat rilevanti għall-logħob," u minflok il-kliem "t-thassir jew is-sospensjoni ta'" għandhom jidhlu l-kliem "t-thassir jew is-sospensjoni ta', jew l-impożizzjoni ta' xi kondizzjoni fuq,"; u

(d) fis-subartikolu (3) tiegħu, minflok il-kliem "li tqiegħed fis-suq, timmanifattura, tagħmel manutenzjoni jew tforni, jew b'xi mod li jkun tghin jew thajjar l-importazzjoni, il-manifattura, il-manutenzjoni jew il-forniment ta' xi apparat rilevanti għal-logħob bi ksur tas-subartikolu (1)," għandhom jidhlu l-kliem "li tikser, jew b'xi mod li jkun tghin jew thajjar persuna biex din tikser, id-disposizzjonijiet tas-subartikolu (1),".

5. L-artikolu 8 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 8 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "is-sittax il-sena tkun hatja ta' reat." għandhom jidhlu l-kliem:

"it-tmintax il-sena tkun hatja ta' reat:

Izda fil-każ tal-offerta għall-bejgħ jew il-bejgħ ta' Lotterija Nazzjonali taht liċenza dwar il-Lotterija Nazzjonali li tkun fis-seħħ fiż-żmien li dan il-proviso jiġi fis-seħħ, il-projbizzjoni dwar l-età għandha tkun ta' sittax-il sena minflok tmintax-il sena."; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "taht is-sittax il-sena," għandhom jidhlu l-kliem "taht l-età msemija fis-subartikolu (1),".

6. Fil-paragrafu (g) tal-artikolu 11 tal-Att prinċipali, minflok il-kliem "t-tqegħid fis-suq, il-manifattura, il-provvista u l-manutenzjoni ta' apparat rilevanti għal-logħbiet," għandhom jidhlu l-kliem "il-manifattura, l-immuntar, it-tiswija, it-twettiq ta' manutenzjoni fuq, it-tqegħid fis-suq, id-distribuzzjoni, il-provvista, il-bejgħ, il-kiri, it-trasferiment, id-disponiment għall-użu, l-ilqugħ minn haddiehor ta', u t-thaddim ta' apparat rilevanti għall-logħob,".

Emenda tal-artikolu 11 tal-Att prinċipali.

7. L-artikolu 18 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 18 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu -

(i) minnufih wara l-kliem "minn zmien għal zmien jingħata" għandhom jiżdiedu l-kliem "permezz ta' regolamenti magħmulin taħt dan l-Att jew";

(ii) fil-paragrafu (a) tiegħu -

1. minnufih wara l-kliem "xi apparat għal-logħob," għandhom jiżdiedu l-kliem "makna għal-logħob tad-divertiment," u minnufih wara l-kliem "jkunu li jkunu u li jkollhom x'jaqsmu ma' logħbiet," għandhom jiżdiedu l-kliem "logħbiet tad-divertiment," u minnufih wara l-kliem "l-operat ta' logħbiet" għandhom jiżdiedu l-kliem "jew logħbiet tad-divertiment";

2. fis-subparagrafu (i) tiegħu, minflok il-kliem "li ġġib dawk l-apparat, kotba" għandhom jidhlu l-kliem "li ġġib dawk l-apparat dwar il-logħob, makna għal-logħob tad-divertiment, kotba";

3. fis-subparagrafu (ii) tiegħu, minnufih wara l-kliem "li jirrigwardaw l-apparat għal-logħob," għandhom jiżdied il-kliem "logħbiet, makna għal-logħob tad-divertiment, logħbiet tad-divertiment,";

(iii) fil-paragrafu (b) tiegħu -

1. minnufih wara l-kliem "li taġixxi għan-nom ta' detentur ta' liċenza", għandhom jiżdiedu l-kliem "jew xi persuna oħra";

2. fis-subparagrafu (i) tiegħu, minflok il-kliem "l-operat ta' logħbiet awtorizzati" għandhom jidhlu l-kliem "l-operat ta' logħbiet jew logħbiet tad-divertiment";

3. fis-subparagrafu (ii) tiegħu, minflok il-kliem "l-operat ta' logħbiet awtorizzati" għandhom jidhlu l-kliem "l-operat ta' logħbiet jew logħbiet tad-divertiment";

(iv) fil-paragrafu (ċ) tiegħu, minflok il-kliem "kull apparat għal-logħob, jispezzjona dak il-ktieb jew dokument, u jagħmel kopji jew jieħu noti dwar dak il-ktieb jew dokument għar-rigward ta' l-operat ta' logħbiet kif l-

ispettur" għandhom jidhlu l-kliem "kull apparat għal-logħob jew makna għal-logħob tad-divertiment, jispezzjona dak il-ktieb, dokumenti jew *records*, u jagħmel kopji jew jieħu noti dwar dak il-ktieb, dokument jew *records*, għar-rigward ta' l-operat ta' logħbiet jew logħbiet tad-divertiment, kif l-ispettur";

(v) fil-paragrafu (d) tiegħu, minflok il-kliem "li jordna detentur ta' liċenza," għandhom jidhlu l-kliem "li jordna kull detentur ta' liċenza jew kull persuna li l-ispettur raġonevolment jissuspetta li tkun kisret id-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmulin tahtu,"; minflok il-kliem "bejgħ ta' logħbiet awtorizzati, xi apparat għal-logħob li" għandhom jidhlu l-kliem "bejgħ ta' logħbiet jew logħbiet tad-divertiment, kull apparat għal-logħob jew makna għal-logħob tad-divertiment li"; u minflok il-kliem "li għalih ikun maħsub;" għandhom jidhlu l-kliem "li għalih ikun maħsub jew ma jkunx mod ieħor konformi mad-disposizzjonijiet ta' dan l-Att jew kull regolament magħmul tahtu,";

(vi) fil-paragrafu (e) tiegħu, minnufih wara l-kliem "ta' logħba" għandhom jiżdiedu l-kliem "jew ta' logħba tad-divertiment";

(vii) fis-subparagrafu (ii) tal-paragrafu (f) tiegħu, minnufih ara l-kliem "ta' detentur ta' liċenza" għandhom jiżdiedu l-kliem "jew kull persuna li topera, tippromwovi jew tbigh logħbiet jew logħbiet tad-divertiment," u minflok il-kliem "dmirijietu; u" għandhom jidhlu l-kliem "dmirijietu,";

(viii) fil-paragrafu (g) tiegħu, minflok il-kliem "prova ta' kemm għandha età," għandhom jidhlu l-kliem "prova ta' kemm għandha età;"

(ix) minnufih wara l-paragrafu (g) tiegħu, għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

"(h) li jirrendi mhux funzjonabbli jew mod ieħor ma jhallix li jsir użu ta' apparat għal-logħob jew makna għal-logħob tad-divertiment meta l-ispettur jikkonsidra li dak l-apparat għal-logħob jew makna għal-logħob tad-divertiment, jew kull persuna li topera jew tilqa' għandha dak l-apparat għal-logħob jew dik il-makna għal-logħob tad-divertiment, ma jkunx konformi ma' xi

disposizzjoni ta' dan l-Att, regolamenti magħmulin tahtu jew il-kondizzjonijiet ta' xi liċenza; u

(i) li jneħhi kull apparat għal-logħob jew makna għal-logħob tad-divertiment u kull tagħmir u, jew *software* konness miegħu, mill-post fejn ikunu qiegħdin għal post ieħor li jkun approvat u magħżul mill-Awtorità sabiex jitwettqu spezzjonijiet, testijiet jew eżamijiet fuq dak l-apparat għal-logħob, makna għal-logħob tad-divertiment tagħmir u, jew *software*."; u

(b) fis-subartikolu (3) tiegħu, minflok il-kliem "tostakola jew tonqos" għandhom jidhlu l-kliem "tostakola, timpedixxi jew mod ieħor tindaħal, jew xjentement tagħmel dikjarazzjoni bil-miktub jew bil-fomm li tista' tqarraq jew tipproduċi dokument falz lil spettur, u kull persuna li tonqos" u minflok il-kliem "dmirijietu taht is-subartikolu (1) jew taht l-artikolu 19," għandhom jidhlu l-kliem "dmirijietu,".

Emenda tal-artikolu 19 tal-Att prinċipali.

8. L-artikolu 19 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara l-kliem "f'xi post meta jiġu offruti xi logħbiet" għandhom jiżdiedu l-kliem "jew logħbiet tad-divertiment" u minflok il-kliem "għall-bejgħ, jew meta xi logħbiet jkunu qiegħdin jiġu organizzati jew operati," għandhom jidhlu l-kliem "għall-bejgħ, jiġu organizzati, operati jew mod ieħor jintgħamli disponibbli għall-pubbliku,";

(b) fil-paragrafu (b) tiegħu, minflok il-kliem "ta' detenturi ta' liċenza jew ta' bejjiegħa ta' logħbiet" għandhom jidhlu l-kliem "ta' detenturi ta' liċenza, ta' bejjiegħa jew ta' operaturi ta' logħbiet";

(ċ) il-paragrafi (ċ), (d) u (e) tiegħu għandhom jiġu enumerati mill-ġdid bhala l-paragrafi (d), (e) u (f) rispettivament;

(d) minnufih wara l-paragrafu (b) tiegħu, għandu jiżdied il-paragrafu ġdid li ġej:

"(c) josserva kull waħda mill-operazzjonijiet ta' detenturi ta' liċenza, bejjiegħa jew operaturi ta' logħbiet tad-divertiment"; u

(e) fil-paragrafu (d) tiegħu, kif enumerat mill-ġdid,

minflok il-kliem "ta' detenturi ta' liċenza jew ta' bejjiegħa ta' logħbiet jew ta' logħbiet" għandhom jidhlu l-kliem "ta' detenturi ta' liċenza, bejjiegħa jew operaturi ta' logħbiet jew logħbiet tad-divertiment".

**9.** Fl-artikolu 20 tal-Att prinċipali, minnufih wara l-kliem "promozzjoni jew bejgħ ta' xi logħba" għandhom jiżdedu l-kliem "jew logħba tad-divertiment".

Emenda tal-artikolu 20 tal-Att prinċipali.

**10.** L-artikolu 42 tal-Att prinċipali għandu jithassar.

Thassir tal-artikolu 42 tal-Att prinċipali.

**11.** Fl-artikolu 60 tal-Att prinċipali, minflok il-kliem "sitt elef u disa' mija u tmienja u tmenin euro u tnax-il ċenteżmu (6988.12)" għandhom jidhlu l-kliem "sebat elef euro (€7000.00)".

Emenda tal-artikolu 60 tal-Att prinċipali.

**12.** Is-subartikolu (1) tal-artikolu 67 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 67 tal-Att prinċipali.

(a) minflok il-kliem "multa ta' mhux inqas minn sitt elef u disa' mija u tmienja u tmenin euro u tnax-il ċenteżmu (6,988.12) u mhux iżjed minn mitejn u tnejn u tletin elf u disa' mija u sebgħa u tletin euro u erbgħa u tletin ċenteżmu (232,937.34)" għandhom jidhlu l-kliem "multa ta' mhux inqas minn sebat elef euro (€7,000.00) mhux iżjed minn mitejn u hamsa u tletin elf euro (€235,000.00)";

(b) fl-ewwel proviso tiegħu, minflok il-kliem "multa ta' mhux inqas minn hdax-il elf u sitt mija u sitta u erbgħin euro u sebgħa u tmenin ċenteżmu (11,646.87) u mhux iżjed tliet mija u disgħa u erbgħin elf u erba' mija u sitt euro u ċenteżmu (349,406.01)," għandhom jidhlu l-kliem "multa ta' mhux inqas minn tnax-il elf euro (€12,000.00) u mhux iżjed minn tliet mija u hamsin elf euro (€350,000.00)"; u

(ċ) fit-tielet proviso tiegħu, minflok il-kliem "multa ta' mhux inqas minn mitejn u tnejn u tletin euro u erbgħa u disgħin ċenteżmu (232.94) u mhux iżjed minn sitt elef u disa' mija u tmienja u tmenin euro u tnax-il ċenteżmu (6,988.12), il-piena applikabbli tkun multa ta' mhux inqas minn mitejn u tnejn u tletin euro u erbgħa u disgħin ċenteżmu (232.94) u mhux iżjed minn sitt elef u disa' mija u tmienja u tmenin euro u tnax-il ċenteżmu (6,988.12).", għandhom jidhlu l-kliem "multa ta' mhux inqas minn mitejn u hamsin euro (€250.00) u mhux iżjed minn sebat elef euro (€7,000.00), il-piena applikabbli tkun multa ta' mhux inqas minn mitejn u hamsin euro (€250.00) u mhux iżjed minn sebat elef euro (€7,000.00).".

Emenda tal-artikolu 68 tal-Att prinċipali.

**13.** Fis-subartikolu (2) tal-artikolu 68 tal-Att prinċipali, minflok il-kliem "mitejn u tnejn u tletin elf u disa' mija sebgha u tletin euro u erbgħa u tletin ċenteżmu (232,937.34)" għandhom jidhlu l-kliem "mitejn u ħamsa u tletin elf euro (€235,000.00)" u minflok il-kliem "sitt elef u disa' mija u tmienja u tmenin euro u tnax-il ċenteżmu (6988.12)" għandhom jidhlu l-kliem "sebat elef euro (€7000.00)".

Emenda tal-artikolu 69 tal-Att prinċipali.

**14.** L-artikolu 69 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minnufih wara l-kliem "xi apparat għal-logħob" għandhom jiżdiedu l-kliem "jew makna għal-logħob tad-divertiment" u minnufih wara l-kliem "jew liċenza" għandhom jiżdiedu l-kliem "jew awtorizzazzjoni";

(b) fis-subartikolu (2) tiegħu -

(i) fil-paragrafu (a) tiegħu, minnufih wara l-kliem "ibagħbas ma' xi apparat għal-logħob" għandhom jiżdiedu l-kliem "jew makna għal-logħob tad-divertiment" u minnufih wara l-kliem "jew xi liċenza" għandhom jiżdiedu l-kliem "jew awtorizzazzjoni";

(ii) fil-paragrafu (b) tiegħu, minflok il-kliem "xi apparat għal-logħob jew liċenza", għandhom jidhlu l-kliem "xi apparat għal-logħob, makna għal-logħob tad-divertiment, liċenza jew awtorizzazzjoni"; u

(ċ) fis-subartikolu (3) tiegħu, minflok il-kliem "Iktar minn hekk, apparat għal-logħob jew liċenza", għandhom idhlu l-kliem "Iktar minn hekk, apparat għal-logħob, makna għal-logħob tad-divertiment, liċenza jew awtorizzazzjoni".

Emenda tal-artikolu 70 tal-Att prinċipali.

**15.** Fis-subartikolu (1) tal-artikolu 70 tal-Att prinċipali, minflok il-kliem "importat, manifatturat jew provvist" għandhom jidhlu l-kliem "manifatturat, immuntat, mqiegħed fis-suq, iddistribwit, fornit, mibjugħ, mikri, trasferit, magħmul disponibbli għall-użu, milqugħ minn ħaddiehor jew operat", u minflok il-kliem "li jsiru l-manifattura u l-manutenzjoni" għandhom jidhlu l-kliem "li jsiru l-manifattura, l-immuntar, it-tiswija, jew il-manutenzjoni".

Emenda tal-artikolu 72 tal-Att prinċipali.

**16.** Fl-artiklu 72 tal-Att prinċipali, minnufih wara l-kliem "kull apparat għal-logħob" għandhom jiżdiedu l-kliem "jew makna għal-logħob tad-divertiment" u minflok il-kliem "dan l-Att jew xi Taqsima tiegħu," għandhom jidhlu l-kliem "dan l-Att jew xi regolamenti magħmulin tahtu,".

17. Fl-artikolu 73 tal-Att prinċipali, minnufih wara l-kliem "xi disposizzjoni ta' dan l-Att" għandhom jiżdedu l-kliem "jew xi regolamenti magħmulin tahtu".

Emenda tal-artikolu 73 tal-Att prinċipali.

18. L-artikolu 74 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 74 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "jew xi parti minnu." għandhom jidhlu l-kliem "jew xi regolamenti magħmulin tahtu.";

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "dan l-Att jew xi Taqsima tiegħu m'għandhom" għandhom jidhlu l-kliem "dan l-Att jew xi regolamenti magħmulin tahtu m'għandhom"; u

(ċ) minnufih wara s-subartikolu (2) tiegħu, għandhom jiżdedu s-subartikoli ġodda li ġejjin:

"(3) F'kull proċedura rigward reat kontra dan l-Att jew regolamenti magħmulin tahtu, l-Awtorità jew kull uffiċjal jew persuna oħra delegata mill-Awtorità tista' tagħmel l-eżami jew il-kontro-eżami ta' xhieda, tipproduċi xiehda, tagħmel sottomissjonijiet biex tappoġġa l-akkuża u b'mod ġenerali tmexxi l-prosekuzzjoni f'isem il-pulizija, u d-dikjarazzjoni ġuramentata tal-uffiċjal jew persuna oħra delegata mill-Awtorità li hija tkun giet debitament delegata għal dak il-għan tkun prova konklussiva ta' dak il-fatt.

(4) Minkejja d-disposizzjonijiet tas-subartikolu (3), l-uffiċjal jew persuna oħra nominata skont dak is-subartikolu jistgħu jiġu prodotti bħala xhieda fil-proċedimenti:

Iżda jekk ix-xiehda ta' dak l-uffiċjal jew persuna oħra tkun meħtieġa bħala parti mill-każ tal-prosekuzzjoni, dak l-uffiċjal jew dik il-persuna l-oħra għandhom jinstemgħu qabel ma jibdew jaġixxu kif imsemmi fis-subartikolu (3):

Iżda wkoll il-proviso ta' qabel dan ma għandux japplika meta l-ħtieġa tax-xiehda ta' dak l-uffiċjal jew ta' dik il-persuna oħra tqum wara li jkunu bdew jaġixxu kif imsemmi fis-subartikolu (3).

Kap. 9. (5) Minkejja d-disposizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell minn kull deċiżjoni mogħtija mill-Qorti tal-Maġistrati, fil-ġurisdizzjoni kriminali tagħha, rigward proċedimenti għal reat kontra dan l-Att jew xi regolamenti magħmulin tahtu.

Kap. 9. (6) Il-pieni previsti f'dan l-Att għandhom japplikaw sakemm il-fatt ma jikkostitwix reat aktar gravi taht il-Kodiċi Kriminali jew xi liġi oħra, f'liema każ għandhom japplikaw id-disposizzjonijiet tal-Kodiċi Kriminali jew ta' dik il-liġi l-oħra.

Kap. 9. (7) Minkejja id-disposizzjonijiet tal-Kodiċi Kriminali, il-proċedimenti għal reat kontra dan l-Att jew regolamenti magħmulin tahtu jkunu preskritti meta jgħaddu sitt snin."

Żjieda ta' artikolu ġdid 76A ma' l-Att prinċipali.

**19.** Minnufih wara l-artikolu 76 tal-Att prinċipali għandu jiżdid l-artikolu ġdid 76A li ġej:

"Setgħa tal-Awtorità li toħroġ id-direttivi.

76A. (1) L-Awtorità għandha s-setgħa li toħroġ direttivi skond il-htieġa sabiex timplimenta d-dispożizzjonijiet ta' dan l-Att u ta' kull regolament magħmul tahtu.

(2) L-Awtorità għandha s-setgħa li temenda jew tirrevoka direttivi mahruġa taht dan l-artikolu."

Emenda tal-artikolu 78 tal-Att prinċipali.

**20.** L-artikolu 78 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu -

(i) fil-paragrafu (a) tiegħu, minflok il-kliem "l-ħruġ, is-sospensjoni u t-tħassir ta' liċenza taht dan l-Att" għandhom jidhlu l-kliem "l-ħruġ, l-impożizzjoni ta' kondizzjonijiet fuq, is-sospensjoni, u t-tħassir ta' kull liċenza taht dan l-Att" u minflok il-kliem "fil-każ tat-tħassir jew is-sospensjoni ta'" għandhom jidhlu l-kliem "fil-każ tas-sospensjoni jew tħassir ta'";

(ii) fil-paragrafu (b) tiegħu, minflok il-kliem "l-logħbiet, inkluż il-ħlas ta' ġugati u, jew il-premjijiet għal-logħbiet;", għandhom jidhlu l-kliem "l-logħbiet, kategoriji speċifikati ta' logħbiet jew logħbiet speċifikati, u kull haġa li għandha x'taqsam magħhom inkluż il-ħlas ta' ġugati, il-

hłasijiet ta' perċentwali u, jew il-premjijiet jew rebhiet għal-logħbiet;"

(iii) il-paragrafu (ċ) tiegħu għandu jiġi sostitwit bil-paragrafu li ġej:

"(ċ) jirregola l-manifattura, l-immuntar, it-tqegħid fis-suq, id-distribuzzjoni, il-provvista, il-bejgħ, il-kiri, it-trasferiment, il-manutenzjoni, it-twettiq ta' xogħlijiet ta' manutenzjoni preventiva, it-tiswija, il-wiri, l-ilqugħ minn haddiehor, id-disponiment għall-użu, l-użu, it-thaddim, il-monitoraġġ, il-kontroll u s-supervizjoni ta', u attivitajiet oħra jew servizzi li għandhom x'jaqsmu ma', kategoriji speċifikati ta' apparat għal-logħbiet u apparat għal-logħbiet speċifikati:

Izda dawn ir-regolamenti jistgħu jagħtu s-setgħa lill-Awtorità li tippreskrivi l-proċeduri li għandhom jiġu segwiti fit-twettiq ta' xi waħda mill-attivitajiet jew servizzi fuq imsemmija jew fit-twettiq ta' kollha kemm huma;"

(iv) fil-paragrafu (h) tiegħu, minflok il-kliem "miljun u mija u erbgħa u sittin elf u sitt mija u sitta u tmenin euro u sebghin ċenteżmu (1,164,686.70)" għandhom jidhlu l-kliem "miljun u mija u hamsa u sittin elf euro (€1,165,000)";

(v) fil-paragrafu (i) tiegħu, minflok il-kliem "f'kull waqt; u" għandhom jidhlu l-kliem "f'kull waqt, jippreskrivi l-ispeċifikazzjonijiet applikabbli għal postijiet jew siti minn fejn jew li fihom jista' jiġi offrut, promoss, operat jew mibjugħ il-logħob tat-tombla, inkluż izda mhux limitat għall-istabbiliment ta' regoli u politika li jirregolaw, fost affarijiet oħra, l-post, l-kobor, it-tip, il-firxa, id-disinn, is-senjaletika u l-faċilitajiet ta' dawk il-postijiet jew siti kif ukoll l-attivitajiet li jistgħu jiġu offruti, promossi, operati, mibjugħa jew imwettqa fi jew minn dawk il-postijiet jew siti;"

(vi) il-paragrafu (j) tiegħu għandu jiġi enumerat mill-ġdid bhala l-paragrafu (o);

(vii) minnufih wara l-paragrafu (i) tiegħu, għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

"(j) jillimita l-ghadd ta' liċenzi msemmija fl-artikolu 7(1) li jistgħu jinħarġu u jkunu fis-seħħ f'kull waqt;

(k) jippreskrivi l-htigiet minimi, il-kwalifiki u kriterji oħra li għandhom jintlaħqu sabiex persuna tingħata liċenza, awtorizzazzjoni jew approvazzjoni taħt l-Att;

(l) jippreskrivi l-ispeċifikazzjonijiet applikabbli għal postijiet jew siti li minnhom jew fihom tista' tiġi offerta, promossa, operata jew mibjugħa logħba, inkluż iżda mhux limitat għall-istabbiliment ta' regoli u politika li jirregolaw, fost affarijiet oħra, l-post, l-kobor, it-tip, il-firxa, id-disinn, is-senjaletika u l-faċilitajiet ta' dawk il-postijiet jew siti kif ukoll it-tip ta' logħbiet jew attivitajiet li jistgħu jiġu offruti, promossi, operati, mibjugħa jew imwettqa fi jew minn dawk il-postijiet jew siti;

(m) jipprovdi għat-twaqqif ta' fond, li jkun imsejjah "Fond għal Logħob Responsabbli", li fih jiġu akkreditati dawk il-perċentwali mit-taxxi u, jew mid-drittijiet gross imħallsin minn detenturi ta' liċenzi jew kategoriji speċifikati ta' detenturi ta' liċenzi kif jista' jiġi speċifikat biex jiġi promoss logħob responsabbli, inkluż iżda mhux limitat għall-provvista ta' għotjiet għal proġetti, attivitajiet, riċerka u programmi edukattivi li għandhom x'jaqsmu ma' logħob responsabbli;

(n) jipprovdi dwar id-drittijiet, dazju, taxxi u, jew ammonti oħra li għandhom jingabru dwar il-manifattura, l-immuntar, it-tqegħid fis-suq, id-distribuzzjoni, il-provvista, il-bejgħ, il-kiri, it-trasferiment, il-manutenzjoni, it-twettiq ta' xogħlijiet ta' manutenzjoni preventiva, it-tiswija, il-wiri, li jintlaqa' minn haddieħor, id-disponiment għall-użu, l-użu, it-thaddim, il-monitoraġġ, il-kontroll u s-superviżjoni ta', u attivitajiet oħra jew servizzi li għandhom x'jaqsmu ma', apparat għal-logħob, kategoriji speċifikati ta' apparat għal-logħob jew apparat għal-logħob speċifikati; u";

(b) fis-subartikolu (5) tiegħu -

(i) minflok il-kliem "biex jirregola t-tqegħid fis-suq, il-manifattura, il-provvista, il-manutenzjoni, l-użu, l-operazzjoni, il-kontroll u s-supervizjoni ta', u affarijiet oħra li jirrigwardaw, il-makni għal-logħob tad-divertiment jew kategoriji speċifikati ta' makni għal-logħob tad-divertiment jew makni għal-logħob tad-divertiment speċifikati u," għandhom jidhlu l-kliem "biex jirregola l-manifattura, l-immuntar, it-tqegħid fis-suq, id-distribuzzjoni, il-provvista, il-bejgħ, il-kiri, it-trasferiment, il-manutenzjoni, it-twettiq ta' xogħlijiet ta' manutenzjoni preventiva, it-tiswija, il-wiri, l-ilqugh minn haddieħor, id-disponiment għall-użu, l-użu, it-thaddim, il-monitoraġġ, il-kontroll u s-supervizjoni ta', u attivitajiet oħra jew servizzi li għandhom x'jaqsmu ma', makni għal-logħob tad-divertiment, kategoriji speċifikati ta' makni għal-logħob tad-divertiment jew logħbiet tad-divertiment speċifikati, u";

(ii) fil-paragrafu (a) tiegħu, minflok il-kliem "jistgħu biss jiġu mqegħda fis-suq, manifatturati, provvisti, issirilhom manutenzjoni u, jew jiġu operati minn persuna" għandhom jidhlu l-kliem "jistgħu biss jiġu manifatturati, immuntati, imqieghdin fis-suq, distribwiti, forniti, mibjugħa, mikrija, trasferiti, issirilhom manutenzjoni, issirilhom manutenzjoni preventiva, imsewwija, imqieghda għall-wiri, li jintlaqghu minn haddieħor, magħmulin disponibbli għall-użu, użati, operati, immonitorjati, kontrollati jew sorveljati minn persuna";

(iii) fil-paragrafu (ċ) tiegħu, minflok il-kliem "u, jew it-tqegħid fis-suq, il-manifattura, il-provvista, il-manutenzjoni, l-użu u, jew l-operazzjoni tagħhom tkun, jew isir, taħt is-supervizjoni ta' l-Awtorità u ta' l-ispetturi;", għandhom jidhlu l-kliem:

"u, jew il-manifattura, l-immuntar, it-tqegħid fis-suq, id-distribuzzjoni, il-provvista, il-bejgħ, il-kiri, it-trasferiment, il-manutenzjoni, il-manutenzjoni preventiva, it-tiswija, il-wiri, l-ilqugh minn haddieħor, id-disponiment għall-użu, l-użu, il-monitoraġġ, il-kontroll u s-supervizjoni tiegħu tkun, jew isir, taħt is-supervizjoni u kontroll ta' l-Awtorità u ta' l-ispetturi:

Iżda dawn ir-regolamenti jistghu jagħtu s-setgħa lill-Awtorità li tippreskrivi l-proċeduri li għandhom jiġu segwiti fit-twettiq ta' xi waħda mill-attivitajiet jew servizzi fuq imsemmija jew fit-twettiq ta' kollha kemm huma";

(iv) fil-paragrafu (d) tiegħu, minflok il-kliem "dwar it-tqeghid fis-suq, il-manifattura, il-provvista, il-manutenzjoni, l-użu u, jew l-operazzjoni ta' dawk" għandhom jidhlu l-kliem "dwar il-manifattura, l-immuntar, it-tqeghid fis-suq, id-distribuzzjoni, il-provvista, il-bejgħ, il-kiri, it-trasferiment, il-manutenzjoni, il-manutenzjoni preventiva, it-tiswija, il-wiri, l-ilqugħ minn haddieħor, id-disponiment għall-użu, l-użu, il-monitoraġġ, il-kontroll jew is-superviżjoni ta' dawk";

(v) fil-paragrafu (e) tiegħu, minflok il-kliem "l-bejgħ, xiri, tqeghid fis-suq, provvista u, jew manifattura" għandhom jidhlu l-kliem "l-manifattura, it-tqeghid fis-suq, id-distribuzzjoni, il-provvista, il-bejgħ, it-trasferiment, id-disponiment għall-użu, l-użu, u, jew, ix-xiri";

(vi) il-paragrafu (g) tiegħu għandu jiġi sostitwit bil-paragrafu li ġej:

"(g) jippreskrivi l-ispeċifikazzjonijiet applikabbli għal postijiet jew siti li minnhom jew li fihom tista' tiġi offerta, promossa, operata jew mibjugħa logħba tad-divertiment, inkluż iżda mhux limitat għall-istabbiliment ta' regoli u politika li jirregolaw, fost affarijiet oħra, l-post, l-kobor, it-tip, il-firxa, id-disinn, is-senjaletika u l-facilitajiet ta' dawk il-postijiet jew siti kif ukoll it-tip ta' logħbiet jew attivitajiet li jistghu jiġu offruti, promossi, mibjugħa, operati jew imwettqa fi jew minn dawk il-postijiet jew siti";

(vii) fil-paragrafu (h) tiegħu, minflok il-kliem "logħbiet tad-divertiment jintlagbu b'mod ġust.", għandhom jidhlu l-kliem "logħbiet tad-divertiment jintlagħbu b'mod ġust; u"; u

(viii) minnufih wara l-paragrafu (h) tiegħu, għandu jizdied il-paragrafu ġdid li ġej:

"(i) jippreskrivi l-età minima ta' persuni li jistghu jużaw makni għal-logħob tad-divertiment,

kategoriji speċifikati ta' makni għal-logħob tad-divertiment, makni għal-logħob tad-divertiment speċifikati, logħbiet tad-divertiment, kategoriji speċifikati ta' logħob tad-divertiment jew logħob speċifikat tad-divertiment."; u

(ċ) fis-subartikolu (8) tiegħu, minflok il-kliem "mitejn u tnejn u tletin elf u disa' mija u sebgħa u tletin euro u erbgħa u tletin ċenteżmu (232,937.34)", għandhom jidhlu l-kliem "mitejn u hamsa u tletin elf euro (€35,000.00)" u minflok il-kliem "disposizzjonijiet ta' dawk ir-regolamenti.", għandhom jidhlu l-kliem "disposizzjonijiet ta' dawk ir-regolamenti u, jew il-qbid, it-tneħħija, il-konfiska, il-qirda jew ir-rendiment mhux funzjonabbli ta' apparat għal-logħob, makni tad-divertiment jew kull tagħmir jew *software* li għandu x'jaqsam jew hu konness magħhom."

**21.** Il-Hames Skeda ta' l-Att prinċipali għandha tithassar.

Thassir tal-Hames Skeda tal-Att prinċipali.

## TAQSIMA II

### Thassir tal-Att dwar il-Lotteriji tal-Gvern

**22.** Din it-Taqsima tħassar l-Att dwar il-Lotteriji tal-Gvern u r-regolamenti magħmulin tahtu.

Thassir tal-Att dwar il-Lotteriji tal-Gvern. Kap. 292.

**23.** L-Att dwar il-Lotteriji tal-Gvern u r-regolamenti magħmulin tahtu huma b'dan imħassra.

Thassir tal-Att dwar il-Lotteriji tal-Gvern. Kap. 292.

## TAQSIMA III

### Emendi għall-Att dwar il-Liċenzi tal-Kummerċ

**24.** Din it-Taqsima temenda l-Att dwar il-Liċenzi tal-Kummerċ, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Liċenzi tal-Kummerċ, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar il-Liċenzi tal-Kummerċ. Kap. 441.

**25.** Fis-subartikolu (1) ta' l-artikolu 20 tal-Att prinċipali, minflok il-kliem "il-permess tal-Kunsill Lokali." għandhom jidhlu l-kliem "il-permess tal-Kunsill Lokali:", u minnufih wara għandu

Emenda tal-artikolu 21 tal-Att prinċipali.

jiżdied il-proviso li ġej:

Kap. 438.

Kap. 70.

"Iżda biex isiru loghbiet żgħar jew tombla jkun meħtieġ, b'żieda ma' dak li hemm imniżżel f'dan is-subartikolu, li tinkiseb kull liċenza jew awtorizzazzjoni li tista' tkun meħtieġa taħt l-Att dwar Lotteriji u Logħob Ieħor, jew l-Ordinanza dwar il-Lottu Pubbliku, skond il-każ."

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 177 tal-14 ta' Diċembru, 2009.

LOUIS GALEA  
*Speaker*

PAULINE ABELA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

GEORGE ABELA  
President

18th December, 2009

**ACT No. XXII of 2009**

*AN ACT to amend the Lotteries and Other Games Act.*

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.** The short title of this Act is the Lotteries and Other Games (Amendment) Act, 2009. Short title.

**PART I**

**AMENDMENT OF THE LOTTERIES  
AND OTHER GAMES ACT**

**2.** This Part amends the Lotteries and Other Games Act, and it shall be read and construed as one with the Lotteries and Other Games Act, hereinafter in this Part referred to as "the principal Act". Amendment of the Lotteries and other Games Act. Cap. 438.

**3.** Subarticle (1) of article 2 of the principal Act shall be amended as follows: Amendment of article 2 of the principal Act.

(a) in the definition "gaming device", for the words "or in gaming, and includes a totalisator, a VLT, a VLT central computer, a tombola scorecard and a tombola scoresheet;", there shall be substituted the words "or in gaming;"

(b) immediately after the definition "gaming device" there shall be added the following new definition:

" "hosting" shall mean the placing of, or the allowing, suffering or otherwise placing of, in premises accessible to the public; and the term "host" shall be construed accordingly;"

(c) for the definition "licensee" there shall be substituted the following:

" "licensee" means any person holding a licence issued by the Authority under this Act;"

(d) in the definition "other games" the words "VLT games operated by VLT licensees," shall be deleted;

(e) in the definition "relevant gaming device" for the words "in gaming, and includes a totalisator, a VLT and a VLT central computer;", there shall be substituted the words "in gaming;"

(f) in the definition "small game", the words "two hundred and thirty-two euro and ninety-four cents (232.94)" shall be substituted by the words "two hundred and thirty-five euro (235.00)"; and

(g) the definitions "Video Lottery Terminal", "VLT", "VLT central computer", "VLT CPU", "VLT game", "VLT licence", "VLT licensee" and "VLT payout voucher" shall be deleted.

Amendment of  
article 7 of the  
principal Act.

**4.** Article 7 of the principal Act shall be amended as follows:

(a) in the marginal note thereof, for the words "Importation, etc., of relevant gaming devices", there shall be substituted the words "Placing on the market, etc., of relevant gaming devices";

(b) in subarticle (1) thereof, for the words "shall place on the market, manufacture, maintain or supply any relevant gaming device," there shall be substituted the words "shall manufacture, assemble, repair, service, place on the market,

distribute, supply, sell, lease, transfer, make available for use, host or operate any relevant gaming device," and immediately after the words "in respect of such relevant gaming device" there shall be added the words "or such activity";

(c) in subarticle (2) thereof, for the words "to place on the market, manufacture, maintain or supply a relevant gaming device," there shall be substituted the words "to manufacture, assemble, repair, service, place on the market, distribute, supply, sell, lease, transfer, make available for use, host or operate any relevant gaming device," and for the words "cancellation or suspension of" there shall be substituted the words "cancellation or suspension of, or the imposition of any condition on,"; and

(d) in subarticle (3) thereof, for the words "places on the market, manufactures, maintains or supplies, or in any way aids or abets the importation, manufacture, maintenance or supply of, a relevant gaming device in contravention of subarticle (1)," there shall be substituted the words "contravenes, or in any way aids or abets a person to contravene, the provisions of subarticle (1),".

**5.** Article 8 of the principal Act shall be amended as follows:

Amendment of article 8 of the principal Act.

(a) in subarticle (1) thereof, for the words "sixteen years of age shall be guilty of an offence." there shall be substituted the words:

"eighteen years of age shall be guilty of an offence:

Provided that in the case of the offering for sale or the sale of the National Lottery under a National Lottery licence currently in force at the time of the coming into force of this proviso, the age prohibition shall be sixteen years instead of eighteen years."; and

(b) in subarticle (2) thereof, for the words "under the age of sixteen years," there shall be substituted the words "under the age referred to in subarticle (1),".

**6.** In paragraph (g) of article 11 of the principal Act, for the words "the placing on the market, manufacture, supply and maintenance of relevant gaming devices," there shall be substituted the words "the manufacture, assembly, repair, service, placing on the market, distribution, supply, sale, lease, transfer, making available for use, hosting and operation of relevant gaming devices,".

Amendment of article 11 the principal Act.

7. Article 18 of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof -

(i) immediately after the words "from time to time be given" there shall be added the words "by means of regulations made under this Act or";

(ii) in paragraph (a) thereof -

1. immediately after the words "any gaming device," there shall be added the words "amusement machine," and immediately after the words "whatsoever related to games," there shall be added the words "amusement games," and immediately after the words "the operation of games" there shall be added the words "or amusement games";

2. in subparagraph (i) thereof, for the words "to produce such device, books" there shall be substituted the words "to produce such gaming device, amusement machine, books";

3. in subparagraph (ii) thereof, immediately after the words "relating to the gaming device," there shall be added the words "games, amusement machine, amusement games,";

(iii) in paragraph (b) thereof -

1. immediately after the words "on behalf of a licensee", there shall be added the words "or any other person";

2. in subparagraph (i) thereof, for the words "the operation of authorised games" there shall be substituted the words "the operation of games or amusement games";

3. in subparagraph (ii) thereof, for the words "to the operation of authorised games" there shall be substituted the words "to the operation of games or amusement games";

(iv) in paragraph (c) thereof, for the words "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" there shall be substituted the words "any gaming device or amusement machine, inspect such book, document or records, and take copies of or make notes in relation to such book, document or records, relating to the operation of games or amusement games, as the inspector";

(v) in paragraph (d) thereof, for the words "to direct a licensee," there shall be substituted the words "to direct any licensee or any person whom the inspector reasonably suspects to be in breach of this Act or any regulations made thereunder,"; for the words "sale of authorised games, any gaming device that" there shall be substituted the words "sale of games or amusement games, any gaming device or amusement machine that"; and for the words "which it is intended;" there shall be substituted the words "which it is intended or is not otherwise in conformity with the provisions of this Act or any regulations made thereunder;"

(vi) in paragraph (e) thereof, immediately after the words "of a game" there shall be added the words "or an amusement game";

(vii) in subparagraph (ii) of paragraph (f) thereof, immediately after the words "of a licensee" there shall be added the words "or any person operating, promoting or selling games or amusement games," and for the words "his duties; and" there shall be substituted by the words "his duties;"

(viii) in paragraph (g) thereof, for the words "evidence of his age," there shall be substituted the words "evidence of his age;"

(ix) immediately after the paragraph (g) thereof, there shall be added the following new paragraphs:

"(h) to disable or otherwise prevent the use of a gaming device or amusement machine where the inspector considers that such gaming device or amusement machine, or any person operating or hosting such gaming device or amusement machine, is not in conformity with any provision of this Act, regulations issued thereunder or

conditions of any licence; and

(i) to remove any gaming device or amusement machine and any equipment and, or software connected thereto, from their current location to another location approved and designated by the Authority for the purpose of conducting inspections, testing or examinations on such gaming device, amusement machine, equipment and, or software."; and

(b) in subarticle (3) thereof, for the words "hinders or fails" there shall be substituted the words "hinders, obstructs or otherwise interferes with, or knowingly makes a false or misleading written or oral statement or produces a false document to, an inspector, and any person who fails" and for the words "his duties under subarticle (1) or under article 19," there shall be substituted the words "his duties,".

Amendment of  
article 19 of the  
principal Act.

**8.** Article 19 of the principal Act shall be amended as follows:

(a) immediately after the words "place where games" there shall be added the words "or amusement games" and for the words "sale, or where games are being organised or operated," there shall be substituted the words "sale, organised, operated or are otherwise made available to the public,";

(b) in paragraph (b) thereof, for the words "of licensees or of sellers of games" there shall be substituted the words "of licensees, sellers or operators of games";

(c) paragraphs (c), (d) and (e) thereof shall be renumbered as paragraphs (d), (e) and (f) respectively;

(d) immediately after paragraph (b) thereof, there shall be added the following new paragraph:

"(c) observing any of the operations of licensees, sellers or operators of amusement games;"; and

(e) in paragraph (d) thereof, as renumbered, for the words "of licensees or of sellers of games or of games" there shall be substituted the words "of licensees, sellers or operators of games or amusement games".

Amendment of  
article 20 of the  
principal Act.

**9.** In article 20 of the principal Act, immediately after the words "promotion or sale of any game" there shall be added the words

"or amusement game".

**10.** Article 42 of the principal Act shall be repealed.

Repeal of article 42 of the principal Act.

**11.** In article 60 of the principal Act, the words "six thousand and nine hundred and eighty-eight euro and twelve cents (6988.12)" shall be substituted by the words "seven thousand euro (7000.00)".

Amendment of article 60 of the principal Act.

**12.** Subarticle (1) of article 67 of the principal Act shall be amended as follows:

Amendment of article 67 of the principal Act.

(a) for the words "to a fine (*multa*) of not less than six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12) and not more than two hundred and thirty-two thousand and nine hundred and thirty-seven euro and thirty-four cents (232,937.34)" there shall be substituted the words "to a fine (*multa*) of not less than seven thousand euro (€7,000.00) and not more than two hundred and thirty-five thousand euro (€235,000.00)";

(b) in the first proviso thereof, for the words "fine (*multa*) of not less than eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) and not more than three hundred and forty-nine thousand and four hundred and six euro and one cent (349,406.01)," there shall be substituted the words "fine (*multa*) of not less than twelve thousand euro (€12,000.00) and not more than three hundred and fifty thousand euro (€350,000.00),"; and

(c) in the third proviso thereof, for the words "a fine (*multa*) of not less than two hundred and thirty-two euro and ninety-four cents (232.94) and not more than six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12), the applicable penalty shall be a fine (*multa*) of not less than two hundred and thirty-two euro and ninety-four cents (232.94) and not more than six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12).", there shall be substituted the words "a fine (*multa*) of not less than two hundred and fifty euro (€250.00) and not more than seven thousand euro (€7,000.00), the applicable penalty shall be a fine (*multa*) of not less than two hundred and fifty euro (€250.00) and not more than seven thousand euro (€7,000.00).".

**13.** In subarticle (2) of article 68 of the principal Act, the words "two hundred and thirty-two thousand and nine hundred and thirty-seven euro and thirty-four cents (232,937.34)" shall be substituted by the words "two hundred and thirty-five thousand euro

Amendment of article 68 of the principal Act.

(€235,000.00)" and the words "six thousand and nine hundred and eighty-eight euro and twelve cents (6988.12)" shall be substituted by the words "seven thousand euro (€7000.00)".

Amendment of article 69 of the principal Act.

**14.** Article 69 of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof, immediately after the words "any gaming device" there shall be added the words "or amusement machine" and immediately after the words "or a licence" there shall be added the words "or an authorisation";

(b) in subarticle (2) thereof -

(i) in paragraph (a) thereof, immediately after the words "tamper with any gaming device" there shall be added the words "or amusement machine" and immediately after the words "or any licence" there shall be added the words "or authorisation";

(ii) in paragraph (b) thereof, for the words "tampered with gaming device or licence.", there shall be substituted the words "tampered with a gaming device, amusement machine, licence or authorisation."; and

(c) in subarticle (3) thereof, for the words "Furthermore, any gaming device or licence", there shall be substituted the words "Furthermore, any gaming device, amusement machine, licence or authorisation".

Amendment of article 70 of the principal Act.

**15.** In subarticle (1) of article 70 of the principal Act, for the words "imported, manufactured or supplied" there shall be substituted the words "manufactured, assembled, placed on the market, distributed, supplied, sold, leased, transferred, made available for use, hosted or operated", and for the words "manufacturing or carrying out maintenance" there shall be substituted the words "manufacturing, assembling, repairing or servicing".

Amendment of article 72 of the principal Act.

**16.** In article 72 of the principal Act, immediately after the words "any gaming device" there shall be added the words "or amusement machine" and for the words "this Act or any Part thereof," there shall be substituted the words "this Act or any regulations made thereunder,".

Amendment of article 73 of the principal Act.

**17.** In article 73 of the principal Act, immediately after the words "any provision of this Act" there shall be added the words "or any regulations made thereunder".

**18.** Article 74 of the principal Act shall be amended as follows:

Amendment of  
article 74 of the  
principal Act.

(a) in subarticle (1) thereof, for the words "or any Part thereof." there shall be substituted the words "or any regulations made thereunder.";

(b) in subarticle (2) thereof, for the words "this Act or any Part thereof shall" there shall be substituted the words "this Act or any regulations made thereunder shall"; and

(c) immediately after subarticle (2) thereof, there shall be added the following new subarticles:

"(3) In any proceedings in relation to offences against the Act or regulations made thereunder, it shall be lawful for the Authority or any officer or other person delegated by the Authority, to examine or cross-examine witnesses, produce evidence, make submissions in support of the charge and generally to conduct the prosecution on behalf of the police, and the sworn statement of the officer or other person delegated by the Authority that he has been duly delegated for that purpose shall be conclusive evidence of that fact.

(4) Notwithstanding the provisions of subarticle (3), the officer or other person deputed in accordance with the said subarticle may be produced as a witness in the proceedings:

Provided that should the evidence of such officer or other person be required as part of the case for the prosecution, such officer or other person shall be heard before he commences to act as mentioned in subarticle (3):

Provided further that the foregoing proviso shall not apply where the necessity of the evidence of such officer or other person arises after he commences to act as mentioned in subarticle (3).

Cap. 9. (5) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal from any judgment given by the Court of Magistrates, in its criminal jurisdiction, in respect of proceedings for any offence against this Act or any regulations made thereunder.

Cap. 9. (6) The punishments provided in this Act shall apply unless the fact constitutes a more serious offence under the Criminal Code or any other law, in which case the provisions of the Criminal Code or of such other law shall apply.

Cap. 9. (7) Notwithstanding the provisions of the Criminal Code, proceedings for an offence against this Act or regulations made thereunder shall be barred by prescription by the lapse of six years."

Addition of new article 76A in the principal Act.

**19.** Immediately after article 76 of the principal Act there shall be added the following new article 76A:

"Power of the Authority to issue directives.

76A. (1) The Authority may issue directives as may be required for the carrying into effect of the provisions of this Act and of any regulations made hereunder.

(2) The Authority may amend or revoke such directives."

Amendment of article 78 of the principal Act.

**20.** Article 78 of the principal Act shall be amended as follows:

(a) in subarticle (2) thereof -

(i) in paragraph (a) thereof, for the words "the issue, suspension and cancellation of a licence under this Act" there shall be substituted the words "the issue, imposition of conditions on, suspension, and cancellation of any licence under this Act" and for the words "in case of the cancellation or suspension of" there shall be substituted the words "in case of the suspension or cancellation of";

(ii) in paragraph (b) thereof, for the words "games, including the payment of stakes and, or prizes in games;", there shall be substituted the words "games, specified categories of games or specified games, and all matters related thereto including the payment of stakes,

payout percentages and, or prizes or winnings in games;";

(iii) paragraph (c) thereof shall be substituted by the following paragraph:

"(c) regulate the manufacture, assembly, placing on the market, distribution, supply, sale, lease, transfer, maintenance, servicing, repair, display, hosting, making available for use, use, operation, monitoring, control and supervision of, and other activities or services related to, gaming devices, specified categories of gaming devices or specified gaming devices:

Provided that such regulations may empower the Authority to prescribe the procedures to be followed for the carrying out of all or part of any of the aforementioned activities or services;";

(iv) in paragraph (h) thereof, for the words "one million and one hundred and sixty-four thousand and six hundred and eighty-six euro and seventy cents (1,164,686.70)", there shall be substituted the words "one million and one hundred and sixty-five thousand euro (€1,165,000)";

(v) in paragraph (i) thereof, for the words "at any time; and" there shall be substituted the words "at any time, prescribe the specifications applicable to the premises or venue from or in which commercial tombola (bingo) can be offered, promoted, operated or sold, including but not limited to the establishment of rules or policies regulating, amongst others, the location, size, type, layout, design, signage and facilities of such premises or venue as well as the activities which may be offered, promoted, operated, sold or carried out in or from such premises or venue;";

(vi) paragraph (j) thereof shall be renumbered as paragraph (o);

(vii) immediately after paragraph (i) thereof, there shall be added the following new paragraphs:

"(j) limit the number of licences referred to in article 7(1) which may be granted and be in

force at any time;

(k) prescribe the minimum requirements, qualifications and other criteria to be fulfilled in order for a person to be granted a licence, authorisation or approval under the Act;

(l) prescribe the specifications applicable to the premises or venue from or in which a game can be offered, promoted, operated or sold, including but not limited to the establishment of rules or policies regulating, amongst others, the location, size, type, layout, design, signage and facilities of such premises or venue as well as the type of games or activities which may be offered, promoted, operated, sold or carried out in or from such premises or venue;

(m) provide for the setting up of a fund, to be styled as the "Responsible Gaming Fund", to which there shall be credited such percentage of taxes and, or gross fees paid by licensees or specific categories of licensees as may be specified in such regulations for the purpose of promoting responsible gaming, including but not limited to the provision of grants for projects, activities, research and educational programmes relating to responsible gaming;

(n) provide for fees, duties, taxes and, or other sums leviable in respect of the manufacture, assembly, placing on the market, distribution, supply, sale, lease, transfer, maintenance, servicing, repair, display, hosting, making available for use, use, operation, monitoring, control and supervision of, and other activities or services related to, gaming devices, specified categories of gaming devices or specified gaming devices; and";

(b) in subarticle (5) thereof -

(i) for the words "to regulate the placing on the market, manufacture, supply, maintenance, use, operation, control and supervision of, and other matters relating to, amusement machines or specified categories of amusement machines or specified amusement machines and," there

shall be substituted the words "to regulate the manufacture, assembly, placing on the market, distribution, supply, sale, lease, transfer, maintenance, servicing, repair, display, hosting, making available for use, use, operation, monitoring, control and supervision of, and other activities or services related to, amusement machines, specified categories of amusement machines, specified amusement machines, amusement games, specified categories of amusement games or specified amusement games, and";

(ii) in paragraph (a) thereof, for the words "may only be placed on the market, manufactured, supplied, maintained and, or operated by a person" there shall be substituted the words "may only be manufactured, assembled, placed on the market, distributed, supplied, sold, leased, transferred, maintained, serviced, repaired, displayed, hosted, made available for use, used, operated, monitored, controlled or supervised by a person";

(iii) in paragraph (c) thereof, for the words "and, or the placing on the market, manufacture, supply, maintenance, use and, or operation thereof be, or be made, under the supervision of the Authority and of inspectors;", there shall be substituted the words:

"and, or the manufacturing, assembly, placing on the market, distribution, supply, sale, lease, transfer, maintenance, servicing, repair, display, hosting, making available for use, use, operation, monitoring, control or supervision thereof be, or be made, under the supervision or control of the Authority and of inspectors:

Provided that such regulations may empower the Authority to prescribe the procedures to be followed for the carrying out of all or part of any of the aforementioned activities or services";

(iv) in paragraph (d) thereof, for the words "in respect of the placing on the market, manufacture, supply, maintenance, use and, or operation of such" there shall be substituted the words "in respect of the manufacturing, assembly, placing on the market, distribution, supply, sale, lease, transfer, maintenance, servicing, repair, display, hosting, making available for use, use, operation, monitoring, control or supervision of";

(v) in paragraph (e) thereof, for the words "the sale, purchase, placing on the market, supply and, or manufacture" there shall be substituted the words "the manufacturing, placing on the market, distribution, supply, sale, transfer, making available for use, use, and, or purchase";

(vi) paragraph (g) thereof shall be substituted by the following paragraph:

"(g) prescribe the specifications applicable to the premises or venue from or in which an amusement game can be offered, promoted, operated or sold, including but not limited to the establishment of rules or policies regulating, amongst others, the location, size, type, layout, design, signage and facilities of such premises or venue as well as the type of games or activities which may be offered, promoted, sold, operated or carried out in or from such premises or venue;"

(vii) in paragraph (h) thereof, for the words "games are played fairly.", there shall be substituted the words "games are played fairly; and"; and

(viii) immediately after paragraph (h) thereof, there shall be added the following new paragraph:

"(i) prescribe the minimum age of persons permitted to use amusement machines, specified categories of amusement machines, specified amusement machines, amusement games, specified categories of amusement games or specified amusement games."; and

(c) in subarticle (8) thereof, the words "two hundred and thirty-thousand and nine hundred and thirty-seven euro and thirty-four cents (232,937.34)" shall be substituted by the words "two hundred and thirty-five thousand euro (€235,000.00)" and the words "provisions of such regulations." shall be substituted by the words "provisions of such regulations and, or the seizure, removal, confiscation, destruction or disabling of gaming devices, amusement machines or any equipment or software related or connected thereto." .

21. The Fifth Schedule to the principal Act shall be repealed.

Repeal of Fifth Schedule to the principal Act.

## PART II

### Repeal of Government Lotteries Act

22. This Part repeals the Government Lotteries Act and the regulations made thereunder.

Repeal of Government Lotteries Act. Cap. 292.

23. The Government Lotteries Act and all regulations made thereunder are hereby repealed.

Repeal of Government Lotteries Act. Cap. 292.

## PART III

### Amendments to the Trading Licences Act

24. This Part amends the Trading Licences Act, and it shall be read and construed as one with the Trading Licences Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Trading Licences Act. Cap. 441.

25. In subarticle (1) of article 20 of the principal Act, for the words "permit from the Local Council." there shall be substituted the words "permit from the Local Council:", and immediately thereafter there shall be added the following proviso:

Amendment of article 21 of the principal Act.

Cap. 438.  
Cap. 70.

"Provided that the holding of small games and tombola shall, in addition, be subject to obtaining any licence or authorisation which may be required under the Lotteries and Other Games Act, or the Public Lotto Ordinance, as the case may be.".

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Passed by the House of Representatives at Sitting No. 177 of the 14th December, 2009.

LOUIS GALEA  
*Speaker*

PAULINE ABELA  
*Clerk to the House of Representatives*