

---

# Nru. 61

20. 2. 98

## MALTA

---

### KAMRA TAD-DEPUTATI

---

ABBOZZ ta' Liġi mressaq mill-Onorevoli John Attard Montalto, M.P., Ministru ta' l-Affarijiet Ekonomiċi u ta' l-Industrija u moqri għall-Ewwel darba fis-Seduta tas-16 ta' Frar, 1998.

ATT sabiex jipprovdi minflok l-Ordinanza dwar il-Kursal għall-licenzjar ta' Kazinò, għat-twaqqif ta' Bord dwar il-Logħob u għal għanijiet li għandhom x'jaqsmu ma' dan u li huma anċillari għalih.

---

RICHARD J. CAUCHI

*Skrivan tal-Kamra tad-Deputati*

### HOUSE OF REPRESENTATIVES

---

A BILL introduced by the Honourable John Attard Montalto, M.P., Minister for Economic Affairs and Industry and read the First time at the Sitting of the 16th February, 1998.

AN ACT to make provision in place of the Kursaal Ordinance for the licensing of the Casinos, for the setting up of a Gaming Board and for the purposes connected therewith or ancillary thereto.

---

RICHARD J. CAUCHI

*Clerk of the House of Representatives*

## **ATT TA' L-1998 DWAR IL-LOGHOB**

### **Arrangament ta' Artikoli**

#### **TAQSIMA I - PRELIMINARI**

1. Titolu fil-qosor u bidu fis-sehh
2. Tifsir

#### **TAQSIMA II - KONĊESSJONIJIET**

3. Konċessjoni li tiftaħ u thaddem każinò
4. Loghob fil-Kažinò

#### **TAQSIMA III - BORD DWAR IL-LOGHOB U SPETTURI**

5. Twaqqif ta' Bord
6. Funzjonijiet tal-Bord
7. Proċedimenti
8. Spetturi
9. Dokumenti ta' l-identità
10. Jeddijiet ta' l-ispetturi
11. Setghat ta' l-ispetturi
12. Setghat tal-Bord
13. Segretezza professjonali

#### **TAQSIMA IV - GHOTI TA' LICENZA TA' KAŻINÒ**

14. Htieġa ta' liċenza
15. Ghoti ta' liċenza ta' każinò
16. Dritt għal-liċenza ta' każinò
17. Ċediment ta' liċenza ta' każinò
18. Tharsin tal-liċenza ta' każinò - ragunijiet
19. Thassir ta' liċenza każinò - proċeduri
20. Liċenza għall-impjegati

## TAQSIMA V - THADDIM TA' KAZINÒ

21. Dritt tad-dhul
22. Manutenzjoni ta' faċilitajiet
23. Sigurtà
24. Hinijiet tal-loghob
25. Identifikazzjoni
26. Esklużjoni ta' ċerti persuni mill-kazinò
27. Setgħa tal-Qorti li tipprojbixxi persuni milli jidhlu għol-kazinò
28. Esekuzzjoni
29. Logħbiet awtorizzati
30. Logħob fil-kazinò
31. Użu ta' makni bis-saħħa tal-liċenza
32. Reati konnessi ma' makni tal-logħob

## TAQSIMA VI - FLUS GHALL-LOGHOB

33. Restrizzjoni fuq il-kreditu
34. Applikabilità ta' l-artikoli 1713 u 1716 tal- Kodiċi Ċivili, Kap. 16
35. *Cheques*
36. Fidwa ta' *cheques*

## TAQSIMA VII - DISPOŻIZZJONIJET FINANZJARJI

37. Taxxa
38. Garanzija bankarja
39. Riserva għal-logħob
40. Prevenzjoni ta' *money laundering*
41. Kontroll dwar kambju ta' flus

## TAQSIMA VIII - REATI

42. Piena għal reati kontra dan l-Att
43. Użu ta' ċippi foloz
44. Falsifikazzjoni
45. Min ikun qed jilgħab irid ikun preżenti fil-kazinò
46. Logħob illegali
47. Il-Qorti tal-Maġistrati tiegħu konjizzjoni ta' reati kontra dan l-Att
48. Permess li jingħata mill-Avukat Ġenerali

**TAQSIMA IX - MIXELLANJI**

49. Reklamar
50. Setgħa ta' għamir/regoli
51. Użu ta' lukandi għal-logħob
52. Emenda tal-Kodiċi Kriminali, Kap. 9
53. Thassir ta' l-Ordinanza dwar il-Kursal

**L-EWWEL SKEDA**

Tassazzjoni

## ABBOZZ TA' LIĠI imsejjah

*ATT sabiex jipprovdi minflok l-Ordinanza dwar il-Kursaal għal-licenzjar ta' Każinò, għat-twaqqif ta' Bord dwar il-Logħob u għal għanijiet li għandhom x'jaqsmu ma' dan u li huma ancillari għalih.*

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

### TAQSIMA I PRELIMINARI

1. Dan l-Att jista' jissejjah l-Att ta' l-1998 dwar il-Logħob, u għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-finanzi jista' b'avviż fil-Gazzetta jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti u għal għanijiet differenti ta' l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'ohra:

“Bord” tfisser il-Bord dwar il-Logħob imwaqqaf bl-artikolu 5 ta' dan l-Att;

“ċippa” tfisser kull *token* li jintuza jew li jista' jintuza għewwa każinò waqt il-logħob minflok il-flus u li jiġi għaldaqstant approvat mill-Bord;

“impjegat ta' każinò” tfisser kull *receptionist, dealer, chef de table*, spettur, kaxxier, sorveljant, osservatur, inginier mekkaniku, *manager*, jew kull persuna oħra li, skond il-fehma tal-Bord, ikun involut fil-logħob li jsir fil-każinò;

Titolu fil-qosor u bidu fis-sehh.

Tifsir.

“*junket*” tfisser arrangament li l-ghan tiegħu jkun li jhajar persuna, li tintgħażel jew tiġi approvata biex hemm tipparteċipa minhabba fil-hila tagħha li tissodisfa obbligazzjoni kwalifikattiva finanzjarja relatata mal-kapaċità jew ir-rieda tagħha li tilgħab azzard, jew minhabba f’xi raġuni oħra relatata mal-ġibda tagħha lejn il-logħob ta’ l-azzard, li tattendi ġewwa każinò liċenzjat bil-ghan li tilgħab azzard u li b’konsegwenza ta’ dan, u b’konsiderazzjoni għal dan, xi jew kull nefqa għat-trasport, ikel, residenza u divertiment għal dik il-persuna jithallsu b’mod dirett jew indirett mid-detentur ta’ liċenza ta’ każinò;

“każinò” tfisser dak il-lokal li dwaru l-Ministru jkun hareġ konċezzjoni taht l-artikolu 3 ta’ dan l-Att;

“logħob” tfisser li persuna tiegħu sehem f’logħba ta’ sagra għal flus jew valur ta’ flus;

“logħba awtorizzata” tfisser logħba speċifikata mill-Bord taht l-artikolu 29 bħala logħba awtorizzata għall-ghanijiet ta’ dan l-Att;

“liċenza ta’ każinò” tfisser liċenza mogħtija taht l-artikolu 15 ta’ dan l-Att;

“makna awtorizzata” tfisser makna użata bil-ghan ta’ logħob kif speċifikat fis-subartikolu (1) ta’ l-artikolu 31 ta’ dan l-Att;

“makna tal-logħob” tfisser kull makna li tkun magħmula jew adattata għal logħob ta’ sagra jew ta’ sagra u hila magħqudin permezz tal-makna u li jkollha slot jew fetha oħra għat-twaddib ta’ flus jew valur ta’ flus fl-ghamla ta’ muniti jew *tokens*;

“Ministru” tfisser il-Ministru responsabbli għall-finanzi;

“spettur” tfisser persuna li tkun mahtura taht l-artikolu 8 ta’ dan l-Att biex tkun spettur;

“tagħmir tal-logħob” tfisser kull apparat elettriku, elettroniku jew mekaniku, karti tal-logħob jew kull haġa oħra, li ma jkunux ċippi, li jintużaw, jew li jistgħu jintużaw, f’dak li għandu x’jaqsam mal-logħob.

## TAQSIMA II KONĊESSJONIJIET

3. (1) Il-Ministru jista’ skond il-liġi johroġ konċessjonijiet lil persuni sabiex jifthu u jhaddmu każinò.

Konċessjoni  
li tiftah u  
thaddem każinò.

(2) Konċessjoni taht dan l-artikolu għandha tinhareġ għal dik il-konsiderazzjoni inkluż il-hlas ta' kull ammont ta' flus fil-fondi ta' dhul, ġenerali, għal dak iż-żmien u b'dawk il-patti u kondizzjonijiet hekk kif jidhirlu l-Ministru.

(3) Il-hruġ ta' konċessjoni taht dan l-artikolu m'għandux jehles lil xi persuna li tiftah jew thaddem każinò mill-htieġa ta' xi liċenza mill-Bord taht dan l-Att.

(4) Minkejja d-dispożizzjonijiet l-oħra ta' dan l-artikolu, il-Ministru jista' minn żmien għal żmien jahtar kumpannija li tkun proprjetà assoluta direttament jew indirettament mill-Gvern bhala l-Operatriċi Governattiva tal-Każinò u dik il-Kumpannija għandha, kulmeta l-Ministru hekk jordna, tassumi l-kontroll tal-operat ta' Każinò li jkun proprjetà diretta jew indiretta tal-Gvern meta jiġri li l-persuna li tkun inhargitilha konċessjoni biex tiġġestixxi dak il-Każinò tabbanduna dik il-konċessjoni jew ikollha l-liċenza tagħha revokata jew sospiza taht dan l-Att.

Logħob fil-Każinò.

4. Bla ħsara għall-htieġa ta' kull liċenza oħra taht dan l-Att jew taht kull liġi oħra u għad-dispożizzjonijiet l-oħra ta' dan l-Att, meta tinhareġ konċessjoni mill-Ministru taht l-artikolu 3, jew meta l-Ministru jkun ordna kumpannija kif tinsab hemm imsemmija biex thaddem każinò, għaldaqshekk minkejja d-dispożizzjonijiet ta' kull liġi oħra jkun skond il-liġi matul iż-żmien ta' dik il-konċessjoni:

(a) li l-persuna li tkun inhargitilha l-konċessjoni jew li l-persuna li lilha tkun ġiet assenjata dik il-konċessjoni skond il-patti u l-kondizzjonijiet ta' l-istess konċessjoni, jew li l-kumpannija li tkun ġiet hekk ordnata, li jippermettu l-użu tal-lokal speċifikat fil-konċessjoni bhala każinò sabiex isir logħob ġewwa l-lokal ta' dawk il-logħbiet ta' sogrū għal flus jew valur ta' flus u għal dawk il-ġugati hekk kif jistgħu jiġu speċifikati fil-liċenza tal-każinò u li jinkoraggjixxu li jsir logħob ġo fihom minn dawk il-persuni ta' dawk il-logħbiet għal xi ġugata bħal dawk; u

(b) li persuna tieħu sehem ġo każinò f'xi logħba bħal dik għal xi ġugata bħal dawk.

### TAQSIMA III BORD DWAR IL-LOGHOB U SPETTURI

Twaqqif ta' Bord.

5. (1) Il-Ministru għandu, b'avviż fil-Gazzetta, jahtar Bord dwar il-Logħob, li jkun magħmul minn *Chairman*, mid-Direttur tal-Lottu Pubbliku u minn erba' membri oħra bil-għan li jwettqu l-funzjonijiet mogħtija lil dak il-Bord bid-dispożizzjonijiet ta' dan l-Att.

(2) Persuna ma tkunx kwalifikata biex tinġatar jew biex tibqa' membru tal-Bord kemm-il darba tkun:

(a) persuna falluta; jew

(b) nstabt hatja ta' reat li ghalih ikun hemm piena ta' prigunerija għal żmien sitt xhur jew iżjed; jew

(c) nstabt hatja ta' reat taħt dan l-Att; jew

(d) membru tal-Kamra tad-Deputati.

6. (1) Il-funzjonijiet tal-Bord ikunu li:

Funzjonijiet  
tal-Bord.

(a) jissorvelja l-operat ta' kull każinò;

(b) johroġ liċenzi għall-proprjetà u/jew għat-thaddim ta' każinò taħt l-artikolu 15 ta' dan l-Att;

(c) johroġ liċenzi għall-impjegati ta' kull każinò, inklużi l-*managers* tagħhom, *junket leaders*, li jkunu qegħdin jiġu proposti bħala li jiġu impjegati minn detentur ta' liċenza ta' każinò biex jahdmu fil-logħob;

(d) johroġ liċenzi lil spetturi għall-ghanijiet ta' l-artikolu 8 ta' dan l-Att;

(e) jistharreġ dwar l-idoneità ta':

(i) proprjetarji u operaturi ta' każinò, kif ukoll ta' detenturi ta' liċenzi ta' każinò, sew attwali sew jekk nominati bħala detenturi proposti; u

(ii) impjegati, inkluż dawk tal-*management* u *junket leaders*, li jkunu qegħdin jiġu proposti li jiġu impjegati mid-detentur ta' liċenza tal-każinò;

(f) jirregola permezz ta' liċenza l-importazzjoni, il-provvista u l-manutenzjoni ta' makni tal-logħob għal kull każinò;

(g) jagħmel regolamenti, skond id-dispożizzjonijiet ta' l-artikolu 50 ta' dan l-Att, dwar kull ma jkollu x'jaqsam mal-kontroll ta' każinò jew mal-operat ta' każinò, jew b'mod ġenerali mal-logħob li jsir f'każinò;

(h) iwettaq dawk il-funzjonijiet li jiġu, jew li jistgħu jiġu, assenjati lill-Bord b'din il-liġi jew b'xi liġi oħra.

(2) Il-Ministru għandu jahtar uffiċjal għoli fid-Dipartiment tal-Lottu biex ikun is-Segretarju tal-Bord.

(3) Il-Bord jaġixxi tramite s-Segretarju li jaġixxi skond l-istruzzjonijiet tal-Bord f'dawk il-ħwejjeġ li jitqiesu bhala funzjonijiet tal-Bord.

Proċedimenti.

7. (1) Bla ħsara għal dawk ir-regolamenti li jistgħu jsiru mill-Ministru, il-Bord ikollu s-setgħa li jirregola l-proċedura tiegħu nnifsu.

(2) Il-Bord jista' wkoll jippreskrivi l-mod li bih jitlaqqa' u l-post fejn iżomm il-laqgħat tiegħu.

Spetturi.

8. (1) Il-Ministru jista' jahtar dak l-ghadd ta' uffiċjali pubbliċi li jista' jqis li jkunu meħtieġa sabiex ikunu spetturi għall-ghanijiet ta' dan l-Att. Dawk l-ispetturi jkollhom dawk is-setgħat u funzjonijiet bħalma huma jew jistgħu jiġu lilhom assenjati b'din il-liġi jew b'xi liġi oħra. Hadd ma jista' jibda jaqdi dmirijietu bhala spettur sakemm u kemm-il darba ma jkunx detentur ta' liċenza għal dak l-iskop li tinħariġlu mill-Bord. L-ispetturi jistgħu, fit-tweġġ tal-funzjonijiet tagħhom taht dan l-Att, ikunu mgħejjuna jew imsieħba minn dawk l-esperti hekk kif jista' jordna s-Segretarju.

(2) L-ispetturi jaġixxu skond l-istruzzjonijiet li jingħatawllhom mis-Segretarju u għandhom, dwar dawk il-ħwejjeġ li jaqgħu taht il-funzjonijiet tal-Bord, jirrapportaw lill-Bord tramite s-Segretarju.

(3) Kull min jagħmilha ta' spettur mingħajr ma jkollu liċenza li tkun inħariġta mill-Bord, ikun hati ta' reat kontra dan l-Att.

Dokumenti ta' l-identità.

9. (1) Il-Bord għandu jara li jinħariġ lil kull spettur dokument ta' l-identità li jkun juri l-isem u l-hatra ta' l-ispettur u li jkun fih ukoll ritratt fotografiku riċenti ta' dak l-ispettur.

(2) Min jinħariġ bhala spettur għandu, malli ma jibqax aktar spettur, jagħti lura d-dokument ta' l-identità tiegħu lill-Bord.

Jeddijiet ta' l-ispetturi.

10. (1) Spettur jista' f'kull waqt wara li juri d-dokument ta' l-identità tiegħu, jidhol u jibqa' ġewwa każinò bil-ghan li:

(a) joqgħod jara l-logħob isir;

(b) josserva xi parti mill-operat tal-każinò jew, b'mod generali, tal-logħob;

(ċ) jaċċerta jekk l-operat tal-każinò jew, b'mod ġenerali tal-logħob, ikunux qegħdin jitmexxew, jiġu sorveljati jew immanigġati sew;

(d) jaċċerta jekk id-dispożizzjonijiet ta' dan l-Att ikunux qegħdin jitharsu; u

(e) f'kull rigward iehor, ihaddem is-setgħat tiegħu jew iwettaq dmirijietu.

11. (1) Spettur jista' bil-ghan li jaċċerta ruhu li d-dispożizzjonijiet ta' dan l-Att ikunu qegħdin jitharsu u li l-ammont kollu ta' taxa dovut taht dan l-Att ikun qiegħed jithallas: Setgħat ta' l-ispetturi.

(a) jehtieg lil kull min l-ispettur ikun jissuspetta, fuq bażi raġonevoli, li jkollu għandu jew taht il-kontroll tiegħu xi tagħmir tal-logħob jew ċippi:

(i) li jgħaddi lill-ispettur dak it-tagħmir jew ċippi sabiex dawn jiġu spezzjonati jew eżaminati minnu; jew

(ii) li jidher quddiem l-ispettur f'hin u lok raġonevoli hekk kif speċifikati mill-ispettur u jwieġeb għal dawk il-mistoqsijiet, jew jagħti dak it-tagħrif, dwar it-tagħmir jew iċ-ċippi hekk kif l-ispettur jista' jispeċifika;

(b) jehtieg lil detentur ta' liċenza ta' każinò jew lil min ikun qed jagħmilha minflok dak id-detentur:

(i) li jgħaddi għall-ispezzjon ta' l-ispettur kull ktieb jew dokument fil-kustodja jew kontroll tiegħu dwar l-operat tal-każinò hekk kif l-ispettur jista' jispeċifika; jew

(ii) li jidher quddiem l-ispettur f'hin u lok raġonevoli hekk kif speċifikati mill-ispettur u jwieġeb għal dawk il-mistoqsijiet, jagħti dak it-tagħrif, jew iġib miegħu dak il-ktieb jew dokument, li jkollhom x'jaqsmu ma' l-operat tal-każinò hekk kif l-ispettur jista' jispeċifika;

(ċ) jispezzjona jew jeżamina kull tagħmir tal-logħob jew ċippa jew jispezzjona dak il-ktieb jew dokument, u jagħmel kopji ta' dak il-ktieb jew dokument, jew jikteb noti dwarhom, għar-rigward ta' l-operat tal-każinò hekk kif l-ispettur jista' jqis li jkun mehtieg;

(d) jordna lil detentur ta' licenza ta' każinò sabiex ma jużax xi tagħmir tal-logħob jew xi ċippa li l-ispettur iqis bhala li ma jkunux tajbin għall-użu;

(e) jirċievi u, jekk l-ispettur ikun hekk jidhirlu, jinvestigament dwar xi aspett ta' l-operat ta' każinò u jagħmel rapport dwar ir-riżultanzi ta' dik l-investigazzjoni lis-Segretarju;

(f) issejjah sabiex jghinu:

(i) lil xi spettur iehor; jew

(ii) lil xi impjegat tal-każinò li, hekk kif ikun jidhirlu l-ispettur, ikun kompetenti biex jassisti lill-ispettur fit-thaddim tas-setgħat tiegħu jew fit-twettiq ta' dmirijietu; u

(g) jehtieg lil kull min ikun diehel jew jinsab għewwa każinò biex juri d-dokumenti ta' identifikazzjoni li jkollu.

(2) Htiegħa taht il-paragrafi (a) jew (b) tas-subartikolu (1) ta' dan l-artikolu jew ordni taht il-paragrafu (d) ta' l-istess subartikolu għandhom isiru permezz ta' avviż mogħti bil-miktub jew bil-fomm hekk kif ikun jidhirlu li għandu jagħmel l-ispettur fiċ-ċirkostanzi.

(3) Spettur għandu jkun preżenti fil-waqt tal-ftuħ u l-għeluq ta' mejda tal-logħob, meta jkun qed isir xi aġġustament fuq *table float*, meta jkun qed isir l-għadd ta' flus u ta' *tokens*, u fil-ftuħ u l-għeluq ta' xi makna tal-logħob u sabiex jivverifika rebhiet fil-*jackpot*.

(4) Kull min, mingħajr ma jkollu skuża raġonevoli, jimpedixxi jew jonqos milli jassisti spettur filwaqt li jkun qed jaqdi dmirijietu taht is-subartikolu (1) ta' dan l-artikolu, ikun hati ta' reat taht dan l-Att.

(5) Spettur għandu jagħmel rapport dwar it-thaddim tal-funzjonijiet tiegħu taht dan l-Att lis-Segretarju.

**12.** (1) Mingħajr preġudizzju għal kull setgħa li tithaddem bis-saħħa tad-dispożizzjonijiet ta' qabel ta' dan l-Att, il-Bord jista' f'kull żmien jinnotifika lid-detentur ta' licenza ta' każinò b'avviż li fih jehtiegħu, b'dak il-mod u f'dak iż-żmien raġonevoli li jiġi hekk speċifikat fl-avviż:

(a) li jgħib għall-ispezzjon ta' jew f'isem il-Bord, kotba jew dokumenti li jkollhom x'jaqsmu mal-każinò, kif speċifikat fl-avviż, li l-Bord ikun raġonevolment jehtiegħu li jispezzjona għall-għan speċifikat fis-subartikolu (1) ta' l-artikolu 11 ta' dan l-Att, u

(b) li jaghti taghrif lill-Bord dwar il-fond, kif speċifikat fl-avviż, li l-Bord ikun raġonevolment jehtieg ghal dak l-ghan.

(2) Jekk minghajr ma jkollu skuża raġonevoli detentur ta' liċenza ta' każinò jonqos milli jhares xi htieġa imposta dwar każinò b'avviż notifikat bis-sahha tas-subartikolu (1) ta' dan l-artikolu, dak id-detentur jkun hati ta' reat taht dan l-Att.

**13.** Bla preġudizzju għad-dispożizzjonijiet ta' l-Att ta' l-1994 dwar is-Segretezza Professjonali, kull taghrif moghti lil spettur u lis-Segretarju tal-Bord, u kull dokument miġjub skond ma hemm fl-artikoli 11 u 12 ta' dan l-Att, għandhom ikunu sigrieti u kunfidenzjali u m'għandhomx jiġu mgharrfa jew jingiebu hlief għall-ghanijiet ta' dan l-Att jew ta' xi prosekuzzjoni għal reat kontra dan l-Att jew reat magħmul kontra jew ġewwa każinò.

Segretezza  
professjonali.

Att XXIV ta' l-1994

#### TAQSIMA IV GHOTI TA' LIĊENZA TA' KAZINÒ

**14.** Hadd ma jista' jiftah jew iħaddem każinò kemm-il darba ma jkollux liċenza mahruġa mill-Bord.

Htieġa ta'  
liċenza.

**15.** (1) Ikun skond il-liġi li l-Bord johroġ liċenza li tawtorizza persuna tiftah u tħaddem każinò f'Malta.

Ghoti ta'  
liċenza ta'  
każinò.

(2) Il-Bord m'għandux johroġ dik il-liċenza lil persuna kemm-il darba dik il-persuna ma tkunx kumpannija reġistrata f'Malta u sakemm ma jkunx jidher lill-Bord li:

(a) l-kapital relevanti ta' ishma votanti tad-detentur tal-liċenza tal-każinò li jkun qiegħed jiġi propost ikun qiegħed f'idejn persuna jew persuni ta' integrità;

(b) d-direttur jew diretturi tal-kumpannija jew ta' xi kostitwenti tagħha jkunu persuni ta' integrità;

(c) d-detentur tal-liċenza ta' każinò li jkun qiegħed jiġi propost ikollu l-mezzi u l-għarfien finanzjarji biex iħaddem każinò u biex iwettaq kull dmir li dan iġib mieghu skond dan l-Att.

(3) Liċenza ta' każinò tibqa' ssehh għal għaxar snin mid-data tal-hruġ tagħha u tkun tista' tiġġedded ta' kull sena wara li jithallas id-dritt tal-liċenza u bla hsara għal kull tharis tad-dispożizzjonijiet ta' dan l-Att, sakemm din ma tiġix ċeduta jew kancellata fi żmien qabel, u tista' tiġġedded mill-Bord. Liċenza ta' każinò għandha, f'kull każ, tkun

marbuta mal-kundizzjoni mal-fatt li jkun hemm konċessjoni mill-Ministru favur id-detentur tal-liċenza skond id-dispożizzjonijiet tat-Taqsima II ta' dan l-Att.

(4) Il-liċenza ta' każinò għandha tkun f'dik l-ghamla li tiġi hekk approvata mill-Bord u:

(a) tkun fost affarijiet oħra tispeċifika:

(i) id-data tal-ħruġ tagħha;

(ii) id-data tat-tmiem tagħha;

(iii) isem id-detentur tal-liċenza;

(iv) l-indirizz f'Malta speċifikat mid-detentur tal-liċenza fejn issir in-notifika ta' dokumenti li jintbagħtu lil dak id-detentur;

(v) l-indirizz tal-każinò;

(vi) l-oghla għadd ta' mwejjed li jkunu jistgħu jithaddmu skond dik il-liċenza;

(vii) l-oghla għadd ta' makni permessi li jintużaw skond dik il-liċenza;

(viii) l-inqas hin ta' siegħat tal-ftuh;

(ix) dawk il-partikolaritajiet l-oħra li jkollhom x'jaqsmu mal-każinò hekk kif il-Bord jidhrulu meħtieġa; u

(x) dawk il-partikolaritajiet l-oħra li jistgħu jiġu preskritti;

(b) tidentifika dik l-area jew arei, billi ssir referenza għal pjanti, stabbiliti bħala l-każinò.

(5) (a) Fi żmien erbgħatax-il ġurnata minn kull bdil fil-proprjetà ta' xi kapital relevanti ta' ishma tal-kumpannija jew tal-kostitwenti tagħha u ta' kull bidla fil-*management* jew fil-Bord tad-Diretturi tal-kumpannija jew tal-kostitwenti tagħha, id-detentur ta' liċenza għandu jgħarraf lill-Bord b'dan it-tibdil.

(b) Jekk, b'konsegwenza ta' xi tibdil bħal dak imsemmi fil-paragrafu (a) ta' dan is-subartikolu, tinholoq sitwazzjoni illi li kieku din kienet teżisti fil-waqt ta' l-applikazzjoni għal-liċenza, kienet

tiskwalifika lill-kumpannija milli tikseb liċenza skond is-subartikolu (2) ta' dan l-artikolu, il-Bord għandu skond dan jgħarraf b'avviż lid-detentur tal-liċenza u jekk is-sitwazzjoni ma tkunx giet rimedjata fi żmien xahar kalendarju mill-avviż imsemmi mogħti mill-Bord, il-Bord għandu jirrevoka l-liċenza:

Iżda l-Bord m'għandux jagħti dak l-imsemmi avviż iktar tard minn tliet xhur kalendarji wara li jiġi mgharraf mid-detentur tal-liċenza bit-tibdil skond il-paragrafu (a) ta' dan is-subartikolu.

(6) Għall-ghanijiet tas-subartikolu (5) ta' dan l-artikolu, kapital relevanti ta' ishma tfisser 10 fil-mija mill-kapital ta' ishma votanti tal-kumpannija jew tal-kostitwenti tagħha.

(7) In-nuqqas ta' tharis tad-dispożizzjonijiet tas-subartikolu (5) ta' dan l-artikolu iġib miegħu reat kontra dan l-Att.

(8) Liċenza taħt dan l-artikolu ma tistax tiġi assenjata.

16. (1) Filwaqt li jqis kull nefqa li ssir mill-Bord fit-twettiq tal-funzjonijiet tiegħu taħt dan l-Att, il-Bord għandu jistabbilixxi d-dritt għal-liċenza ta' każinò, fil-liċenza li tinhareġ lill-każinò, għall-ghanijiet ta' dan l-Att.

Dritt għal-liċenza ta' każinò.

(2) Id-dritt ta' liċenza ta' każinò jithallas bil-quddiem mid-detentur tal-liċenza tal-każinò lis-Segretarju f'isem il-Gvern f'kull anniversarju tal-liċenza.

(3) Id-dritt m'għandux jiġi stabbilit skond is-subartikolu (1) ta' dan l-artikolu f'intervalli ta' anqas minn tnax il-xahar u f'kull każ jista' biss jinbidel mal-ghoti jew it-tiġdid ta' liċenza ta' każinò.

17. (1) Id-detentur ta' liċenza ta' każinò jista' jċedi l-liċenza ta' każinò f'kull waqt billi jagħti avviż bil-miktub lill-Bord mhux inqas minn sena qabel id-data taċ-ċediment tal-liċenza.

Cediment ta' liċenza ta' każinò.

(2) Iċ-ċediment ta' liċenza ta' każinò ma tehlisx lil min ikun qed iċedi dik il-liċenza minn xi obbligu li jkollu taħt l-artikoli 16 u 37 ta' dan l-Att.

(3) Jekk id-detentur ta' liċenza ta' każinò jċedi l-liċenza ta' każinò mingħajr ma jagħti l-avviż speċifikat fis-subartikolu (1) ta' dan l-artikolu, it-tagħmir tal-logħob u l-makni jkunu sitwati għewwa l-każinò jiġu konfiskati favur is-Segretarju f'isem il-Gvern.

**18.** Il-Bord jista', jordna t-tharsin ta' liċenza ta' każinò ghal xi waħda minn dawn ir-raġunijiet:

(a) jekk direttur jew *manager* tad-detentur ta' liċenza ta' każinò jinsab hati ta' reat kontra dan l-Att;

(b) jekk id-detentur ta' liċenza ta' każinò jikser dispożizzjoni ta' dan l-Att jew xi kundizzjoni tal-liċenza;

(c) jekk id-detentur ta' liċenza ta' każinò xjentement jew bi traskuraġni jipprovdli lill-Bord tagħrif li jkun falz jew qarrieqi f'xi dettall partikolari;

(d) jekk id-detentur ta' liċenza ta' każinò jonqos milli jwettaq l-obbligi finanzjarji tad-detentur tal-liċenza meta dawn ikunu dovuti li jithallsu;

(e) jekk id-detentur ta' liċenza jonqos milli jzomm ir-riserva ghal-logħob formali skond ma hemm speċifikat fl-artikolu 39 ta' dan l-Att;

(f) jekk id-detentur tal-liċenza jkun għaddej minn stralċ jew likwidazzjoni; jew

(g) jekk il-Bord ikun sodisfatt li d-detentur ta' liċenza ta' każinò ma jkunx, jew ikun temm milli jkun, persuna idonea biex tkun detentur ta' liċenza ta' każinò.

**19.** (1) Meta jkun il-każ li tinholoq raġuni għat-thassir ta' liċenza ta' każinò taht l-artikolu 18 ta' dan l-Att, il-Bord għandu permezz ta' avviż bil-miktub jitlob lid-detentur tal-liċenza, u jista' jitlob lil kull persuna oħra li fil-fehma tiegħu jkollha interess fil-liċenza, li tiddikjara fi żmien li jiġi indikat fl-avviż u li ma jkunx inqas minn 21 jum wara l-hruġ ta' dak l-avviż, għaliex il-liċenza tal-każinò m'għandhiex tiġi mhassra għal dik ir-raġuni.

(2) Il-Bord għandu jikkonsidra kull risposta li ssir taht is-subartikolu (1) ta' dan l-artikolu u:

(a) meta l-kwistjoni tiġi solvuta b'sodisfazzjon tiegħu, ma jiehu ebda azzjoni ulterjuri;

(b) meta għalkemm il-kwistjoni ma tkunx ġiet solvuta b'sodisfazzjon tiegħu, ikun iqis li ma tkunx mehtieġa azzjoni biex tithassar il-liċenza tal-każinò, għandu jwissi bil-miktub lid-detentur tal-liċenza tal-każinò; jew

(ċ) meta l-kwistjoni ma tkunx giet solvuta b'sodisfazzjon tiegħu u jkun sodisfatt li tkun meħtieġa li tittiehed azzjoni ulterjuri, jista' —

(i) b'avviż bil-miktub, jagħti dik l-ordni li jqis li tkun xierqa; jew

(ii) jissospendi għal dak il-perijodu li jidhirlu li jkun xieraq, jew iħassar, il-liċenza tal-każinò.

(3) Meta ordni mogħtija mill-Bord taħt is-subparagrafu (i) tal-paragrafu (ċ) tas-subartikolu (2) ta' dan l-artikolu ma titharisx fiż-żmien speċifikat fl-avviż, il-Bord għandu jħassar il-liċenza tal-każinò.

20. (1) Hadd ma jista' jimpjegà jew jaħdem bhala —

Liċenza għall-impjegati.

(i) impjegat ta' każinò

(ii) *manager* ta' każinò; jew

(iii) *junket leader*

mingħajr ma jkollu liċenza mahruġa mill-Bord, kulmeta dik il-liċenza tkun meħtieġa b'xi regolamenti taħt dan l-Att.

(2) Kull min jagħmel xi haġa bħalma hemm imsemmi fis-subartikolu (1) ta' dan l-artikolu kulmeta tkun meħtieġa għaldaqshekk taħt is-subartikolu (1) ta' dan l-artikolu, mingħajr ma jkollu l-liċenza relattiva jew mhux skond ma jingħad f'dik il-liċenza, ikun haġi ta' reat kontra dan l-Att.

## TAQSIMA V THADDIM TA' KAZINÒ

21. (1) Ikun skond il-liġi li detentur ta' liċenza ta' każinò jista' jeħtieġ lil min jidhol ġewwa l-fond ta' każinò li jhallas dritt talli jagħmel dan. Dak id-dritt jiġi stabbilit mill-istess detentur bl-approvazzjoni tal-Bord.

Dritt tad-dhul.

(2) Dak id-dritt approvat għandu jintwera sew fl-entratura għall-fond. Kull dritt li jithallas għandu jiġi reġistrat.

22. (1) Detentur ta' liċenza ta' każinò għandu:

Manutenzjoni ta' faċilitajiet.

(a) jzomm il-faċilitajiet u l-amenitajiet tal-każinò f'kondizzjoni għas-sodisfazzjon tal-Bord;

(b) jiżgura li l-każinò jkun f'kull waqt immexxi sew u b'mod kompetenti;

(ċ) jiżgura li jkun hemm l-istallazzjonijiet, tagħmir u proċeduri għas-sigurtà kollha fil-każinò u li dawn jiġu ittestjati, użati, mħaddma u applikati b'mod effettiv; u

(d) jiżgura li dak it-tagħmir għal-logħob u dawk iċ-ċippi approvati mill-Bord sabiex jintużaw fil-każinò jinżammu jaħdmu u f'kundizzjoni tajba.

(2) Id-detentur tal-liċenza ta' każinò m'għandux ihaddem il-każinò kemm-il darba l-firxa tal-każinò ma tkunx skond il-pjanijiet u fasliet approvati mill-Bord.

Sigurtà.

**23.** Id-detentur tal-liċenza ta' każinò għandu, bil-ghan li jiżgura li jkun hemm sigurtà fi hdan il-fond tal-każinò, jinstalla u jzomm tiffunzjona sew sistema ta' għadd ta' *cameras* u strumenti ta' smigh li jkunu mifruxin mal-post kollu u sorveljati minn dak l-għadd ta' persuni li jkunu ġew imħarġin sew biex jiġu impjegati bhala persunal professjonali tas-sigurtà, hekk kif jista' jiġi approvat mill-Bord.

Hinijiet tal-logħob.

**24.** Il-Bord għandu jistabbilixxi fil-liċenza ta' każinò skeda ta' l-inqas hinijiet tal-logħob għall-każinò billi tistipula l-ġranet meta, u l-hinijiet li matulhom, id-detentur tal-liċenza għandu jhaddem il-każinò. Il-Bord jista' wkoll jistabbilixxi dawk il-ġranet li matulhom kull każinò jibqa' magħluq.

Identifikazzjoni.

**25.** (1) Ikun id-dmir tad-detentur ta' liċenza ta' każino li jiżgura li kull min jidhol ġewwa l-fond tal-każinò għandu jiġi identifikat u jista' f'kull waqt jitlob lil dawk il-persuni li juru xi dokument ta' identifikazzjoni jew passaport li jkollhom fuqhom sabiex dan jiġi spezzjonat.

(2) Id-detentur ta' liċenza tal-każinò għandu jara li l-partikolaritajiet ta' dawk il-persuni li jidhlu ġewwa l-każinò flimkien ma' kull dettal iehor dwar id-dokumenti ta' identifikazzjoni jew passaport tagħhom jiġu registrati f'registru li jinżammu għaldaqshekk fil-fond tal-każinò.

Esklużjoni ta' ċerti persuni mill-każinò.

**26.** (1) Persuna m'għandhiex tidhol ġewwa każinò matul il-hinijiet tal-logħob tal-każinò jekk dik il-persuna:

(a) tintalab minn impjegat ta' każinò li jkollu liċenza biex ma tidholx ġewwa l-każinò jew xi fond iehor fejn isir il-logħob, skond il-każ, minhabba f'li dik il-persuna tkun qabel kisret ir-regoli

approvati ta' xi logħba awtorizzata jew ir-regoli dwar l-imġieba waqt il-logħob li jkunu f'dak il-waqt fis-seħh;

(b) tkun persuna li dwarha jkun hemm fis-seħh ordni tal-Qorti taht is-subartikolu (1) ta' l-artikolu 27 ta' dan l-Att;

(ċ) fil-każ li tkun ċittadin ta' Malta, ikollha inqas minn 25 sena età;

(d) fil-każ li ma tkunx ċittadin ta' Malta, ikollha inqas minn 18-il sena età;

(e) tkun talbet għal waqfien jew restrizzjoni dwar id-dhul tagħha nnifisha; jew

(f) wara li ssirilha talba minn impjegat ta' każinò li jkollu liċenza, tonqos milli tipproduċi d-dokument ta' identifikazzjoni jew il-passaport tagħha:

Iżda, kull waqfien jew restrizzjoni ta' dhul għandhom, taht il-paragrafu (e) ta' dan is-subartikolu, jibdwew isehhu matul il-perijodu mitlub mill-persuna involuta, liema perijodu ma jkunx ta' inqas minn sitt xhur u ta' iktar minn sena. Kull waqfien jew restrizzjoni bħal dawk ma jistgħux jithassru qabel l-iskadenza relattiva tagħhom.

(2) M'għandhiex persuna tibqa' ġewwa każinò waqt il-hinjiet tal-logħob fil-każinò jekk dik il-persuna:

(a) wara li ssirilha talba minn impjegat ta' każinò li jkollu liċenza, tirrifjuta jew tonqos milli ġgħib prova dwar l-età tagħha;

(b) tintalab minn impjegat ta' każinò li jkollu liċenza biex titlaq mill-każinò minhabba li dik il-persuna:

(i) tidher li ma tkunx qegħda tifhem għalkollox ix-xorta jew il-konsegwenzi tal-logħob kif dan jirrelata ma' l-applikazzjoni tar-regoli approvati ta' logħbiet awtorizzati u l-possibilità li jsir telf finanzjarju;

(ii) tidher li tkun taht l-influenza ta' l-alkohol jew ta' xi droga daqstant li dik il-persuna ma tkunx tista' raġonevolment tiġi mistennija li xjentement taħseb u tiddeċiedi filwaqt li tkun qegħda tiehu sehem f'logħba awtorizzata;

(iii) tkun qeghda teffettwa il-funzjonament ordnat tal-operat tal-kazinò jew, b'mod ġenerali, tal-loghob sew minhabba l-influenza ta' l-alkohol jew drogi sew għal xi raġuni ohra;

(iv) tidher li tkun qeghda ttelef il-paċi pubblika jew teffettwa il-funzjonament ordnat tal-operat tal-kazinò;

(v) tidher li tkun qeghda tqarraq, jew tittenta tqarraq, fil-kazinò; jew

(vi) tkun qabel kisret ir-regoli approvati ta' xi loghba awtorizzata jew ir-regoli ta' l-imġieba li jkun hemm fis-sehh ġewwa kazinò;

(ċ) tkun persuna li dwarha jkun hemm fis-sehh ordni tal-Qorti taht l-artikolu 27 ta' dan l-Att.

(3) Minghajr preġudizzju għad-dispożizzjonijiet l-ohra ta' dan l-Att, id-dhul ġewwa kazinò jkun fid-diskrezzjoni tad-detentur tal-liċenza li għandu jiżgura li dawk il-persuni li jista' jkollhom xi problema ta' loghob ta' l-ażżard patoloġiku ma jithallewx jidhlu ġewwa ż-żona fejn isir dak il-loghob:

Iżda hadd ma jista' jincahad li jidhol ġewwa kazinò minhabba fir-razza, post ta' oriġini, fehmiel političi, kulur, twemmin, sess jew inkapaċità fizika tiegħu.

Setgħa tal-Qorti  
li ttiprobixxi  
persuni milli  
jidhlu għal-kazinò.

**27.** (1) Meta persuna tinsab hatja minn Qorti ta' xi reat li fil-fehma tal-Qorti jkun ta' xorta, jew meta ċ-ċirkostanzi li taħthom isir kienu hekk, li ma tkunx haġa mixtieqa li l-persuna li tkun hekk insabet hatja għandha tithalla tidhol ġewwa kazinò, il-qorti tista' b'żieda ma' kull setgħa ohra taht kull liġi ohra tagħti ordni li tkun ttiprobixxi lill-persuna misjuba hatja milli tidhol ġewwa kazinò kif jiġi speċifikat f'dik l-ordni, għal dak iż-żmien li jista' jiġi speċifikat fl-ordni.

(2) Il-Bord kif ukoll kull detentur ta' liċenza ta' kazinò għandhom, kemm jista' jkun malajr, jiġu notifikati b'ordni bħal dik mir-Registratur tal-Qrati.

(3) Id-detentur tal-liċenza ta' kazinò għandu jzomm lista ta' ismijiet, flimkien ma' kull dettal iehor disponibbli dwar l-identifikazzjoni ta' dawk il-persuni, li dwarhom tkun saret ordni tal-Qorti kif provdut fis-subartikolu (1) ta' dan l-artikolu.

(4) Detentur ta' liċenza ta' każinò għandu jara li dik il-lista tkun disponibbli sabiex tiġi spezzjonata mill-Bord u mill-ispetturi li jkollhom liċenza taht dan l-Att.

**28.** (1) Persuna li tkun:

Esekuzzjoni.

(a) ufficċjal tal-Pulizija; jew

(b) f'dak il-waqt responsabbli mill-każinò; jew

(ċ) aġent jew impjegat tad-detentur tal-liċenza tal-każinò,

jista', b'dik l-ghajnuna li tista' tkun mehtieġa u raġonevoli u billi juża dik il-forza li tkun mehtieġa u raġonevoli, iġieghel persuna li, taht l-artikolu 26 ta' dan l-Att, ma tistax tidhol, jew tibqa', ġewwa każinò, sabiex din il-persuna:

(i) ma tithalliex tidhol fil-każinò; jew

(ii) titneħħa minghajr dewmien minn ġol-każinò, skond il-każ.

(2) Persuna li, minghajr skuża raġonevoli, iwaqqaf jew itellef lil xi hadd milli jwettaq setgha lilu mogħtija taht is-subartikolu (1) ta' dan l-artikolu, ikun hati ta' reat taht dan l-Att.

(3) Detentur ta' liċenza ta' każinò li, xjentement jew bi traskuraġni, ihalli tidhol ġo, jew jonqos milli johroġ 'il barra minn, każinò lil xi persuna li ma jkollhiex dritt li tkun f'dak il-fond bis-saħħa tad-dispożizzjonijiet ta' l-artikolu 26 ta' dan l-Att, ikun hati ta' reat taht dan l-Att.

**29.** (1) Fil-liċenza ta' każinò li tkun inharget jew li tkun se tinhareġ taht dan l-Att, il-Bord għandu jispeċifika dik il-logħba jew dawk il-logħbiet li għandhom jissemmew bhala logħbiet awtorizzati għall-ghanijiet ta' l-Att.

Logħbiet awtorizzati.

(2) Il-Bord jista' f'kull żmien jibdel il-lista tal-logħbiet awtorizzati msemmija u r-regoli ta' logħba approvati kif speċifikat fil-liċenza tal-każinò.

(3) Fit-twettiq tal-funzjonijiet tiegħu taht is-subartikoli (1) u (2), il-Bord għandu jara li jkollu l-ftehim tad-detentur tal-liċenza tal-każinò dwar dan.

Loghob fil-  
każinò.

**30.** Il-Bord ghandu iktar minn hekk jispeċifika jew b'mod generali permezz ta' regolamenti magħmulin taht dan l-Att jew xort'ohra f'liċenza ta' każinò, il-patti u l-kundizzjonijiet li skondhom ghandu jsir il-loghob f'każinò.

Użu ta' makni  
bis-sahha tal-  
liċenza.

**31.** (1) F'liċenza ta' każinò, il-Bord ghandu jispeċifika l-ghadd ta' makni awtorizzati li jistgħu jiġu installati u miżmuma għall-użu fil-fond tal-każinò, u jista' f'dik il-liċenza jagħmel iż-żamma ta' dawk il-makni suġġetta għal dawk il-kundizzjonijiet li jistgħu jiġu speċifikati mill-Bord fil-liċenza.

(2) Bla hsara għal kull limitazzjoni fil-konċessjoni mogħtija mill-Ministru taht l-artikolu 3 ta' dan l-Att, il-Bord jista', sew b'inizjattiva tiegħu nnifsu jew fuq talba tad-detentur ta' liċenza ta' każinò, meta jasal it-tigdid tal-liċenza, ivarja l-ghadd, kif ukoll il-patti u l-kundizzjonijiet li jirregolaw makni awtorizzati permessi li jiġu installati fil-każinò:

Iżda l-Bord m'ghandux jirrifjuta t-talba li ssir mid-detentur tal-liċenza tal-każinò taht dan is-subartikolu sakemm ma jkunx hemm raġunijiet serji għal dak ir-rifjut.

Reati konnessi  
ma' makni tal-  
loghob.

**32.** (1) M'ghandha tinzamm ebda makna tal-loghob tkun li tkun għall-użu ġewwa każinò

(a) kuntrarju għall-kundizzjonijiet speċifikati fil-liċenza tal-każinò; jew

(b) minghajr ma tiġi registrata l-makna skond kull regolament li jinhareġ taht dan l-Att u li jkun isehh minn żmien għal żmien.

(2) Jekk xi makna tal-loghob tinzamm għall-użu ġewwa każinò bi ksur tas-subartikolu (1) ta' dan l-artikolu, id-detentur tal-liċenza tal-każinò ikun hati ta' reat taht dan l-Att.

(3) Kull min jimmanifattura, jimporta, iżomm jew jipprovdi makna tal-loghob għall-użu ġewwa xi fond li ma jkollux liċenza għall-ghan li jsir loghob go fih taht dan l-Att ghandu, minghajr preġudizzju għal kull responsabbiltà ohra taht xi liġi ohra, jkun hati ta' reat taht dan l-Att.

(4) Jekk, waqt proċedimenti għal reat kontra s-subartikoli (2) u (3) ta' dan l-artikolu, jiġi ipprovat li kien hemm xi makna tal-

logħob fil-fond ta' każinò, għandu jitqies sakemm ma tingiebx prova kuntrarja, li dik il-makna kienet qed tinzamm f'dak il-fond tal-każinò sabiex tintuża hemmhekk.

## TAQSIMA VI FLUS GHAL-LOGHOB

**33.** Ikun kontra l-liġi li d-detentur ta' liċenza jew xi hadd li jaġixxi f'ismu jew b'xi arrangament miegħu, jagħmel xi self jew xort'ohra jipprovi jew jippermetti lil xi persuna xi kreditu, jew jirrilaxxa jew iħallas f'isem persuna ohra, xi dejn shih jew parti minnu:

Restrizzjoni  
fuq il-kreditu.

- (a) sabiex persuna tkun tista' tiehu parti fil-logħob, jew
- (b) dwar kull telf li persuna tista' ġġarrab waqt il-logħob.

**34.** (1) L-artikolu 1716 tal-Kodiċi Civili m'għandux japplika dwar xi logħba li tintlagħab skond il-liġi ġewwa każinò li jkollu liċenza.

Applikabilità  
ta' l-artikoli  
1713 u 1716 tal-  
Kodiċi Civili,  
Kap. 16.

(2) Id-dispożizzjonijiet ta' l-artikolu 1713 tal-Kodiċi Civili m'għandhomx jippreġudikaw id-dritt li jkollu d-detentur ta' liċenza ta' każinò li jintraddlu dejn li johroġ mill-aċċettazzjoni ta' *cheque* skond l-artikolu 35 ta' dan l-Att u li ma jiġix sussegwentement onorat.

**35.** (1) Bla hsara għal kull regolament magħmul mill-Bord jew għal kull direttiva li l-Bord jista' johroġ, id-detentur ta' liċenza ta' każinò jew kull min ikun qed jaġixxi f'ismu jew skond xi arrangament miegħu jista', jekk ikollu tassew għaliex jahseb li *cheque* ikun ser jiġi onorat meta dan jiġi preżentat, jaċċetta *cheque* u jagħti minflok flus likwidi jew *tokens* sabiex dik il-persuna tkun tista' tiehu sehem fil-logħob sakemm -

*Cheques.*

- (a) iċ-*cheque* ma jkunx wieħed datat wara d-data attwali; u
- (b) iċ-*cheque* ikun imsarraff jew fi flus likwidi f'ammont li jkun daqs l-ammont li għalih jinhareġ, jew ikun imsarraff għal *tokens* bl-istess rata bħalma kienet tapplika li kieku kellhom jingħataw flus likwidi, fl-ammont ekwivalenti li għalih jinhareġ iċ-*cheque*, biex jinxtraw dawk it-*tokens*.

(2) Meta jitwettqu l-kondizzjonijiet stipulati fis-subartikolu (1) ta' dan l-artikolu, l-ghoti ta' flus likwidi jew *tokens* fit-tisrif ta' xi *cheque* m'għandux jitqies li jmur kontra d-dispożizzjonijiet ta' l-artikolu 33 ta' dan l-Att.

(3) Meta d-detentur ta' liċenza ta' każinò jew min ikun qed jaġixxi f'ismu jew skond xi arrangament mad-detentur, jaċċetta *cheque* biex jissarraff fi flus likwidi jew *tokens* sabiex jintuża minn persuna waqt il-logħob, huwa għandu, mhux iktar tard minn jumejn tax-xogħol tal-bank wara, jara li *cheque* jintbagħat f'bank għall-hlas jew ġbir.

Fidwa ta'  
*cheques*.

**36.** Persuna tista', bil-kunsens tad-detentur tal-liċenza tal-każinò u mhux aktar tard minn tletin minuta minn tmiem sessjoni ta' logħob, jifdi *cheque* li jkun aċċettat minn dik il-persuna mid-detentur tal-liċenza tal-każinò matul dik is-sessjoni ta' logħob, billi jippreżenta l-ammont li jinhareġ għalih fuq il-*cash desk* tal-każinò:

(a) f'ammont ta' flus, jew

(b) f'ċippi ta' valur nominali, jew

(ċ) f'kombinazzjoni ta' flus likwidi u ċippi, jew

(d) meta jkun qed jinfeda iktar minn *cheque* wiehed, f'*cheque* wiehed li jikkonsolida ammont li jkun ekwivalenti għaċ-*cheque* jew *cheques*, jew għas-somma tal-ammonti taċ-*cheques*, li jkunu se jinfedew.

## TAQSIMA VII DISPOZIZZJONIJIET FINANZJARJI

Taxxa.

**37.** (1) Id-detentur tal-liċenza għandu jhallas lis-Segretarju tal-Bord f'isem il-Gvern ir-rata ta' taxxa bażata fuq id-dhul gross totali tal-logħob kollu li jsir fil-każinò speċifikat fl-Ewwel Skeda li tinsab ma' dan l-Att minghajr it-tnaqqis ta' ebda nefqa ta' liema xorta tkun, iżda dejjem skond id-dispożizzjonijiet li ġejjin ta' dan l-artikolu.

(2) Bil-ghan li jiġu stabbiliti l-ammonti dovuti lis-Segretarju taht is-subartikolu (1) ta' dan l-artikolu, id-dhul gross jew telf gross, skond il-każ, fuq kull logħba ta' sogr għandu jkun dak li jirriżulta mal-għeluq tal-każinò fi tmiem il-jum, iżda d-detentur tal-liċenza tal-każinò jkollu d-dritt li jpaċi kull telf gross fuq dawk il-logħbiet li jsiru matul perijodu ta' xahrejn mad-dhul gross fuq dawk il-logħbiet magħmul matul dawk l-istess xhur:

Iżda meta każinò jibqa' miftuħ għal erbgħa w għoxrin siegħa f'għurnata, l-għeluq tal-każinò għall-għanijiet ta' dan is-subartikolu jitqies li jkun it-tmienja ta' filgħodu.

(3) Id-dhul jew telf gross fuq kull logħba ta' sogru għandu jiġi kalkolat mal-gheluq tal-kazinò ta' kull jum u rappreżentanti tas-Segretarju hekk debitament mahturin ikollhom id-dritt li jattendu filwaqt li jkun qed isir dak il-kalkolu ta' kuljum bil-ghan li jivverifikawh u, iktar minn hekk, li jattendu filwaqt li tkun qegħda tintlagħab kull logħba għewwa l-kazinò.

(4) Id-detentur tal-liċenza għandu iktar ihallas ukoll lis-Segretarju dik ir-rata ta' taxxa fuq id-dritt tad-dhul għewwa l-kazinò hekk kif tista' tiġi speċifikata fil-liċenza tal-kazinò.

(5) Għall-ghanijiet tas-subartikolu (2) ta' dan l-artikolu il-frazi "xahrejn" tfisser perijodi ta' xahrejn, li jagħlqu ma' għeluq il-logħob fl-aħħar jum ta' Frar, April, Gunju, Awissu, Ottubru u Diċembru ta' kull sena kalendarja u ma tinkludix iż-żmien li matulu jitkompla l-operat tal-kazinò, mibdi fl-aħħar jum ta' l-aħħar xahrejn jew perijodu ta' qabel.

**38.** (1) Mal-ghoti ta' liċenza ta' kazinò, il-Bord jista' jehtieg lid-detentur tal-liċenza tal-kazinò li jkollu garanzija bankarja li tinhariġlu minn xi bank jew istituzzjoni finanzjarja jew ta' kreditu b'liċenza biex taħdem f'Malta favur is-Segretarju f'isem il-Gvern f'ammont ta' mhux iżjed mir-riserva għal-logħob u bla hsara ta' kull patt u kundizzjoni li jistgħu jiġu speċifikati fil-liċenza. Dik il-garanzija bankarja għandha tibqa' valida sakemm tghaddi sena wara li tkun intemmet il-liċenza.

Garanzija  
bankarja.

(2) Id-detentur ta' liċenza ta' kazinò, il-Bord jista' jitlef dik il-garanzija bankarja favur is-Segretarju f'xi wiehed minn dawn il-kazijiet li ġejjin:

(a) maċ-ċediment tal-liċenza tal-kazinò taht l-artikolu 17 ta' dan l-Att;

(b) mat-thassir tal-liċenza tal-kazinò mill-Bord taht l-artikolu 18 ta' dan l-Att;

(ċ) mal-ksur ta' xi wahda mill-kondizzjonijiet dwar faċilitajiet ta' manutenzjoni skond l-artikolu 22 ta' dan l-Att;

(d) b'arrangament finali ta' kull hlas dovut dwar xi multa imposta taht it-Taqsima VIII ta' dan l-Att.

**39.** (1) Mal-ghoti ta' liċenza ta' kazinò, id-detentur tal-liċenza ta' kazinò għandu jistabbilixxi riserva formali f'dak l-ammont li jiġi stabbilit mill-Bord, u li tkun thares lill-kazinò kontra għadd kbir ta' telfiet fil-logħob u għaldaqshekk tkun tiżgura li jsir l-hlasijiet dovuti

Riserva  
għal-logħob.

wara xi rebha kbira, u li tkun taghti assigurazzjoni li d-detentur tal-liċenza tal-każinò ikollu rizorsi finanzjarji biż-żejjed biex imexxi n-negozju ta' loġhob fil-każinò f'livelli aċċettabbli u xierqa u minghajr ebda riskju imminenti ta' għeluq jew likwidazzjoni.

(2) Ir-riserva għal-loġhob tkun fil-ghamla ta' depożitu li jsir f'bank stabbilit f'Malta u/jew kull titolu iehor li dak il-bank iżomm f'isem id-detentur tal-liċenza b'mod li jkun aċċettabbli għall-Bord. Id-detentur tal-liċenza tal-każinò għandu jara li l-bank jikkonferma l-eżistenza ta' dik ir-riserva lill-Bord, kif u meta jkun mehtieg mill-Bord, u f'kull każ ta' kull sena ma' kull anniversarju tal-liċenza.

(3) Jekk tinqala' l-htieġa li jittiehdu flus mir-riserva, id-detentur tal-liċenza ta' każinò għandu minnufih jgħarraf lill-Bord u jirristawra dik ir-riserva fi żmien xahar u malli jagħmel dan iġieghel lill-bank jikkonferma dak ir-ristawr lill-Bord.

Prevenzjoni  
ta' money  
laundering.

40. Il-Ministru responsabbli għall-finanzi bi ftehim mal-Ministru responsabbli għall-ġustizzja jista' b'ordni jipprovdi linji gwida dwar l-imġieba ta' detentur ta' liċenza, spettur jew il-Bord għar-rigward ta' ċertu transazzjonijiet li jistgħu jagħtu lok għal xi suspett ta' *money laundering*, u jista' b'mod partikolari jipprovdi li d-dispożizzjonijiet ta' l-Att ta' l-1994 kontra *Money Laundering*, ikunu japplikaw għal-każinò b'dawk il-modifiki u addattamenti li jistgħu jiġu speċifikati fl-Ordni.

Kontroll  
dwar kambju  
ta' flus.

41. Ikun skond il-liġi li detentur ta' liċenza ta' każinò, malli jinghata awtorizzazzjoni mill-Bank Centrali ta' Malta u bla hsara għal dawk il-kondizzjonijiet li jistgħu jiġu hekk speċifikati f'dik l-awtorizzazzjoni, jipprovdi faċilitajiet għall-kambju ta' munita barranija fill-fond tal-każinò.

## TAQSIMA VIII REATI

Piena għal  
reati kontra  
dan l-Att.

42. (1) Kull min jagħmel reat kontra dan l-Att, jehel, meta jinsab hati, multa ta' mhux inqas minn Lm3,000 u mhux iżjed minn Lm100,000, jew prigunerija ta' mhux iżjed minn sentejn, jew dik il-multa u prigunerija flimkien:

Iżda meta dik il-persuna li hekk tinsab hatja tkun id-direttur, *manager*, segretarju jew uffiċjal simili iehor ta' kumpanija jew ta' impriża oħra, dik il-persuna għandha, għall-ghanijiet ta' dan l-artikolu, titqies li tkun vestita bir-rappreżentanza ġuridika ta' dik il-kumpanija jew impriża oħra li skond hekk tkun responsabbli *in solidum* mal-persuna misjuba hatja għall-hlas ta' dik il-multa.

(2) Il-multa msemija fis-subartikolu (1) ta' dan l-artikolu ghandu jingabar bhala dejn civili favur il-Gvern mis-Segretarju, u dik l-impriza li l-persuna misjuba hatja kienet qed tagixxi fl-interessi ekonomiċi taghha, tkun responsabbli *in solidum* mal-persuna misjuba hatja għall-hlas ta' dik il-multa.

(3) Id-dispożizzjonijiet ta' l-Att dwar il-*Probation* ta' Hatjin u ta' l-artikolu 21 u ta' l-artikoli 28A sa 28I tal-Kodiċi Kriminali, m'għandhomx ikunu japplikaw dwar reati msemija fis-subartikolu (1) ta' dan l-artikolu.

**43.** (1) Persuna ma għandhiex tuża, jew ikollha fil-pussess taghha, ġewwa jew barra minn każinò:

Użu ta' ċippi foloz.

(a) ċippi li dik il-persuna tkun taf li huma ċippi foloz; jew

(b) karti, dadi jew muniti li dik il-persuna tkun taf li ġew markati, mtaqqla jew imbagħbsa.

(2) Kull min jikser id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu jkun hati ta' reat kontra dan l-Att.

**44.** (1) Hadd ma jista':

Falsifikazzjoni.

(a) jiffalsifika ċippi jew *tokens* ohra li jintużaw f'każinò li jkollu liċenza taht dan l-Att, jew liċenza użata għall-ghanijiet ta' dan l-Att; jew

(b) xjentement imexxi ċippi foloz jew xjentement imexxi liċenza falza.

(2) Kull min jikser is-subartikolu (1) ta' dan l-artikolu jkun hati ta' reat kontra dan l-Att.

**45.** (1) Hadd ma jista' jiehu sehem fil-logħob f'każinò:

Min ikun qed jilgħab irid ikun preżenti fil-każinò.

(a) jekk ma jkunx preżenti fil-fond tal-każinò filwaqt li jkun qiegħed isir il-logħob hemmhekk;

(b) f'isem persuna ohra li ma tkunx preżenti fil-fond f'dak il-waqt.

(2) Kull min jikser id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu jew li jgħin jew jippermetti lil xi persuna ohra li tikser dawk id-dispożizzjonijiet ikun hati ta' reat kontra dan l-Att.

Loghob  
illegali.

**46.** (1) Kull min ġewwa xi fond li ma jkollux liċenza taht dan l-Att jew bi ksur tad-dispożizzjonijiet ta' dan l-Att jew ta' kull regolament magħmul taht dan l-Att jew bi ksur ta' xi kondizzjoni imposta f'xi liċenza mahruġa taht dan l-Att, jiehu sehem f'xi logħba ta' sogru li tintlagħab għall-flus jew valur ta' flus; jew jippermetti l-użu ta' xi post għal, jew jinkoraġġixxi, dik il-logħba; jew xjentement iżomm lil xi ufficjal tal-Pulizija, li jkun awtorizzat skond il-liġi li jidhol ġewwa xi post suspettat li jkun qed jiġi użat bħala dar tal-logħob, milli jidhol f'dak il-post jew xi parti minnu, jew jimpedixxi jew idewwem lil xi ufficjal milli hekk jidhol, jew, permezz ta' xi stanga, żbarra, jew xi mezz ieħor jagħlaq għal kollox b'mod sigur xi bieb ta' barra jew ta' ġewwa jew mezz ta' dhul għal dak il-post; jew inkella juża xi mezz jew invenzjoni li tkun, bil-ghan li jzomm, jimpedixxi jew idewwem id-dhul ta' dak l-ufficjal ġewwa xi post bħal dak jew f'xi parti minnu; jew għalkemm ma jkunx qieghed jiehu sehem f'xi logħba illegali, ikun sieheb ta' xi ġugatur f'xi logħba bħal dik; jew li jkun preżenti filwaqt li tkun qeghda ssir xi logħba bħal dik, ikun hati ta' reat kontra dan l-Att.

(2) B'żieda ma' kull piena taht xi dispożizzjoni oħra ta' dan l-Att, il-flus u l-oġġetti kollha li jkunu jirrapprezentaw il-ġugati kif ukoll l-istrumenti u l-oġġetti li jkunu qed jiġu użati fil-logħob bi ksur tas-subartikolu (1) ta' dan l-artikolu, u kull flus misjuba fuq xi persuna li tkun qeghda tagħmel reat taht dak is-subartikolu, għandhom jiġu konfiskati favur il-Gvern.

**47.** Il-Qorti tal-Maġistrati tkun il-qorti b'kompetenza li tiehu konjizzjoni ta' reati kontra dan l-Att.

**48.** Ebda proċediment għal reat kontra dan l-Att ma għandu jinbeda hlief bil-permess ta' l-Avukat Ġenerali.

## TAQSIMA IX MIXELLANJI

Il-Qorti tal-  
Maġistrati  
tiehu konjizzjoni  
ta' reati kontra  
dan l-Att.

Permess li  
jingħata  
mill-Avukat  
Ġenerali.

Reklamar.

**49.** (1) Hadd ma għandu jagħmel jew iġieghel li jsir xi reklam:

(a) li jkun jgħarraf lill-pubbliku li xi fond f'Malta jkun fond li fih ikun isir jew ikun se jsir il-logħob; jew

(b) li jkun jistieden lill-pubbliku li jiehu sehem bħala ġugatur f'xi logħob li jsir, jew li jkun se jsir, f'xi fond bħal dak, jew li japplika għal tagħrif dwar faċilitajiet biex jiehu sehem, bħala ġugatur f'xi logħob li jsir, jew li jkun se jsir, f'Malta; jew

(ċ) li jkun jistieden lill-pubbliku jissottoskrivi xi flus jew valur ta' flus biex jintużaw għal-logħob f'xi fond bħal dak jew li

japplika għal tagħrif dwar faċilitajiet sabiex jissottoskrivi xi flus jew valur ta' flus biex hekk jintużaw; jew

(d) li jkun jistieden lill-pubbliku li jiehu sehem bħala ġugatur f'xi logħob li jsir, jew li jkun se jsir, f'xi każinò barra minn Malta jew li japplika għal tagħrif dwar faċilitajiet biex tiehu sehem bħala ġugatur f'xi logħob li jsir, jew li jkun se jsir, barra minn Malta:

Iżda dik ir-restrizzjoni fuq ir-reklamar m'għandhiex tkun tapplika għal dawk ir-reklami li jiġu pubblikati, murijin jew imxandra barra minn Malta għad-distribuzzjoni jew ċirkolazzjoni tagħhom barra minn Malta jew għal dawk ir-reklami bħalma huma deskritti fis-subartikolu (1) ta' dan l-artikolu li jintwerew f'imkejjen li jkunu prinċipalment frekwentati minn turisti u li jinkludu ajruporti, portijiet tal-baħar, lukandi u *holiday complexes* iżda ma tinkludix *bars* u ristoranti.

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

(a) it-turija ġewwa każinò li dwaru tkun inghatat konċessjoni mill-Ministru, u tkun inħarġet liċenza ta' każinò mill-Bord, taht dan l-Att, ta' sinjal jew avviż li jkun jindika li qed isir, jew li jkun se jsir, il-logħob fil-każinò, sew jekk is-sinjal jew l-avviż jintwera ġewwa jew barra l-fond; jew

(b) il-pubblikazzjoni ta' avviż fil-Gazzetta tal-Gvern meta dak l-avviż ikun meħtieġ li jiġi publikat taht dan l-Att, jew

(ċ) reklam awtorizzat mill-Bord dwar attivitajiet li ma jkollhomx x'jaqsmu mal-logħob iżda li jsiru f'każinò.

(3) Kull min jikser id-dispożizzjonijiet tas-subartikolu ta' qabel dan ta' dan l-artikolu jkun hati ta' reat taht dan l-Att.

**50.** (1) Il-Bord jista', bl-approvazzjoni tal-Ministru, jagħmel regolamenti sabiex jitwettqu d-dispożizzjonijiet ta' dan l-Att u minghajr preġudizzju għad-dispożizzjonijiet ta' qabel dan, jista' b'dawk ir-regolamenti:

Setgħa ta' għamirċregoli.

(a) jirregola ll-ħruġ, is-sospensjoni u t-thassir ta' liċenza;

(b) jirregola l-logħob, u l-ġugati f'każinò;

(ċ) jirregola *junkets*;

(d) jirregola l-użu ta' makni f'każinò;

(e) jippreskrivi dawk ir-registrazzjonijiet u kontijiet li għandhom jinżammu minn detentur ta' liċenza ta' każinò; u

(f) jippreskrivi kull ma għandu jiġi preskritt taht kull dispożizzjoni oħra ta' dan l-Att.

(2) Minghajr preġudizzju għal xi setgħa oħra taht dan l-Att, il-Ministru jista' jagħmel regolamenti:

(a) biex jirregola xi jkun ż-żmien tal-kariga tal-membri tal-Bord; u

(b) biex jippreskrivi l-proċeduri li għandhom jiġu segwiti mill-Bord.

Użu ta' lukandi għal-logħob.

**51.** L-użu ta' xi parti ta' lukanda għall-ġestjoni ta' każinò li jkollu liċenza taht dan l-Att m'għandux għall-fini ta' l-Att dwar l-Ippjanar ta' l-Izvilupp jitqies bħala tibdil fl-użu.

Emenda tal-Kodiċi Kriminali, Kap. 9.

**52.** Il-Kodiċi Kriminali għandu jiġi emendat kif ġej:

(a) il-paragrafu (h) ta' l-artikolu 338 tiegħu għandu jithassar; u

(b) il-paragrafu (a) ta' l-artikolu 334 tiegħu għandu jithassar.

Thassir ta' l-Ordinanza dwar il-Kursal.

**53.** L-Ordinanza dwar il-Kursal, hija b'dan imhassra.

## L-EWWEL SKEDA

(Artikolu 37)

### TASSAZZJONI

(1) Id-detentur ta' liċenza ta' każinò jhallas lis-Segretarju tal-Bord f'isem il-Gvern dawn ir-rati ta' tassazzjoni:

(a) Logħob ta' Fuq il-Mejda:- (i) Fuq id-dhul gross totali tal-logħob kollu ta' fuq il-mejda li jsir fil-Kazino' somma ekwivalenti ta' sitta u tletin fil-mija (36%).

(ii) Fuq id-dhul gross generali minn *junkets* approvati mill-Bord u skond ir-regolamenti kollha li japplikaw għalihom, fuq il-logħob kollu ta' fuq il-mejda mogħtijin lill-*junkets* somma ekwivalenti għal hmistax fil-mija (15%).

(b) Makni tal-logħob:—

(i) Fuq id-dhul gross totali ta' kull makna tal-logħob imhaddma fil-kazinò somma ekwivalenti għal erbghin fil-mija (40%).

(ii) Fuq id-dhul gross generat minn *junkets* approvati mill-Bord u skond ir-regolamenti kollha li japplikaw għalihom, fuq il-makni tal-logħob kollha mogħtijin lill-*junkets* somma ekwivalenti għal ħamsa u għoxrin fil-mija (25%).

(2) It-taxxa kalkulata taht il-partita (1) ta' din l-Iskeda għandha tiġi stmata separatament u ebda tpaċija għal xi taxxa jew għal xi telf dwar xi paragrafu wieħed ma għandha tiġi permessa.

---

### Għanijiet u Raġunijiet

L-għan ewlieni ta' l-Abbozz hu sabiex jipprovdi dwar ir-regolament ta' l-industrija tal-kazinò minflok l-Ordinanza dwar il-Kursal.

## **GAMING ACT, 1998**

### **Arrangement of Sections**

#### **PART I - PRELIMINARY**

1. Short title
2. Interpretation

#### **PART II - CONCESSIONS**

3. Concession to open and operate a Casino
4. Playing of games in Casino

#### **PART III - GAMING BOARD**

5. Establishment of Board
6. Functions of the Board
7. Proceedings
8. Inspectors
9. Identity cards
10. Rights of inspectors
11. Powers of inspectors
12. Powers of the Board
13. Professional secrecy

**PART IV - GRANT OF CASINO LICENCE**

14. Requirement of Licence
15. Grant of casino licence
16. Casino licence fee
17. Surrender of casino licence
18. Cancellation of casino licence - grounds
19. Cancellation of casino licence - procedures
20. Licences for employees

**PART V - OPERATION OF CASINO**

21. Entrance fee
22. Maintenance of facilities
23. Security
24. Operating times
25. Identification
26. Exclusion of certain persons from a casino
27. Power of court to prohibit persons from entering a casino
28. Enforcement
29. Authorised games
30. Gaming in the casino
31. Use of machines by virtue of licence
32. Offences relating to gaming machines

**PART VI - PROVISION OF MONEY FOR GAMING**

33. Restriction on credit
34. Applicability of Sections 1713 and 1716 of the Civil Code Cap 16
35. Cheques
36. Redemption of cheques

**PART VII - FINANCIAL**

37. Tax
38. Bank Guarantee
39. Gaming Reserve
40. Prevention of Money laundering
41. Exchange control

**PART VIII - OFFENCES**

42. Penalties for offences
43. Use of Counterfeit Chips
44. Forgery
45. Persons gaming to be present at Casino
46. Unlawful Gaming
47. Offences against Act to be tried by Court of Magistrates
48. Sanction of Attorney General

**PART IX - MISCELLANEOUS**

49. Advertising
50. Power to make rules
51. Use of Hotels for Gaming purposes
52. Amendment of the Criminal Code
53. Repeal of Kursal Ordinance

**FIRST SCHEDULE**

Taxation

**A BILL  
entitled**

*An Act to make provision in place of the Kursaal Ordinance for the licensing of the Casinos, for the setting up of a Gaming Board and for the purposes connected therewith or ancillary thereto.*

BE IT ENACTED by the President, by and with the consent of the House of Representatives, in this present Parliament assembled and by the Authority of the same as follows:—

**PART I  
PRELIMINARY**

1. This Act may be cited as the Gaming Act, 1998 and shall come into force on such date as the Minister responsible for finance may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes thereof. Short title and commencement.

2. In this Act, unless the context otherwise requires; Interpretation.

“authorised game” means a game specified by the Board under section 29 to be an authorised game for the purposes of this Act;

“authorised machine” means a machine used for the purpose of gaming as specified under subsection (1) of section 31 of this Act

“Board” means the Gaming Board established by section 5 of this Act

“casino” means such premises in relation to which the Minister has granted a concession under section 3 of this Act;

“casino employee” means any receptionist, dealer, *chef de table*, inspector, cashier, supervisor, watcher, machine engineer, manager, or any other person who, in the view of the Board, is involved in the gaming operations of a casino:

“casino licence” means a licence granted under section 15 of this Act;

“chips” means any tokens used or capable of being used in a casino in the conduct of gaming in the place of money and approved for this purpose by the Board;

“gaming” means the playing of a game of chance for money or money’s worth;

“gaming equipment” means any electrical, electronic or mechanical device, cards or any other thing, other than chips, used, or suitable for use, in connection with gaming;

“gaming machine” means any machine which is constructed or adapted for playing a game of chance or chance and skill combined by means of the machine and has a slot or other aperture for the insertion of money or money is worth in the form of cash or tokens,

“inspector” means a person appointed under section 8 of this Act to be an inspector,

“junket” means an arrangement the purpose of which is to induce any person, selected or approved for participation therein on the basis of his ability to satisfy a financial qualification obligation related to his ability or willingness to gamble, or on any other basis related to his propensity to gamble, to come to a licensed casino for the purpose of gambling and pursuant to which, and as a consideration for which, any or all of the costs of transportation, food, lodging, and entertainment for said person is directly or indirectly paid by a casino licensee;

“Minister” means the Minister responsible for finance.

## **PART II CONCESSIONS**

Concession to open  
and operate casino.

**3. (1)** It shall be lawful for the Minister to grant concessions to persons to open and operate casinos.

(2) A concession under this section shall be granted for such consideration including the payment of any sums of money to the general revenues, for such period and upon such terms and conditions as the Minister thinks fit.

(3) The grant of a concession under this section shall not dispense any person opening or operating a casino from the requirement of any licence by the Board under this Act.

(4) Notwithstanding the other provisions of this section, the Minister may from time to time designate a company owned wholly directly or indirectly by the Government as the Government Casino Operator and such Company shall, whenever the Minister so directs, take over the operation of a Casino owned directly or indirectly by the Government whenever the person to whom a concession to run such casino for any reason abandons such concession or has his licence

revoked or suspended under this Act.

4. Subject to the requirement of any other licence under this Act or any other law and to the other provisions of this Act where a concession has been given by the Minister under section 3, or where the Minister has directed a company as therein referred to operate a casino, then notwithstanding the provisions of any other law it shall be lawful during the period of such concession;

Playing of games in casino.

(a) for the person to whom such concession has been granted or for any person to whom such concession has been assigned in accordance with the terms and conditions thereof, or for the company so directed, to permit the use of the premises specified in the concession as a casino for the playing therein of such games of chance for money or money's worth and for such stakes as may be specified in the casino licence and to encourage the playing therein by such persons of any such games for any such stake; and

(b) for any person to take part therein in any such game for any such stake.

### PART III GAMING BOARD AND INSPECTORS

5. (1) The Minister shall, by notice in the Government Gazette, appoint a Gaming Board, consisting of a Chairman, the Director of Lotto and four other members for the purpose of performing the functions assigned to such Board by the provisions of this Act.

Establishment of Board.

(2) A person shall not be qualified to be appointed or remain a member of the Board if:

(a) he is an undischarged bankrupt or

(b) has been convicted of an offence punishable by imprisonment for a period of 6 months or more, or

(c) has been found guilty of an offence under this Act; or

(d) if he is a member of the House of Representatives.

6. (1) The functions of the Board shall be:

Functions of the Board.

(a) to supervise the operation of casinos;

(b) to issue licences to own and/or operate casinos under section 15 of this Act;

(c) to issue licences to the casino employees, including the managers thereof, and junket leaders, proposed to be engaged by a casino licensee to work in relation to gaming;

(d) to issue licences to inspectors for the purposes of section 8 of this Act;

(e) to inquire into the suitability of:

(i) casino owners and operators, licensees or persons nominated as proposed casino licensees; and

(ii) the employees, including the management and junket leaders, proposed to be engaged by the casino licensee;

(f) to regulate by licence the importation, supply and maintenance of gaming machines for casinos;

(g) to make regulations, in accordance with the provisions of section 50 of this Act, on matters relating to the control of casinos or of the operation of casinos, or, generally to gaming in casinos;

(h) to perform any of the functions that is or may be assigned to it by this or any other law.

(2) The Minister shall appoint a senior officer in the Department of Lotto to be the Secretary of the Board.

(3) The Board shall act through the Secretary who shall act in accordance with instructions of the Board in matters falling within the functions of the Board.

Proceedings.

7. (1) Subject to such regulations that may be made by the Minister, the Board shall have power to regulate its own procedure.

(2) The Board may also prescribe the manner in which it shall be convened and the place where it shall hold its meetings.

Inspectors

8. (1) The Minister may appoint such number of Public officers as he deems necessary to be inspectors for the purposes of this Act. Such inspectors shall have such powers and functions as are or may be assigned to them by this or any other law. No person may enter into his duties as inspector until and unless he holds a licence for that purpose by the Board. Inspectors may, in carrying out their functions under this Act, be assisted by or accompanied with such experts as the Secretary may direct.

(2) The inspectors shall act under the instructions of the Secretary and shall in matters falling under the functions of the Board report to the Board through the Secretary.

(3) Any person acting as an inspector without a licence issued by the Board in his favour shall be guilty of an offence against this Act.

**9.** (1) The Board shall cause to be issued to each inspector an identity card which shall specify the name and appointment of the inspector and which shall also contain a recent photograph of the inspector. Identity cards.

(2) A person appointed to be an inspector shall, upon ceasing to be an inspector, return his identity card to the Board.

**10.** An inspector may at any time upon production of his identity card enter and remain in a casino for the purposes of: Rights of inspectors.

(a) viewing gaming;

(b) observing any of the operations of the casino or, generally, of gaming;

(c) ascertaining whether the operation of the casino or, generally of gaming, is being properly conducted, supervised and managed;

(d) ascertaining whether the provisions of this Act are being complied with; and

(e) in any other respect, exercising his powers or performing his duties.

**11.** (1) An inspector may for the purpose of ascertaining that the provisions of this Act are being complied with and that the full amount of tax under this Act is being paid: Powers of inspectors.

(a) require any person whom the inspector believes, on reasonable grounds, to be in possession or have under his control any gaming equipment or chips:

(i) to produce the equipment or chips 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 equipment or chips as the inspector specifies;

(b) require a casino licensee or a person acting on behalf of a casino licensee:

(i) to produce to the inspector for inspection such book or document in his custody or control relating to the operation of the casino 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, relating to the operation of the casino as the inspector specifies;

(c) inspect or test any gaming equipment or chips or inspect such book or document, and take copies of, or make notes in relation to, such book or document, relating to the operation of the casino as the inspector considers necessary;

(d) direct a casino licensee not to use any gaming equipment or chips that the inspector considers to be unsatisfactory for use;

(e) receive and, if the inspector thinks fit, investigate a complaint with respect to any aspect of the operation of a casino and to make a report of the result of such investigation to the Secretary;

(f) call to the inspector's assistance:

(i) another inspector; or

(ii) a casino employee who, in the belief of the inspector, is competent to assist the inspector in the exercise of his powers or performance of his duties; and

(g) require any person entering or to be found at a casino to produce identification documents.

(2) A requirement under paragraphs (a) or (b) of subsection 1 of this section or a direction under paragraph (d) of the same subsection shall be made by notice in writing or orally as the inspector deems fit in the circumstances.

(3) An inspector shall be present at the opening and closing of any gaming table, when any adjustment is made to the table float, when the count of money and tokens is undertaken, and at the opening and closing of any gaming machine and to verify jackpot wins.

(4) Any person who, without reasonable excuse, hinders or fails to assist the inspector in the discharge of his duties under subsection (1) of this section, shall be guilty of an offence under this Act.

(5) An inspector shall make a report on the exercise of his functions under this Act to the Secretary.

**12.** (1) Without prejudice to any power exercisable by virtue of the preceding provisions of this Act, the Board may at any time serve on a casino licensee a notice requiring him, in such manner and within such reasonable time as may be specified in the notice:

Powers of the Board

(a) to produce for inspection by or on behalf of the Board books or documents relating to the casino, as specified in the notice which the Board reasonably requires to inspect for the purpose specified in subsection (1) of section 11 of this Act, and

(b) to furnish the Board with information relating to the premises as specified in the notice which the Board reasonably requires for that purpose.

(2) If without reasonable excuse any requirement imposed in relation to a casino by a notice served by virtue of subsection (1) of this section is not complied with, the casino licensee shall be guilty of an offence under this Act.

**13.** Without prejudice to the provisions of the Professional Secrecy Act, 1994, any information disclosed to an inspector, the Secretary of the Board and any document produced in pursuance of sections 11 or 12 of this Act shall be secret and confidential and may not be disclosed or produced other than for the purposes of this Act or any prosecution for an offence against this Act or an offence committed against or in a casino.

Professional Secrecy.

**PART IV**  
**GRANT OF CASINO LICENCE**

Requirement of  
Licence.

**14.** No person may open or operate a Casino unless he is in possession of a licence by the Board.

Grant of Casino  
Licence.

**15.** (1) It shall be lawful for the Board by licence to authorise a person to open and operate a casino in Malta.

(2) The Board shall not issue such licence to a person unless that person is a company registered in Malta and unless it appears to the Board that:

(a) the relevant voting share capital of the proposed casino licensee is owned by a person or persons of integrity;

(b) the director or directors of the company or of any constituent thereof are persons of integrity;

(c) the proposed casino licensee has the financial means and expertise available to operate the casino and to fulfill all its obligations under this Act.

(3) A casino licence remains in force for ten years from the date of its issue renewable annually on the payment of the licence fee and subject to compliance with the provisions of this Act unless it is sooner surrendered or cancelled, and may be renewed by the Board. A casino licence shall, in all cases, be conditional to there being a concession by the Minister in favour of the licensee in accordance with the provisions of Part II of this Act.

(4) The casino licence shall be in a form approved by the Board and:

(a) shall specify inter alia:

i. the date of its issue;

ii. the date of its expiration;

iii. the name of the licensee;

iv. an address in Malta specified by the licensee for the service of documents on the licensee;

v. the address of the casino;

vi. the maximum number of tables that can be operated under the licence;

vii. the maximum number of machines allowed to be used under the licence;

- viii. the minimum opening hours;
- ix. such other particulars relating to the casino as the Board considers necessary; and
- x. such other particulars as may be prescribed.

(b) shall identify the area or areas by reference to plans designated to be the casino.

(5) (a) A licensee shall within fourteen days of any change in the ownership of any relevant share capital of the company or of its constituents and of any change in the management or Board of Directors of the company or of its constituents inform the Board of such change.

(b) If pursuant to any change as is referred to in paragraph (a) of this subsection a situation is brought about that had it existed at the time of the application for the licence, would have disqualified the company from obtaining a licence in accordance with subsection (2) of this section, the Board shall by notice inform the licensee accordingly and if the situation shall not have been remedied within one calendar month from the notice to that effect by the Board, the Board shall revoke the licence;

Provided that the Board shall not issue a notice as aforesaid later than three calendar months after being informed by the licensee of the change in accordance with paragraph (a) of this subsection.

(6) For the purposes of subsection (5) of this section relevant share capital means 10 per centum of the voting share capital of the company or of its constituents.

(7) Failure to comply with the provisions of subsection (5) of this section shall constitute an offence against this Act.

(8) A licence under this section may not be assigned.

**16.** (1) The Board shall, on the basis of the costs incurred by the Board in carrying out its functions under this Act, determine the casino licence fee, in the casino licence, for the purposes of this Act. Casino licence fee.

(2) The casino licence fee is payable in advance to the Secretary on behalf of the Government on each anniversary of the licence by the casino licensee.

(3) Determinations under subsection (1) of this section shall not be made at intervals of less than 12 months and in any case shall only be varied upon the grant or renewal of a casino licence.

Surrender of Casino licence.

**17.** (1) The casino licensee may surrender the casino licence at any time by giving notice in writing to the Board not less than one year prior to the date of the surrender of the licence.

(2) The surrender of any casino licence shall not dispense the person surrendering the licence from any obligation incurred under sections 16 and 37 of this Act.

(3) If the casino licensee surrenders the casino licence without giving the notice specified in subsection (1) of this section, the gaming equipment and machines to be found in the casino shall be forfeited to the Secretary on behalf of the Government.

Cancellation of casino licence - grounds.

**18.** The Board may, order the cancellation of a casino licence on any of the following grounds:

(a) any director or manager of the casino licensee is convicted of an offence against this Act;

(b) the casino licensee contravenes a provision of this Act or is in breach of a licence condition;

(c) the casino licensee knowingly or recklessly supplies to the Board information that is false or misleading in a material particular;

(d) the casino licensee fails to fulfill the licensee's financial commitments when they become due and payable;

(e) the casino licensee fails to maintain the formal gaming reserve as specified in section 39 of this Act;

(f) the licensee is in liquidation or is being wound up; or

(g) the Board is satisfied that the casino licensee is not, or has ceased to be, a suitable person to be the licensee of a casino.

Cancellation of casino licence - procedures.

**19.** (1) Where a ground for cancellation of the casino licence arises under section 18 of this Act the Board, by notice in writing, shall request the casino 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 21 days after the issue of the notice, as is specified in the notice, why the casino licence should not be cancelled on such ground.

(2) The Board shall have regard to any response made under subsection (1) of this section and:

(a) where the matter is resolved to its satisfaction shall take no further action;

(b) where although the matter is not resolved to its satisfaction, it considers that action to cancel the casino licence is not warranted, it shall, in writing, caution the casino licensee; 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 as it considers appropriate; or

(ii) suspend for such period as it thinks fit, or cancel, the casino licence.

(3) Where a direction given by the Board under subparagraph (i) of paragraph (c) of subsection (2) of this section is not complied with within the time specified in the notice, the Board shall cancel the casino licence.

**20.** (1) No person shall employ or work as a –

Licence for employees.

- (i) casino employee;
- (ii) casino manager; or
- (iii) junket leader,

without a licence from the Board, wherever such licence shall be required by any regulations under this Act.

(2) Any person who shall do anything referred in subsection (1) of this section wherever a licence therefor is required under subsection (1) hereof, without being in possession of the relative licence or not in accordance with such licence shall be guilty of an offence against this Act.

## PART V OPERATION OF CASINO

**21.** (1) It shall be lawful for a casino licensee to require persons entering the casino premises to pay a fee therefor. Such fee shall be fixed by the licensee with the approval of the Board.

Entrance fee.

(2) Such approved fee is to be clearly displayed at the entrance to the premises. All such fees received shall be recorded.

Maintenance of facilities.

**22.** (1) A casino licensee shall:

(a) maintain the facilities and amenities of the casino in a condition to the satisfaction of the Board;

(b) ensure that the casino is at all times properly and competently conducted;

(c) ensure that all casino installations, equipment and procedures for security are available and are tested, used, operated and applied effectively; and

(d) ensure the gaming equipment and chips approved by the Board for use in the casino are maintained in good order and condition.

(2) The casino licensee shall not operate the casino unless the layout of the casino is in accordance with plans and diagrams approved by the Board.

Security.

**23.** The casino licensee shall, for the purpose of ensuring security within the premises of the casino install and keep in good working order such camera and audio system, in such numbers and locations, and which shall be monitored by such number of persons adequately trained to be employed as professional security staff as may be approved by the Board.

Operating times.

**24.** The Board shall, in the casino licence, establish a schedule of minimum operating times for the casino setting out the days on which, and hours during which, the licensee shall operate the casino. The Board may also establish the days during which casinos shall remain closed.

Identification.

**25.** (1) It shall be the duty of the casino licensee to ensure that persons entering the casino premises are identified and may at any time request such persons to produce their identification card or passport for inspection.

(2) The casino licensee shall cause the particulars of persons entering the casino together with details of identification card or passport produced to be registered in a register kept at the casino premises for such purpose.

Exclusion of certain persons from a casino.

**26.** (1) A person shall not enter a casino during the hours of operation of the casino, if the person:

(a) is requested by a licensed casino employee not to enter the casino or other gaming premises, as the case may be, on the

ground that the person has previously contravened the approved rules of an authorised game or rules of conduct of gaming in force;

(b) is a person in relation to whom a Court order under subsection (1) of section 27 of this Act is in force;

(c) is in the case of a citizen of Malta under the age of 25 years;

(d) is in the case of any other person under the age of 18;

(e) has asked for a ban or restriction on his own admission;  
or

(f) upon a request to do so by a licensed casino employee, fails to produce his identification card or passport.

Provided that, any ban or restriction of admission shall, under paragraph (e) of this subsection, have effect during the period requested by the person concerned, which shall not be less than 6 months and not more than 1 year. Any such ban or restriction cannot be cancelled before its expiry.

(2) A person shall not remain in a casino during the hours of operation of the casino if the person :

(a) when requested to do so by a licensed casino employee, refuses or fails to produce evidence of his age;

(b) has been requested by a licensed casino employee to leave the casino on the ground that the person :

(i) appears not to understand fully the nature or consequences of gaming as it relates to the application of the approved rules of authorised games and the potential for financial loss;

(ii) appears to be under the influence of alcohol or a drug to the extent that the person could not reasonably be expected to exercise rational judgment while playing an authorised game;

(iii) is affecting the orderly functioning of the operations of the casino or, generally, of gaming whether because of the influence of alcohol or drugs or otherwise;

(iv) appears to be disturbing the peace or affecting the orderly functioning of the operations of the casino;

(v) appears to be cheating, or attempting to cheat, in the casino; or

(vi) has previously contravened the approved rules of an authorised game or rules of conduct in force in a casino;

(c) is a person in relation to whom a Court order under section 27 of this Act is in force.

(3) Without prejudice to the other provisions of this Act, admission to a casino shall be at the discretion of the licensee who shall ensure that persons who may have a problem of pathological gambling are not given access to the gaming area.

Provided that no person shall be refused admission to a casino by reason of his race, place of origin, political opinion, colour, creed, sex or physical infirmity.

Power of Court to prohibit persons from entering casino.

**27.** (1) Where any person is convicted by a Court of an offence which in the opinion of the Court is of such nature, or where the circumstances under which it was committed were such that it is undesirable that the person so convicted should be permitted to enter a casino, the court may in addition to any other power under any other law make an order prohibiting the person convicted from entering a casino as specified in such order, for such period as may be specified therein.

(2) The Board as well as all casino licensees shall, as soon as practicable, be notified with such order by the Registrar of Court.

(3) The casino licensee shall keep a list of the names, together with any other available identification details of those persons, in relation to whom a Court order has been made as provided in subsection (1) of this section.

(4) A casino licensee shall make the said list available for inspection by the Board and by inspectors licensed under this Act.

Enforcement.

**28.** (1) A person who is:

(a) a police officer; or

(b) for the time being in charge of the casino; or

(c) an agent or an employee of the casino licensee;

may, with such assistance as is necessary and reasonable and using such force as is necessary and reasonable, cause any person who, under section 26 of this Act, may not enter, or remain in, the casino:

- (i) to be prevented from entering the casino; or
- (ii) to be removed promptly from the casino as the case requires.

(2) A person who, without reasonable excuse, obstructs or hinders a person in the exercise of a power conferred on the latter person under subsection (1) of this section, shall be guilty of an offence under this Act.

(3) The casino licensee who, knowingly or recklessly, permits to enter, or fails to remove from, the casino a person who is not entitled to be in such premises by virtue of the provisions of section 26 of this Act, shall be guilty of an offence under this Act.

**29.** (1) The Board shall, in the casino licence issued or to be issued under this Act, specify the game or games to be designated as authorised games for the purposes of the Act. Authorised Games.

(2) The Board may at any time alter the list of the designated authorised games and the approved rules of a game as specified in the casino licence.

(3) In carrying out its functions under subsections (1) and (2), the Board shall seek the agreement of the casino licensee thereon.

**30.** The Board shall further specify either generally by regulations under this Act or otherwise in a casino licence, the terms and conditions according to which gaming at a casino is to be conducted. Gaming in the casino.

**31.** (1) The Board shall, in a casino licence, specify the number of authorised machines that may be installed and kept for use on the casino premises, and may in the licence subject the keeping of such machines to any conditions as may be specified by the Board in the licence. Use of machines by virtue of licence.

(2) Subject to any limitation in the concession granted by the Minister under section 3 of this Act the Board may, either on its own initiative or upon a request by the casino licensee, upon the renewal of a casino licence, vary the number of, and the terms and conditions regulating, authorised machines permitted to be installed in the casino:

Provided that the Board shall not refuse the request made by the casino licensee under this subsection unless there are reasonable grounds for such refusal.

Offences relating to gaming machines.

**32.** (1) No gaming machine of any description shall be kept for use in a casino:

(a) contrary to the conditions specified in the casino licence; or

(b) without the machine being registered in accordance with any regulations issued under this Act and in force from time to time.

(2) If any gaming machine is kept for use in the casino in contravention of subsection (1) of this section, the casino licensee shall be guilty of an offence under this Act.

(3) Any person who manufactures, imports, keeps or supplies a gaming machine for use in any premises not licensed for the purpose of gaming under this Act shall without prejudice to any other liability under any other law be guilty of an offence under this Act.

(4) If, in any proceedings for an offence under subsections (2) and (3) of this section, it is proved that a gaming machine was on the premises of a casino, it shall be presumed unless the contrary is shown that the machine was kept on the premises of the casino for use on those premises.

**PART VI**  
**PROVISION OF MONEY FOR GAMING**

Restriction on Credit.

**33.** It shall not be lawful for the licensee or any person acting on his behalf or under any arrangement with him, to make any loan or otherwise provide or allow to any person any credit, or release or discharge on another person's behalf, the whole or part of any debt:

(a) for enabling a person to take part in the gaming; or

(b) in respect of any losses incurred by any person in the gaming.

Applicability of Sections 1713 and 1716 of Civil Code Cap. 16.

**34.** (1) Section 1716 of the Civil Code shall not apply with respect to a game lawfully played in a licensed casino.

(2) The provisions of section 1713 of the Civil Code shall not prejudice the right of the casino licensee to recover a debt arising from the acceptance of a cheque in accordance with section 35 of this Act and which is subsequently not honoured.

**35.** (1) Subject to any regulation made by the Board or any directive that may be issued by the Board, a casino licensee or any person acting on his behalf or under any arrangement with him may, if he has reasonable grounds to believe that a cheque will be honoured upon presentation, accept a cheque and give in exchange for it cash or tokens for enabling such person to take part in the gaming as long as:

(a) the cheque is not a post-dated cheque; and

(b) the cheque is exchanged either for cash to an amount equal to the amount for which it is drawn, or it is exchanged for tokens at the same rate as would apply if cash, to the amount for which the cheque is drawn, were given in exchange for them.

(2) Where the conditions set out in subsection (1) of this section are fulfilled, the giving of cash or tokens in exchange for a cheque shall not be deemed to be contrary to the provisions of section 33 of this Act.

(3) Where the casino licensee or a person acting on his behalf or under any arrangement with the licensee, accepts a cheque in exchange for cash or tokens to be used by a player in gaming, he shall, not more than two banking days later, cause the cheque to be delivered to a bank for payment or collection.

**36.** A person may, with the consent of the casino licensee, and not later than 30 minutes from the end of a gaming session redeem any cheque accepted from the person by the casino licensee during that gaming session by presenting the amount for which it is drawn at the cash desk of the casino:

(a) an amount of money equivalent to; or

(b) chips the face value of which is equivalent to; or

(c) any combination of cash and chips equivalent to; or

(d) where more than one cheque is being redeemed, a consolidating cheque for an amount equivalent to the amount of the cheque or cheques, or the sum of the amounts of the cheques, to be redeemed.

**PART VII  
FINANCIAL**

Tax.

**37.** (1) The licensee shall pay to the Secretary of the Board on behalf of the Government the rate of tax based on the total gross takings of all games played at the casino specified in the First Schedule to this Act without the deduction of any expenses of any kind whatsoever, but subject to the following provisions of this section.

(2) For the purpose of determining the sums due to the Secretary under subsection (1) of this section, the gross takings or gross losses, as the case may be, on all games of chance shall be those resulting at the closing of the casino each day, but the casino licensee shall be entitled to set off any gross losses on such games incurred during any two months against gross takings on such games made during the same months.

Provided that where a casino remains open for twenty-four hours in a day the closing of the casino for the purposes of this subsection shall be deemed to be 8 a.m.

(3) The gross takings or losses on all games of chance shall be calculated at the closing of the casino each day and duly appointed representatives of the Secretary shall be entitled to attend the making of such daily calculation for the purpose of verifying the same and, moreover, to attend at the playing of all games at the casino.

(4) The licensee shall further pay to the Secretary such rate of tax on the casino entrance fee as may be specified in the casino licence.

(5) For the purposes of subsection (2) of this section the term "two months" means periods for two months, ending at the close of play on the last day of February, April, June, August, October and December of each calendar year and does not include any time during which the business of the casino, commenced on the last day of the last preceding two months or period, is continued.

Bank Guarantee.

**38.** (1) Upon the grant of a casino licence, the Board may require the casino licensee to take out a bank guarantee issued by a bank or by a credit or financial institution licensed in Malta in favour of the Secretary on behalf of the Government in an amount not exceeding the gaming reserve and subject to such terms and conditions as may be specified in the licence. Such Bank Guarantee shall remain valid until the expiration of one year after the expiration of the licence.

(2) The casino licensee may forfeit such bank guarantee in favour of the Secretary in any of the following cases:

(a) upon the surrender of the casino licence under section 17 of this Act;

(b) upon cancellation of the casino licence by the Board under section 18 of this Act;

(c) upon breach of any of the conditions in respect of maintenance of facilities in terms of section 22 of this Act;

(d) in settlement of any liability of the licensee with respect to a fine imposed under PART VIII of this Act.

**39.** (1) Upon the grant of a Casino licence, the Casino licensee shall establish a formal reserve in an amount to be fixed by the Board which will protect the casino against a run of gaming losses and therefore ensure that punters are paid out after a large win and which will provide comfort that the casino licensee has adequate financial resources to carry on the business of casino gaming to acceptable and proper standards and without imminent risk of closure or liquidation. Gaming Reserve.

(2) The gaming reserve shall be in the form of a deposit held with a bank established in Malta and or any other security held on the licensee's behalf by such bank acceptable to the Board. The casino licensee shall cause the bank to confirm existence of such a reserve to the Board, as and when requested by the Board, and in any case annually upon every anniversary of the licence.

(3) Should it be necessary for the reserve to be drawn upon, the casino licensee shall immediately inform the Board and shall restore the reserve within one month and shall thereupon cause the bank to confirm its restoration to the Board.

**40.** The Minister responsible for Finance with the concurrence of the Minister responsible for Justice may by order provide guidelines for conduct by a licensee, an inspector or the Board in relation to certain transactions that may give rise to suspicion of money laundering, and may in particular provide that the provisions of the Prevention of Money Laundering Act, 1994 shall apply with regards to a Casino with such modifications and adaptations as may be specified in the Order. Prevention of Money laundering.

**41.** It shall be lawful for a casino licensee, upon authorisation granted by the Central Bank of Malta and subject to such conditions as may be specified in such authorisation, to provide facilities for the exchange of foreign currency on the casino premises. Exchange control.

**PART VIII  
OFFENCES**

Penalty for offences  
against this Act.

**42.** (1) Any person guilty of an offence against this Act, shall on conviction be liable to a fine (multa) of not less than Lm3000 and not more than Lm100,000 or to imprisonment of not more than two years or to both such fine and imprisonment.

Provided that where the person so found guilty is the director, manager, secretary or other similar officer of a company or other undertaking the said person shall, for the purpose of this section, be deemed to be vested with the legal representation of the same company or other undertaking which accordingly shall be liable *in solidum* with the person found guilty for the payment of the said fine.

(2) The fine referred to in subsection (1) of this section shall be recoverable as a civil debt in favour of the Government by the secretary, and the undertaking in the economic interests of whom the person found guilty was acting shall be liable in solidum with the person found guilty for the payment of the said fine.

(3) The provisions of the Probation of Offenders Act and of section 21 and of sections 28A to 28I of the Criminal Code shall not apply with respect to offences referred to in subsection (1) of this section.

Use of Counterfeit  
Chips.

**43.** (1) It shall not be lawful for a person to use, or have in his possession, in or outside a casino:

- (a) chips that the person knows are counterfeit chips; or
- (b) cards, dice or coins that the person knows have been marked, loaded or tampered with.

(2) Whosoever shall contravene the provisions of subsection (1) of this section shall be guilty of an offence against this Act.

Forgery.

**44.** (1) It shall not be lawful for a person:

- (a) to forge or counterfeit any chips or other tokens to be used in a casino licensed under this Act, or a licence used for the purposes of this Act; or
- (b) knowingly to utter counterfeit chips or knowingly utter a forged or counterfeit licence.

(2) Whosoever shall contravene subsection (1) of this section shall be guilty of an offence against this Act.

**45.** (1) No person shall take part in the gaming at a casino:

Persons gaming to be to be present at Casino.

(a) if he is not present on the premises of the casino when the gaming takes place there;

(b) on behalf of another person who is not present on the premises at the time.

(2) Any person who contravenes the provisions of subsection (1) of this section or who aids or permits any other person to contravene such provisions shall be guilty of an offence under this Act.

**46.** (1) Every person who in any premises not licensed under this Act or in contravention of the provisions of this Act or any regulations made thereunder or in breach of any condition imposed in any licence issued under this Act, takes part in any game of chance played for money or money's worth; or permits the use of any place for or encourages any such game; or wilfully prevents any Police officer, lawfully authorised to enter into any place suspected of being used as a gaming house, 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 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 although not taking part in any unlawful game, shall be a partner of any player at any such game; or who is present while any such game is being played shall be guilty of an offence against this Act.

Unlawful Gaming.

In addition to any penalty under any other provision of this Act the money and effects representing the stakes as well as the instruments and articles used in gaming in contravention of subsection (1) of this section and any money found on any person committing an offence under that subsection shall be forfeited in favour of the Government.

**47.** The Court of Magistrates shall be the competent court to take cognisance of offences against this Act.

Offences against this Act to be tried by Court of Magistrates.

**48.** No proceedings for an offence against this Act shall be commenced without the sanction of the Attorney General.

Sanction of Attorney General.

**PART IX**  
**MISCELLANEOUS**

Advertising.

**49.** (1) No person shall issue or cause to be issued any advertisement:

(a) informing the public that any premises in Malta are premises on which gaming takes place or is to take place; or

(b) inviting the public to take part as players in any gaming which takes place, or is to take place, in any such premises, or to apply for information about facilities for taking part as players in any gaming which takes place, or is to take place, in Malta; or

(c) inviting the public to subscribe any money or money's worth to be used in gaming on such premises or to apply for information about facilities for subscribing any money or money's worth to be so used; or

(d) inviting the public to take part as players in any gaming which takes place, or is to take place, in any casino outside Malta or to apply for information about facilities for taking part as players in any gaming which takes place, or is to take place, outside Malta.

Provided that such restriction on advertising shall not apply to advertisements published, displayed or broadcasted outside Malta for distribution or circulation outside Malta or to advertisements as described in subsection (1) of this section which are displayed in locations frequented mainly by tourists and are to include airports, seaports, hotels and holiday complexes but shall not include bars and restaurants.

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

(a) the display in a casino in respect of which a concession has been granted by the Minister, and a casino licence has been issued by the Board, under this Act, of a sign or notice indicating that gaming takes place, or is to take place, in the casino, whether the sign or notice is displayed inside or outside the premises; or

(b) the publication of a notice in the Government Gazette where the notice is required to be published under this Act; or

(c) any advertisement authorised by the Board relating to non-gaming activities held at a casino.

(3) Any person who contravenes the provisions of the previous subsection of this section shall be guilty of an offence under this Act.

**50** (1) The Board may, with the approval of the Minister, make regulations for carrying out the provisions of this Act and without prejudice to the provisions of the foregoing, may by such regulation:

Power to make rules.

- (a) regulate the issue, suspension and cancellation of a licence;
- (b) regulate gaming, and stakes at a casino;
- (c) regulate junkets;
- (d) regulate the use of machines at a casino;
- (e) prescribe the records and accounts to be kept by a casino licensee; and
- (f) prescribe anything that is to be prescribed under any other provision of this Act.

(2) Without prejudice to any other power under this Act, the Minister may make regulations:

- (a) to regulate the tenure of office of the members of the Board; and
- (b) to prescribe the procedures to be followed by the Board.

**51.** The use of any part of a hotel for the running of a casino licensed under this Act shall not for the purpose of the Development Planning Act be deemed to be a change of use.

Use of Hotels for gaming purposes.

**52.** The Criminal Code shall be amended as follows:

Amendment of the Criminal Code Cap 9.

- (a) paragraph (h) of Section 338 thereof shall be deleted; and
- (b) paragraph (a) of section 334 thereof shall be deleted.

**53.** The Kursal Ordinance is hereby repealed.

Repeal of Kursal Ordinance.

FIRST SCHEDULE

(Section 37)

TAXATION

(1) The Casino licensee shall pay to the Secretary of the Board on behalf of the Government the following rates of taxation:

(a) Table Games :-

(i) On total gross takings of all table games played at the Casino a sum equivalent to thirty-six per centum (36%).

(ii) On the gross takings generated by junkets approved by the Board and in accordance with any regulations applicable thereto, on all table games dedicated to the junkets a sum equivalent to fifteen per centum (15%).

(b) Gaming Machines:-

(i) On total gross takings of all gaming machines played at the casino a sum equivalent to forty per centum (40%).

(ii) On the gross takings generated by junkets approved by the Board and in accordance with any regulations applicable thereto, on all gaming machines dedicated to the junkets a sum equivalent to twenty-five per centum (25%).

(2) The tax calculated under paragraphs (a) (b) and (c) of item 1 hereof shall be assessed separately and no set-off for any tax or for any losses in relation to any one paragraph shall be allowed.

---

**Objects and Reasons**

The main object of the Bill is to make provision for the regulation of the casino industry in place of the Kursal Ordinance.