

ATT TA' L-1998 DWAR IL-LOGHOB

Arrangament ta' Artikoli

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L-EWWEL SKEDA

Tassazzjoni

Naghti l-kunsens tieghi.

(L.S.)

UGO MIFSUD BONNICI
President

27 ta' Marzu, 1998

ATT Nru. X ta' l-1998

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

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

**TAQSIMA I
PRELIMINARI**

Titolu fil-qosor u bidu fis-sehh.

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 jistghu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti u għal għanijiet differenti ta' l-Att.

Tifsir.

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

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

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

“impjegat ta' kazinò” tfisser kull *receptionist, dealer, chef de table, kaxxier, sorveljant, osservatur, inginier mekkaniku, manager*, jew kull persuna ohra li, skond il-fehma tal-Bord, tkun involuta fil-logħob li jsir fil-kazinò;

“*junker*” tfisser arrangament li l-ghan tieghu jkun li jhajar persuna, li tintgħażel jew tiġi approvata biex hemm tipparteċipa minhabba fil-hila tagħha li tissodisfa obligazzjoni kwalifikattiva finanzjarja relatata mal-kapaċità jew ir-rieda tagħha li tilgħab azzard, jew minhabba f’xi raġuni ohra 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 konċessjoni taht l-artikolu 3 ta’ dan l-Att;

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

“logħba awtorizzata” tfisser logħba speċifikata mill-Bord taht l-artikolu 29 bhala 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’ sogru jew ta’ sogru u hila magħqudin kif jista’ jiġi preskritt mill-Ministru;

“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 mekkaniku, karti tal-logħob jew kull haġa ohra, 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 ghandha tinhareġ ghal dik il-konsiderazzjoni inkluż il-hlas ta' kull ammont ta' flus fil-fondi ta' dhul, ġenerali, ghal 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'ghandux 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 ghal żmien jahtar kumpannija li tkun proprjetà assoluta direttament jew indirettament tal-Gvern bhala l-Operatriċi Governattiva tal-Każinò u dik il-kumpannija ghandha, kulmeta l-Ministru hekk jordna, tassumi l-kontroll ta' l-operat ta' każinò li jkun proprjetà diretta jew indiretta tal-Gvern meta jiġri li l-persuna li tkun inħarġitilha konċessjoni biex tiġġestixxi dak il-każinò tabbanduna dik il-konċessjoni jew ikollha l-liċenza tagħha revokata jew sospiża taht dan l-Att.

Loghob fil-każinò.

4. Bla hsara 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 inħarġitilha 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 tippermetti l-użu tal-lokal speċifikat fil-konċessjoni bhala każinò sabiex isir loghob ġewwa l-lokal ta' dawk il-logħbiet ta' sogrū ghal flus jew valur ta' flus u ghal dawk il-ġugati hekk kif jistgħu jiġu speċifikati fil-liċenza tal-każinò u li tinkoraġġixxi li jsir loghob ġo fihom minn dawk il-persuni ta' dawk il-logħbiet ghal xi ġugati bhal dawk; u

(b) li persuna tiehu sehem ġo każinò f'xi logħba bhal dik ghal xi ġugata bhal 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-Loghob, li jkun magħmul minn *Chairman*, mid-Direttur tal-Lottu Pubbliku u minn erba' membri oħra bil-ghan li jwettqu l-funzjonijiet mogħtija lil dak il-Bord bid-dispożizzjonijiet ta' dan l-Att.

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

- (a) persuna falluta; jew
- (b) instabet hatja ta' reat li ghalih ikun hemm piena ta' prigunerija ghal żmien sitt xhur jew iżjed; jew
- (ċ) instabet hatja ta' reat taht dan l-Att; jew
- (d) membru tal-Kamra tad-Deputati; jew
- (e) membru tal-ġudikatura.

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 taht l-artikolu 15 ta' dan l-Att;
- (ċ) johroġ liċenzi għall-impjegati ta' kull każinò, inklużi l-*managers* tagħhom, *junket leaders*, li jkunu qegħdin jiġu proposti bhala li jiġu impjegati minn detentur ta' liċenza ta' każinò biex jaħdmu 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 bhala 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 u tagħmir tal-logħob għal kull każinò;
- (g) jagħti parir lill-Ministru dwar għemil ta' regolamenti, skond id-dispożizzjonijiet ta' l-artikolu 50 ta' dan l-Att, dwar kull ma jkollu x'jaqsam mal-kontroll ta' każinò jew ma' l-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 ohra.

(2) Il-Ministru ghandu jahtar ufficjal gholi fid-Dipartiment tal-Lottu biex ikun is-Segretarju tal-Bord.

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

Proċedimenti.

7. (1) Bla hsara ghal dawk ir-regolamenti li jistghu jsiru mill-Ministru, il-Bord ikollu s-setgha li jirregola l-proċedura tieghu nnifsu.

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

Spetturi.

8. (1) Il-Ministru jista' jahtar dak l-ghadd ta' ufficjali pubbliċi li jista' jqis li jkunu mehtieġa sabiex ikunu spetturi għall-ghanijiet ta' dan l-Att. Dawk l-ispetturi jkollhom dawk is-setghat u funzjonijiet bhalma huma jew jistghu 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 ghal dak l-iskop li tinhariġlu mill-Bord. L-ispetturi jistghu, fit-twettiq tal-funzjonijiet tagħhom taht dan l-Att, ikunu mghejjuna jew imsieħba minn dawk l-esperti hekk kif jista' jordna s-Segretarju.

(2) L-ispetturi jagixxu skond l-istruzzjonijiet li jinghatawllhom mis-Segretarju u ghandhom, dwar dawk il-hwejjeg li jaqghu taht il-funzjonijiet tal-Bord, jirrapportaw lill-Bord tramite s-Segretarju.

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

Dokumenti ta' l-identità.

9. (1) Il-Bord ghandu jara li jinhareġ 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 jinhatar bhala spettur ghandu, malli ma jibqax aktar spettur, jaghti lura d-dokument ta' l-identità tieghu lill-Bord.

Jedijiet ta' l-ispetturi.

10. Spettur jista' f'kull waqt wara li juri d-dokument ta' l-identità tieghu, jidhol u jibqa' għewwa każinò bil-ghan li:

(a) joqgħod jara l-logħob isir;

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

(ċ) jaċċerta jekk l-operat tal-kazinò jew, b' mod generali tal-logħob, ikunux qegħdin jitmexxew, jiġu sorveljati jew immaniġġati sew;

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

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

11. (1) Spettur jista' bil-ghan li jaċċerta ruħu li d-
dispożizzjonijiet ta' dan l-Att ikunu qegħdin jitharsu u li l-ammont kollu ta' taxxa dovut taħt dan l-Att ikun qieghed jithallas: Setgħat ta' l-ispetturi.

(a) jeħtieġ lil kull min l-ispettur ikun jissuspetta, fuq bażi raġonevoli, li jkollu għandu jew taħt 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) jeħtieġ lil detentur ta' liċenza ta' kazinò 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-kazinò 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-kazinò 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-kazinò hekk kif l-ispettur jista' jqis li jkun meħtieġ;

(d) jordna lil detentur ta' liċenza 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 jidhiru, jinvestiga lment dwar xi aspett ta' l-operat ta' każinò u jagħmel rapport dwar ir-rizultanzi ta' dik l-investigazzjoni lis-Segretarju;

(f) issejjah sabiex jgħinu:

(i) lil xi spettur iehor; jew

(ii) lil xi impjegat tal-każinò li, hekk kif ikun jidhiru 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 jidhiru li għandu jagħmel l-ispettur fiċ-ċirkostanzi.

(3) Spettur għandu jkun preżenti fil-waqt tal-ftuħ u l-gheluq 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-gheluq 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 ħati ta' reat taht dan l-Att.

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

Setgħat
tal-Bord.

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' liċenza ta' każinò b'avviż li fih jehtiegħu, b'dak il-mod u f'dak iż-żmien raġonevoli li jigi 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 jehtiegħ 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 jehtieġ 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-saħħa 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 mogħti 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 ihaddem każinò kemm-il darba ma jkollux liċenza mahruġa mill-Bord.

Htieġa ta'
liċenza.

15. (1) Il-Bord għandu setgħa li johroġ liċenza li tawtorizza persuna tiftah u thaddem każinò f'Malta.

Għoti ta'
liċenza ta'
każinò.

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

(a) l-kapital relevanti ta' ishma b'jedd għall-vot tad-detentur tal-liċenza tal-każinò li jkun qiegħed jiġi propost ikun, direttament jew indirettament, f'idejn persuna jew persuni ta' integrità;

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

(ċ) d-detentur tal-liċenza ta' każinò li jkun qiegħed jiġi propost ikollu l-mezzi u l-gharfien finanzjarji biex ihaddem każinò u biex iwettaq kull dmir li dan iġib miegħu skond dan l-Att.

(3) Liċenza ta' każinò tibqa' ssehh għal għaxar snin u tkun soġġetta għal hłas annwali tad-dritt għal-liċenza. Bla hsara għal kull tharis tad-dispożizzjonijiet ta' dan l-Att, il-liċenza sakemm ma tiġix rinunzjata jew kancellata fi żmien qabel tista' tiġġedded mill-Bord.

Liċenza ta' każinò għandha, f'kull każ, tkun marbuta mal-kundizzjoni 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-hruġ 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 erbatax-il gurnata minn kull bdil fil-proprjetà ta' xi kapital ta' ishma tal-kumpannija jew tal-affiljati tagħha u ta' kull bidla fil-*management* jew fil-Bord tad-Diretturi tal-kumpannija jew tal-affiljati 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 ghal-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:

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

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

(7) Liċenza taht dan l-artikolu ma tistax tiġi assenjata.

16. (1) Filwaqt li jqis kull nefqa li ssir mill-Bord fit-twettiq tal-funzjonijiet tiegħu taht 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' jirrinunzja l-liċenza ta' każinò f'kull waqt billi jagħti avviż bil-miktub lill-Bord mhux inqas minn sena qabel id-data tar-rinunzja tal-liċenza.

Rinunzja ta' liċenza ta' każinò.

(2) Ir-rinunzja ta' liċenza ta' każinò ma tehlisx lil min ikun qed jirrinunzja dik il-liċenza minn xi obbligu li jkollu taht l-artikoli 16 u 37 ta' dan l-Att.

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

Thassir tal-
liċenza ta'
każinò -
raġunijiet.

18. Il-Bord jista', jordna t-thassir ta' liċenza ta' każinò għal xi wahda minn dawn ir-raġunijiet:

(a) jekk direttur jew *manager* tad-detentur ta' liċenza ta' każinò jinsab hati ta' reat kontra dan l-Att jew ta' serq, riċettazzjoni, frodi jew xi reat kontra l-fiduċja pubblika;

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

(ċ) jekk id-detentur ta' liċenza ta' każinò xjentement jew bi traskuraġni jipprovdi 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 għal-logħob formali skond ma hemm speċifikat fl-artikolu 39 ta' dan l-Att;

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

Thassir ta'
liċenza ta'
każinò -
proċeduri.

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 pernezz 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 kif imsemmija fl-avviż.

(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 jjeħu ebda azzjoni ulterjuri;

(b) meta għalkemm il-kwistjoni ma tkunx giet solvuta b'sodisfazzjon tiegħu, ikun iqis li ma tkunx meħtieġa azzjoni ulterjuri, 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 mehtieġa li tittiehed azzjoni ulterjuri, jista' —

(i) b'avviz 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-kazinò.

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

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

Liċenza għall-impjegati.

(i) impjegat ta' kazinò;

(ii) *manager* ta' kazinò; jew

(iii) *junket leader*,

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

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

TAQSIMA V THADDIM TA' KAZINÒ

21. (1) Ikun skond il-liġi li detentur ta' liċenza ta' kazinò jista' jehtieġ lil min jidhol għewwa l-fond ta' kazinò 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 b'mod ċar fl-entratura għall-fond. Kull dritt li jithallas għandu jiġi registrat.

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

Manutenzjoni ta' faċilitajiet.

(a) iżomm il-faċilitajiet u l-amenitajiet tal-kazinò 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 iħaddem 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' smiġh li jkunu mifruxin mal-post kollu u sorveljati minn dak l-għadd ta' persuni li jkunu ġew imhargin sew biex jiġu impjegati bħala persunal professjonali tas-sigurtà, hekk kif jista' jiġi approvat mill-Bord.

Hinijiet tal-logħob.

24. Il-Bord għandu jistabilixxi 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 jħaddem il-każinò. Il-Bord jista' wkoll jistabilixxi dawk il-ġranet li matulhom kull każinò jibqa' magħluq.

Identifikazzjoni.

25. (1) Ikun id-dmir tad-detentur ta' liċenza ta' każinò 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 loghba awtorizzata jew ir-regoli dwar l-imgieba waqt il-loghob li jkunu f'dak il-waqt fis-sehh;

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

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

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

(e) tkun talbet ghal waqfien jew restrizzjoni dwar id-dhul taghha nnifisha;

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

(g) tkun tidher li hi taht l-influwenza ta' l-alkohol jew ta' xi droga jew tkun qed iġġib ruhha b'mod diżordinat:

Izda, kull waqfien jew restrizzjoni ta' dhul ghandhom, taht il-paragrafu (e) ta' dan is-subartikolu, jibdew 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 bhal dawk ma jistghux jithassru qabel l-iskadenza relattiva taghhom.

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

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

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

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

(ii) tidher li tkun taht l-influwenza ta' l-alkohol jew ta' xi droga;

(iii) tkun qieghda teffettwa il-funzjonament ordinat tal-operat tal-kazinò jew, b'mod ġenerali, tal-logħob sew minhabba l-influenza ta' l-alkohol jew drogi sew għal xi raġuni oħra;

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

(v) tidher li tkun qieghda tqarraq, jew tittanta tqarraq, fil-kazinò; jew

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

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

(3) Minghajr preġudizzju għad-dispożizzjonijiet l-oħra 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' logħob ta' l-ażżard patologika ma jithallewx jidhlu ġewwa ż-żona fejn isir dak il-logħob:

Iżda hadd ma jista' jiċċaħad milli jidhol ġewwa kazinò minhabba fir-razza, post ta' oriġini, fehmiet politiċi, kultur, twemmin, sess jew inkapaċità fizika tiegħu.

Setgħa tal-Qorti
li tipprojbixxi
persuni milli
jidhlu għol-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 tahtom isir kienu tali, 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 oħra taħt kull liġi oħra tagħti ordni li tkun tipprojbixxi 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.

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

(b) tkun persuna li dwarha jkun hemm fis-seħħ 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;

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

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

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

(g) tkun tidher li hi taht l-influenza ta' l-alkohol jew ta' xi droga jew tkun qed iġġib ruhha b'mod diżordinat:

Izda, kull waqfien jew restrizzjoni ta' dhul għandhom, taht il-paragrafu (e) ta' dan is-subartikolu, jibdew 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-hinijiet tal-logħob fil-każinò jekk dik il-persuna:

(a) wara li ssirilha talba minn impjegat ta' każinò li jkollu liċenza, tirrifjuta jew tonqos milli ġġib 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 qieghda tifhem għalkollox ix-xorta jew il-konsegwenzi tal-logħob kif dan jirrelata ma' l-applikazzjoni tar-regoli approvati ta' logħbiet awtorizzati u l-possibbiltà li jsir telf finanzjarju;

(ii) tidher li tkun taht l-influenza ta' l-alkohol jew ta' xi droga;

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

28. (1) Persuna li tkun:

Esekuzzjoni.

- (a) uffiċjal tal-pulizija; jew
- (b) f'dak il-waqt responsabbli mill-każinò; jew
- (c) aġent jew impjegat tad-detentur tal-liċenza tal-każinò,

tista', b'dik l-ghajjnuna li tista' tkun mehtieġa u raġonevoli u billi tuża dik il-forza li tkun mehtieġa u raġonevoli, ġġieghel 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) titnehha mingħajr dewmien minn ġol-każinò, skond il-każ.

(2) Persuna li, mingħajr skuża raġonevoli, twaqqaf jew ittellef lil xi hadd milli jwettag setgħa lilha mogħtija taht is-subartikolu (1) ta' dan l-artikolu, tkun hatja ta' reat taht dan l-Att.

(3) Detentur ta' liċenza ta' każinò li, xjentement jew bi traskuraġni, iħalli 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 jissemew bħala 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) ta' dan l-artikolu, il-Bord għandu jara li jkollu l-ftehim tad-detentur tal-liċenza tal-każinò dwar dan.

Loghob fil-kazinò.

30. Il-Ministru jista' b'mod generali jagħmel regolamenti li bihom jispeċifika l-patti u l-kundizzjonijiet skond liema regolamenti għandu jsir il-loghob f'kazinò. Il-Bord jista' b'mod partikolari f'liċenza ta' kazinò jispeċifika patti u kundizzjonijiet li ma jkunux patti u kundizzjonijiet projbiti bir-regolamenti, skond liema regolamenti għandu jsir il-loghob f'kazinò.

Użu ta' makni bis-saħħa tal-liċenza.

31. (1) F'liċenza ta' kazinò, il-Bord għandu jispeċifika l-ghadd ta' makni awtorizzati li jistgħu jiġu installati u miżmuma għall-użu fil-fond tal-kazinò, 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 ħsara 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' kazinò, meta jaasal it-tigdid tal-liċenza, iwarja l-ghadd, kif ukoll il-patti u l-kundizzjonijiet li jirregolaw makni awtorizzati permessi li jiġu installati fil-kazinò:

Iżda l-Bord m'għandux jirrifjuta t-talba li ssir mid-detentur tal-liċenza tal-kazinò taht dan is-subartikolu sakemm ma jkunx hemm raġunijiet serji għal dak ir-rifjut. L-aċċettazzjoni jew ir-rifjut ta' talba bħal dik għandha f'kull każ issir bil-miktub.

Reati konnessi ma' makni tal-loghob.

32. (1) M'għandha tinzamm ebda makna tal-loghob tkun li tkun għall-użu gewwa kazinò:

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

(b) mingħajr ma tiġi registrata l-makna skond kull regolament li jinħareġ taht dan l-Att u li jkun isehħ minn żmien għal żmien.

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

(3) Kull min jimmanifattura, jimporta, iżomm jew jipprovdi makna tal-loghob għall-użu gewwa xi fond li ma jkollux liċenza bħala kazinò taht dan l-Att għandu, mingħajr preġudizzju għal kull responsabbiltà oħra taht xi ligi oħra, jkun hati ta' reat taht dan l-Att:

Iżda l-Ministru jista' taht dawk il-kundizzjonijiet li jidhirlu xierqa, jagħti permess għal manifattura ta' makni tal-loghob għall-

esportazzjoni u kull makna manifatturata skond permess bhal dak ma titqiesx li tkun giet manifatturata kontra d-dispożizzjonijiet ta' dan is-subartikolu.

(4) Jekk, waqt proċedimenti ghal reat kontra s-subartikoli (2) u (3) ta' dan l-artikolu, jiġi pprovat 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 jipprovdli 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 ġewwa każinò, jew

(b) dwar kull telf li persuna tista' ġġarrab waqt il-logħob ġewwa każinò.

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-Ministru 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 minfloku flus likwidi jew *tokens* sabiex dik il-persuna tkun tista' tiehu sehem fil-logħob sakemm -

Cheques.

(a) iċ-*cheque* ma jkunx wiehed datat wara d-data attwali; u

(b) iċ-*cheque* ikun imsarraġ jew fi flus likwidi f'ammont li jkun daqs l-ammont li għalih jinħareġ, jew ikun imsarraġ għal *tokens* bl-istess rata bhalma kienet tapplika li kieku kellhom jingħataw flus likwidi, fl-ammont ekwivalenti li għalih jinħareġ iċ-*cheque*, biex jinxtrow dawk it-*tokens*.

(2) Meta jitwettqu l-kondizzjonjiet stipulati fis-subartikolu (1) ta' dan l-artikolu, l-ghoti ta' flus likwidi jew *tokens* fit-tisrif ta' xi *cheque* m'ghandux 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 *ċ-cheque* jintbagħat f'bank għall-hlas jew għbir.

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, tifdi *cheque* li jkun aċċettat minn dik il-persuna mid-detentur tal-liċenza tal-każinò matul dik is-sessjoni ta' logħob, billi tippreżenta 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 ta' ċippi, jew

(d) meta jkun qed jinfeda iktar minn *cheque* wiehed, f'*cheque* wiehed li jikkonsolida ammont,

li jkunu ekwivalenti għal ammont li jinħareġ għalih *ċ-cheque* jew *cheques*, jew għas-somma ta' l-ammont taċ-*cheques*, li jkunu se jinfedew.

TAQSIMA VII DISPOŻIZZJONIJIET 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 mingħajr it-tnaqqis ta' ebda nefqa ta' liema xorta tkun, iżda dejjem skond id-dispożizzjonijiet li ġejjin ta' dan l-artikolu. Id-detentur tal-liċenza għandu, mhux aktar tard mis-seba' jum ta' kull xahar, jaġmhel lis-Segretarju tal-Bord il-hlas tat-taxxa dovuta għar-rigward ix-xahar preċedenti.

(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 loghba ta' sogru ghandu jkun dak li jirrizulta ma' l-gheluq tal-każinò fi tmiem il-jum, iżda d-detentur tal-liċenza tal-każinò jkollu d-dritt li jpaċi kull telf gross fuq dawk il-loghbiet li jsiru matul perijodu ta' xahrejn mad-dhul gross fuq dawk il-loghbiet magħmul matul dawk l-istess xhur:

Iżda meta każinò jibqa' miftuh għal erbgha u ghoxrin siegħa f'gurnata, l-gheluq tal-każinò għall-ghanijiet ta' dan is-subartikolu jitqies li jkun it-tmienja ta' filghodu.

(3) Id-dhul jew telf gross fuq kull loghba ta' sogru ghandu jiġi kalkolat ma' l-gheluq tal-każinò ta' kull jum u rapprezentanti tas-Segretarju hekk debitament maħturin 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 qiegħda tintlagħab kull loghba għewwa l-każinò.

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

(5) Għall-ghanijiet tas-subartikolu (2) ta' dan l-artikolu, il-frazi "xahrejn" tfisser perijodi ta' xahrejn, li jagħlqu ma' gheluq il-każinò fl-aħħar jum ta' Frar, April, Ġunju, Awissu, Ottubru u Diċembru ta' kull sena kalendarja u ma tinkludix iż-żmien wara l-gheluq tal-każinò li matulu jitkompla jew jiġi konkluż l-operat tal-każinò mibdi fl-aħħar jum tax-xahrejn rilevanti.

38. (1) Ma' l-ghoti ta' liċenza ta' każinò, il-Bord jista' jehtieg lid-detentur tal-liċenza tal-każinò 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' każinò jista' jitlef dik il-garanzija bankarja favur is-Segretarju f'xi wiehed minn dawn il-każijiet li ġejjin:

(a) mar-rinunzja tal-liċenza tal-każinò taht l-artikolu 17 ta' dan l-Att;

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

(c) ma' l-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.

Riserva
ghal-loghob.

39. (1) Ma' l-ghoti ta' licenza ta' kazinò, id-detentur tal-licenza ta' kazinò ghandu jistabbilixxi riserva formali f'dak l-ammont li jigi stabbilit mill-Bord, u li tkun thares lill-kazinò kontra ghadd kbir ta' telfiet fil-loghob u ghaldaqshekk tkun tiżgura li jsiru l-hlasijiet dovuti wara xi rebha kbira, u li tkun taghti assigurazzjoni li d-detentur tal-licenza tal-kazinò ikollu rizorsi finanzjarji biż-żejjed biex imexxi n-negozju ta' loghob fil-kazinò f'livelli aċċettabbli u xierqa u minghajr ebda riskju imminenti ta' ghelug jew likwidazzjoni.

(2) Ir-riserva ghal-loghob 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-licenza b'mod li jkun aċċettabbli ghall-Bord. Id-detentur tal-licenza tal-kazinò ghandu 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-licenza.

(3) Jekk tinqala' l-htieġa li jittiehdu flus mir-riserva, id-detentur tal-licenza ta' kazinò ghandu minnufih jgharraf lill-Bord u jirristawra dik ir-riserva fi żmien xahrejn u malli jaghmel dan iġieghel lill-bank jikkonferma dak ir-ristawr lill-Bord.

Prevenzjoni
ta' money
laundering.
Att XIX ta' l-1994.

40. (1) Bla hsara ghad-dispożizzjonijiet ta' l-Att ta' l-1994 kontra *Money Laundering*, u ta' l-artikolu 50 ta' dan l-Att, il-Ministru responsabbli ghall-finanzi bi ftehim mal-Ministru responsabbli ghall-ġustizzja jista' b'ordni jipprovdi linji gwida dwar l-imġieba ta' detentur ta' licenza, spettur jew il-Bord ghar-rigward ta' ċertu transazzjonijiet li jistghu jaghtu lok ghal xi suspett ta' *money laundering*, u jista' b'mod partikolari jipprovdi li d-dispożizzjonijiet tas-subartikolu (1) ta' l-artikolu 9 ta' l-Att ta' l-1994 kontra *Money Laundering*, ikunu japplikaw ghal kazinò b'dawk il-modifiki u addattamenti li jistghu jigu speċifikati fl-Ordni.

(2) Meta spettur, jew impjegat ta' kazinò jkollu ghalxiex jahseb illi xi negozju jew negozju propost f'kazinò jkun jista' jinvolvi hasil ta' flus, hu ghandu jimxi skond ir-regolamenti mahruġa taht l-Att ta' l-1994 kontra l-*Money Laundering*, u kull regolament mahruġ taht dan l-Att applikabbli dwar l-istess.

Kontroll
dwar kambju
ta' flus.

41. Ikun skond il-ligi li detentur ta' licenza ta' kazinò, malli jinghata awtorizzazzjoni mill-Bank Ċentrali ta' Malta u bla hsara ghal dawk il-kondizzjonijiet li jistghu jigu hekk speċifikati f'dik l-awtorizzazzjoni, jipprovdi faċilitajiet ghall-kambju ta' munita barranija fill-fond tal-kazinò.

TAQSIMA VIII REATI

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:

Piena għal reati kontra dan l-Att.

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

Iżda wkoll li meta l-Avukat Ġenerali fil-permess mahruġ skond l-artikolu 48 ta' dan l-Att, jiċċertifika li r-reat ikun adegwatament punit b'multa ta' mhux anqas minn Lm100 u mhux iżjed minn Lm3,000, il-piena applikabbli għandha tkun multa ta' mhux anqas minn Lm100 u mhux iżjed minn Lm3,000.

(2) Il-multa msemmija fis-subartikolu (1) ta' dan l-artikolu għandha tingabar bhala dejn ċivili favur il-Gvern mis-Segretarju.

(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 msemmija fis-subartikolu (1) ta' dan l-artikolu.

Kap. 152.

43. (1) Persuna ma għandhiex tuża, jew ikollha fil-pussess tagħha, gewwa 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':

Falsi-fikazzjoni.

(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.

Min ikun qed jilgħab irid ikun preżenti fil-kazinò.

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

(a) jekk ma jkunx preżenti fil-fond tal-kazinò filwaqt li jkun qieghed 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 jghin jew jippermetti lil xi persuna ohra li tikser dawk id-dispożizzjonijiet ikun hati ta' reat kontra dan l-Att.

Logħob 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 bhala 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, zbarra, jew xi mezz iehor 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 bhal 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 bhal dik; jew li jkun preżenti filwaqt li tkun qeghda ssir xi logħba bhal dik, ikun hati ta' reat kontra dan l-Att.

(2) B'zieda ma' kull piena taht xi dispożizzjoni ohra 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.

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

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

Permess li jingħata mill-Avukat Ġenerali.

TAQSIMA IX MIXXELLANJI

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

(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 bhala gūgatur 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, bhala gūgatur 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 bhala gūgatur f'xi logħob li jsir, jew li jkun se jsir, f'xi każinò barra minn Malta jew li japplika għal tagħrif dwar faċilitajiet biex jiehu sehem bhala gūgatur 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, muriġin 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-turiġa għewwa każinò li dwaru tkun inġatāt konċessjoni mill-Ministru, u tkun inharget liċenza ta' każinò mill-Bord, taħt dan l-Att, ta' sinjal jew avviz li jkun jindika li qed isir, jew li jkun se jsir, il-logħob fil-każinò, sew jekk is-sinjal jew l-avviz jintwera għewwa jew barra l-fond; jew

(b) il-pubblikazzjoni ta' avviż fil-Gazzetta tal-Gvern meta dak l-avviż ikun mehtieg 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'kazinò.

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

Setgħa biex isiru regolamenti.

50. (1) Il-Ministru jista', fuq il-parir tal-Bord, jagħmel regolamenti sabiex jitwettqu d-dispożizzjonijiet ta' dan l-Att u mingħajr preġudizzju għall-ġeneralità tad-dispożizzjonijiet ta' qabel dan, jista' b'dawk ir-regolamenti:

(a) jirregola l-hruġ, is-sospensjoni u t-thassir ta' liċenza;

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

(ċ) jirregola *junkets*;

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

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

(f) jippreskrivi dwar ir-riżerva għal logħob imsemmija fl-artikolu 39; u

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

(2) Mingħajr 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. Att I ta' l-1992.

51. L-użu ta' xi parti ta' lukanda għall-ġestjoni ta' kazinò li jkollu liċenza taht dan l-Att m'għandux għall-fini ta' l-Att ta' l-1992 dwar l-Ippjanar ta' l-Iżvilupp 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 344 tiegħu għandu jithassar.

53. (1) Bla hsara ghas-subartikolu (2) ta' dan l-artikolu, l-Ordinanza dwar il-Kursal hija b'dan imhassra.

Thassir ta'
l-Ordinanza
dwar il-Kursal,
Kap. 172.

(2) Il-Ministru jista' b'regolamenti maghmulin taht dan is-subartikolu jipprovdi dwar dispozizzjonijiet transitorji.

L-EWWEL SKEDA

(Artikolu 37)

TASSAZZJONI

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

(a) Loghob ta' Fuq il-Mejda:—

(i) Fuq id-dhul gross totali tal-loghob kollu ta' fuq il-mejda li jsir fil-kazinò somma ekwivalenti ghal sitta u tletin fil-mija (36%).

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

(b) Makni tal-Loghob:—

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

(ii) Fuq id-dhul gross generat minn *junkets* approvati mill-Bord u skond ir-regolamenti kollha li japplikaw ghalihom, fuq il-makni tal-loghob kollha moghtijin lill-*junkets* somma ekwivalenti ghal hamsa u ghoxrin fil-mija (25%).

(2) It-taxxa kalkulata taht il-partita (1) ta' din l-Iskeda ghandha tigi stmata separatament u ebda tpaçija ghal xi taxxa jew ghal xi telf taht xi paragrafu wiehed ma ghandha tigi permessa.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru 204 ta' l-24 ta' Marzu, 1998.

MYRIAM SPITERI DEBONO
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

GAMING ACT, 1998

Arrangement of Sections

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FIRST SCHEDULE

Taxation

I assent

(L.S.)

UGO MIFSUD BONNICI
President

27th March, 1998

ACT No. X of 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.

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*, 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 as may be prescribed by the Minister;

“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 has been granted 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) he has been convicted of an offence punishable by imprisonment for a period of 6 months or more; or

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

(d) he is a member of the House of Representatives; or

(e) he is a member of the judiciary.

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 and gaming equipment for casinos;
- (g) to advise the Minister on the making of 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.
Act XXIV of 1994.

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, directly or indirectly, by a person or persons of integrity;

(b) the director or directors of the company or of any affiliate 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 and shall be subject to the annual payment of a licence fee. Subject to compliance with the provisions of this Act, the licence, unless it is sooner surrendered or cancelled, 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 share capital of the company or of its affiliates and of any change in the management or Board of Directors of the company or of its affiliates 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) Failure to comply with the provisions of subsection (5) of this section shall constitute an offence against this Act.

(7) 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 or of theft, receiving stolen property, fraud or any crime against public trust;

(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 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 as stated in the notice.

(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 further action 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;

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

(g) appears to be under the influence of alcohol or a drug or is acting in a disorderly manner:

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;

(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) of this section, the Board shall seek the agreement of the casino licensee thereon.

30. The Minister may make regulations specifying in a general manner the terms and conditions according to which gaming is to be conducted in a casino. The Board may in a casino licence specify in a particular manner terms and conditions, being terms and conditions not prohibited by regulations, according to which gaming is to be conducted in a casino. 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. The acceptance or refusal of any such request shall be made in writing.

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 as a casino under this Act shall without prejudice to any other liability under any other law be guilty of an offence under this Act:

Provided that the Minister may under such conditions as he may deem appropriate give a permit for the manufacture of gaming machines for export, and any machines manufactured in accordance with such a permit shall not be deemed to be manufactured in contravention of this subsection.

(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 gaming at a casino; or

(b) in respect of any losses incurred by any person in gaming at a casino.

34. (1) Section 1716 of the Civil Code shall not apply with respect to a game lawfully played in a licensed casino. Applicability of sections 1713 and 1716 of the Civil Code, Cap. 16.

(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 Minister 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: Cheques.

(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 at the cash desk of the casino: Redemption of cheques.

(a) an amount of money, or

(b) chips the face value of which is, or

(c) any combination of cash and chips, or

(d) where more than one cheque is being redeemed, a consolidating cheque for an amount,

equivalent to the amount for which the cheque or cheques are drawn, 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. The licensee shall not later than the seventh day of each month, effect payment to the Secretary of the Board of the tax due in respect of the preceding month.

(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 of two months, ending at the closing of the casino on the last day of February, April, June, August, October and December of each calendar year and does not include any time after the closing of the casino during which the business of the casino, commenced on the last day of the relevant two months period, is continued or concluded.

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.

Bank guarantee.

(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 two months and shall thereupon cause the bank to confirm its restoration to the Board.

40. (1) Without prejudice to the provisions of the Prevention of Money Laundering Act, 1994, and of section 50 of this Act, the Minister responsible for finance with the concurrence of the Minister

Prevention of
money laundering.
Act XIX of 1994.

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 subsection (1) of section 9 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.

(2) Where an inspector or a casino employee has reason to suspect that a transaction or a proposed transaction could involve money laundering, he shall act in accordance with regulations made under the Prevention of Money Laundering Act, 1994, and any regulation made under this Act, applicable thereto.

Exchange control.

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.

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 Lm3,000 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:

Provided further that where the Attorney General in the sanction issued in accordance with section 48 of this Act, certifies that the offence will be adequately punished with a fine(*multa*) of not less than Lm100 and not more than Lm3,000 the applicable penalty shall be a fine (*multa*) of not less than Lm100 and not more than Lm3,000.

(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.

Cap. 152.

(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.

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

(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.

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

(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 gaming at a casino: Persons gaming to be present at casino.

(a) if he is not present on the premises of the casino when 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 Unlawful gaming.

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.

(2) 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.

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

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

Sanction of
Attorney General.

48. No proceedings for an offence against this Act shall be commenced without the sanction of the 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 subsection (1) of this section shall be guilty of an offence under this Act.

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

Power to make regulations.

(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;

(f) prescribe in relation to the gaming reserve referred to in section 39; and

(g) 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.

Use of hotels for gaming purposes.

Act I of 1992.

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, 1992 be deemed to be a change of use.

Amendment of the Criminal Code, Cap 9.

52. The Criminal Code shall be amended as follows:

(a) paragraph (h) of section 338 thereof shall be deleted; and

(b) paragraph (a) of section 344 thereof shall be deleted.

Repeal of Kursaal Ordinance, Cap. 172.

53. (1) Without prejudice to the provisions of subsection (2) of this section, the Kursaal Ordinance is hereby repealed.

(2) The Minister may by regulations made under this subsection provide for transitory provisions.

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 item (1) hereof shall be assessed separately and no set-off for any tax or for any loss under any one paragraph shall be allowed.

Passed by the House of Representatives at Sitting No. 204 of the 24th March, 1998.

MYRIAM SPITERI DEBONO
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives