

ABBOZZ TA' LIĠI msejjah

ATT biex jipprovdi għall-governanza u r-regolamentazzjoni tas-servizzi u l-prodotti dwar il-logħob minn Malta u f'Malta, flimkien mal-attivitajiet u l-hwejjeg l-oħra kollha li huma anċillari jew inċidentali għal dan jew konnessi miegħu, u sabiex jipprovdi għat-twaqqif u l-funzjonijiet tal-Awtorità ta' Malta dwar il-Logħob.

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

TAQSIM TAL-ATT

		Artikoli
Taqsima I	Preliminari	1 - 2
Taqsima II	Objettivi Regolatorji u Prinċipji ta' Governanza	3 - 4
Taqsima III	Twaqqif, Setgħat u Tmexxija tal-Affarijiet tal-Awtorità ta' Malta dwar il-Logħob	5 - 12
Taqsima IV	Awtorizzazzjonijiet	13
Taqsima V	Protezzjoni ta' Minuri u Persuni Vulnerabbli	14 - 17
Taqsima VI	Drittijiet u Obbligi ta' Ġugaturi	18 - 22
Taqsima VII	Infurzar u Sanzjonijiet	23 - 33
Taqsima VIII	Dispożizzjonijiet Finanzjarji	34 - 41
Taqsima IX	Reviżjoni Amministrattiva	42 - 45
Taqsima X	Amministrazzjoni	46
Taqsima XI	Mixellanji	47 - 59
L-Ewwel Skeda -	Kompożizzjoni u tmexxija tal-affarijiet tal-Bord	
It-Tieni Skeda -	Uffiċjali pubbliċi li jitqabdbu jagħmlu dmirijiet mal-Awtorità	
It-Tielet Skeda -	Reati Kriminali	
Ir-Raba' Skeda -	Emendi, Thassir u Revoka ta' liġijiet oħra	

TAQSIMA I - Preliminari

Titolu fil-qosor
u bidu fis-seħh.

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2018 dwar il-Logħob.

(2) (a) Mingħajr preġudizzju għall-paragrafu (b), id-dispożizzjonijiet ta' dan l-Att għandhom jidhlu fis-seħh fl-1 ta' Lulju, 2018.

(b) Fir-rigward tal-apparat tal-logħob, tombli u kull servizz ieħor provdut ġewwa fond għal-logħob, dan l-Att u kull strument regolatorju maħruġ tahtu għandhom jidhlu fis-seħh fl-1 ta' Jannar, 2019.

Tifsir.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra:

"aġent" tfisser persuna li topera f'isem jew għan-nom ta' persuna oħra;

"apparat tal-logħob" tfisser kull apparat jew oġġett, inkluż kull apparat elettriku, elettroniku jew mekkaniku, biljett jew kull haġa oħra, li jintuzaw, jew li huma maħsubin li jintuzaw, min-natura tagħhom, bħala parti minn servizz ta' logħob jew f'konnessjoni miegħu f'post fejn isir il-logħob;

"attività ekonomika" tfisser xi attività li min-natura tagħha hi jew tista' titwettaq għall-għan ta' profitt, kemm jekk dak il-profitt hu għal għan filantropiku jew xi għan ieħor ta' ġbir ta' fondi jew le;

"avviż ta' għarfien" tfisser avviż maħruġ mill-Awtorità li permezz tiegħu awtorizzazzjoni maħruġa minn Stat Membru ieħor tal-UE jew taż-ŻEE jew Stat li jitqies mill-Awtorità li toffri salvagwardji kważi totalment ekwivalenti għal dawk offerti mil-ligi ta' Malta, u li hi rikonoxxuta bħala li jkollha l-istess effett bhal awtorizzazzjoni maħruġa mill-Awtorità għall-għan li jiġi provdut servizz tal-logħob, forniture tal-logħob u, jew funzjoni ewlenija f'Malta jew minn Malta;

"Awtorità" tfisser l-Awtorità ta' Malta dwar il-Logħob stabbilita b'dan l-Att;

"awtorizzazzjoni" tfisser liċenza, approvazzjoni, ċertifikat, avviż ta' għarfien jew strument simili maħruġ mill-Awtorità li jawtorizza lil persuna biex tipprovdi servizz ta' logħob, forniture ta' logħob jew funzjoni ewlenija;

"Bord" tfisser il-Bord tal-Gvernaturi tal-Awtorità;

"*Chairperson*" tfisser iċ-*Chairperson* tal-Bord u tinkludi l-viċi *chairperson* jew persuna oħra mahtura biex tagħmilha ta' *chairperson* f'ċirkostanzi stabbiliti f'dan l-Att jew kif deċiż mill-Bord;

"*data* regolatorja" tfisser *data* li persuna awtorizzata hi obbligata li tiġbor, iżzomm u, jew tirrapporta lill-Awtorità b'dan jew taht dan l-Att jew xi strument ieħor regolatorju;

"direttorat" tfisser diviżjoni tal-Awtorità kif tista' tiġi stabbilita minn żmien għal żmien;

"flus u, jew b'valur ta' flus" tinkludi mingħajr limitazzjoni, munita li għandha valuta legali fil-ġurisdizzjoni jew ġurisdizzjonijiet fejn tinhareg, munita virtwali, unitajiet ta' valur, *tokens* ta' valur, oġġetti, servizzi u kull forma ta' proprjetà li tista' tiġi nnegozjata, mibjugħa jew konvertita għal, jew mod ieħor skambjata għal flus, oġġetti jew servizzi;

"fondi għall-ġugaturi" tfisser flus jew hwejjeġ b'valur ta' flus ta' ġugatur miżmuma minn operatur taht arrangament magħmul bejn operatur u l-ġugatur għall-fornitura ta' servizz tal-logħob u tinkludi, iżda mhux limitata għal, fondi li l-ġugatur għandu d-dritt li jiġbed lura u fondi mqiegħda direttament minn ġugaturi għal-logħob, sad-determinazzjoni tal-eżitu ta' tali logħbiet;

"fond għal-logħob" tfisser kull fond aċċessibbli għall-pubbliku, li jintuża jew li hu maħsub biex jintuża għal ġugaturi biex jieħdu sehem f'servizz tal-logħob;

"fornitura anċillari ta' logħob" jew "fornitura anċillari" tfisser forniture ta' logħob għajr forniture materjali;

"forniture materjali" jew "forniture materjali ta' logħob" tfisser forniture ta' logħob ta' tali importanza li xi dgħjufija jew nuqqas fil-forniture tagħha jista' jkollu impatt sinjifikanti fuq (a) il-kapaċità tal-operatur li josserva l-obbligi tiegħu taht dan l-Att u kull strument regolatorju applikabbli jew (b) l-operatur li jkollu kontroll fuq kull riskju li għandu x'jaqsam mal-forniture; jew (ċ) l-operatur li jkompli n-negozju, u l-frazi "forniture materjali" għandha tinkludi "forniture kritika";

"forniture ta' logħob" tfisser forniture, direttament jew indirettament, ta' haġa jew servizz, fir-rigward ta' servizz tal-logħob, li tkun jew forniture ta' logħob materjali jew forniture ta' logħob anċillari, iżda ma tinkludix il-forniture ta' funzjoni ewlenija;

"forniture ta' logħob kritika" jew "forniture kritika" tfisser

fornitura materjali li hi (a) indispensabbli biex jiġi determinat l-eżitu ta' logħba jew logħbiet li jiffurmaw parti mis-servizz tal-logħob, u, jew (b) hi komponent indispensabbli fl-ipproċessar u, jew fl-immaniġġar ta' *data* regolatorja essenzjali;

"ġugata" tfisser flus jew valur ta' flus li huma mqiegħda jew li għandhom jitqiegħdu sabiex ġugatur jipparteċipa f'logħba, kemm jekk dawk il-flus huma taħt riskju direttament skont ir-riżultat tal-logħba kemm jekk le;

"ġugatur" tfisser konsumatur aħħari li jipparteċipa jew jieħu l-passi preparatorji sabiex jipparteċipa fl-logħba;

"informazzjoni kunfidenzjali" tfisser xi informazzjoni jew kull informazzjoni, kemm bil-miktub jew mod ieħor, kemm f'forma elettronika jew mod ieħor, u kemm jekk deskritta jew le speċifikatament mill-persuna li tiżvela dik l-informazzjoni bħala kunfidenzjali, li għandha x'taqsam jew hi konnessa mal-operazzjoni kummerċjali tal-persuna li tiżvela, iżda m'għandhiex tinkludi informazzjoni li:

- (a) hi fid-dominju pubbliku;
- (b) hi jew issir disponibbli b'mod ġenerali lill-pubbliku b'mod ieħor milli għax tiġi żvelata minn min jkun irċeviha bi ksur ta' kunfidenzjalità;
- (ċ) kienet disponibbli għal min irċeviha fuq bażi mhux kunfidenzjali qabel ma' giet żvelata mill-persuna li żvelat dik l-informazzjoni;
- (d) kienet, hi jew issir disponibbli għall-persuna li tirċeviha fuq bażi mhux kunfidenzjali minn persuna li, skont dak li taf il-persuna li tirċeviha, mhijiex marbuta bi ftehim ta' kunfidenzjalità mal-persuna li tiżvela l-informazzjoni jew hi mod ieħor projbita milli tiżvela l-informazzjoni li min jirċeviha;
- (e) kienet legalment fil-pussess tal-persuna li tirċeviha qabel ma dik l-informazzjoni giet żvelata lilha mill-parti li tiżvela dik l-informazzjoni;
- (f) il-partijiet jaqblu bil-miktub li mhijiex kunfidenzjali jew li tista' tiġi żvelata; jew
- (g) hi żviluppata minn jew għall-persuna li tirċeviha indipendentement mill-informazzjoni żvelata mill-parti li tiżvela;

"konsumatur" għandu jkollha t-tifsira preskritta fl-Att dwar l- Affarijiet tal-Konsumatur; Kap. 378.

"kont tal-fondi ta' ġugatur" tfisser kont miżmum minn jew f'isem operatur li jkollu kreditu liċenzjat, istituzzjoni finanzjarja u, jew ta' pagamenti li fihom jinżammu fondi ta' ġugaturi;

"liċenza tal-Lotterija Nazzjonali" tfisser liċenza mogħtija mill-Awtorità permezz ta' konċessjoni mill-Ministru mogħtija skont l-artikolu 11(3), biex wieħed jopera logħbiet tal-Lotterija Nazzjonali u dawk il-logħbiet oħra kif awtorizzat mill-Awtorità, u soġġetta għall-pattijiet u kondizzjonijiet li jkun hemm fiha, u "detentur ta' liċenza tal-Lotterija Nazzjonali" għandha tinftiehem skont hekk;

"logħba" tfisser logħba tal-ażżard jew logħba ta' abbiltà;

"logħba ta' abbiltà" tfisser attività li l-eżitu tagħha hu determinat skont l-abbiltà biss jew primarjament skont l-abbiltà tal-partecipant imma ma tinkludix avveniment sportiv, sakemm mhux stabbilit mod ieħor taħt dan l-Att;

"logħba tal-ażżard" tfisser attività li l-eżitu tagħha hu determinat bl-ażżard biss jew primarjament bl-ażżard, u tinkludi iżda mhux limitata għal attivitajiet li l-eżitu tagħhom hu determinat skont grajja jew l-eżitu ta' avveniment futur wieħed jew avvenimenti futuri;

"logħbiet tal-Lotterija Nazzjonali" tfisser il-Lotterija Nazzjonali, is-Super 5 u l-Lottu, fil-forma stabbilita fil-liċenza għal-Lotterija Nazzjonali kif ukoll kull varjazzjoni ta' xi waħda mill-imsemmija logħbiet tal-Lotterija Nazzjonali;

"logħob" tfisser attività li tikkonsisti fil-partecipazzjoni f'logħba, li toffri servizz ta' logħob jew l-għemil ta' forniture ta' logħob;

"Ministru" tfisser il-Ministru responsabbli għas-settur tal-logħob;

"minuri" tfisser persuna fiżika taħt l-età ta' tmintax-il sena, hlief fejn preskrit mod ieħor speċifikament taħt dan l-Att jew taħt xi strument regolatorju ieħor;

"operatur" tfisser persuna li twettaq servizz tal-logħob;

"persuna awtorizzata" jew "detentur awtorizzat" tfisser persuna li għandha awtorizzazzjoni mill-Awtorità;

"persuna vulnerabbli" tfisser persuna li hu magħruf li għandha

problema marbuta mal-logħob, kull persuna li ċ-ċirkostanzi soċjali tagħha jagħmluha aktar suxxettibbli għall-problema ta' logħob tal-ażżard, jew kull persuna li, bħala riżultat ta' difett fil-kapaċità ta' volontà u konoxxenza, issir aktar suxxettibbli għall-problema ta' logħob tal-ażżard, u dan għandu jinkludi persuni li jkunu għaddejjin minn perjodu ta' esklużjoni tagħhom stess, persuni li ġew djanjostikati minn professjonijiet mediċi bħala li huma ġugaturi bi problemi ta' logħob tal-ażżard, sew jekk patoloġiċi sew jekk le, persuni li f'dak il-waqt ikunu għaddejjin minn trattament kontra problemi ta' logħob tal-ażżard u persuni taħt l-influenza ta' alkoħol jew drogi;

"premju" tfisser il-premju fi flus jew b'valur ta' flus offert lil parteċipant wieħed jew aktar f'logħba skont ir-regoli tal-logħba;

"sena finanzjarja tal-Awtorità" tfisser perjodu mill-1 ta' Jannar sal-31 ta' Diċembru ta' sena;

"servizz tal-logħob" tfisser li logħba ssir disponibbli għall-parteeċipazzjoni ta' ġugaturi, kemm direttament kif ukoll indirettament, u kemm wehidhom jew flimkien ma' oħrajn, bħala attività ekonomika;

"settur tal-logħob" tfisser is-settur ekonomiku li hu ffokat fuq il-fornitura ta' servizzi tal-logħob u fornituri ta' logħob u servizzi u hwejjeġ oħra tal-logħob li huma konnessi ma' dan jew relatati miegħu;

"sistema tal-logħob" tfisser it-totalità tat-tagħmir tal-logħob, *software* tal-logħob u sistemi li għandhom x'jaqsmu magħha, servizz u faċilitajiet konnessi magħha, użati jew li, skont in-natura, l-assemblaġġ jew l-għaqda tagħhom, huma maħsuba li jintużaw bħala parti minn servizz tal-logħob jew f'konnessjoni miegħu, f'post fejn isir il-logħob;

"strument regolatorju" tfisser dan l-Att, regolamenti magħmulin taħt dan l-Att, u l-istrumenti vinkolanti tal-Awtorità;

"strument vinkolanti" tfisser att, dokument jew sqarrija oħra mill-Awtorità li jkollhom effett vinkolanti fuq il-persuni li lilhom ikunu indirizzati, kif jista' jkun preskritt b'dan l-Att jew tahtu, u tinkludi l-kondizzjonijiet mehmuża ma' awtorizzazzjoni;

"Uffiċjal Ewlieni" tfisser l-uffiċjal ewlieni tal-Awtorità mahtur skont dan l-Att.

(2) F'dan l-Att u f'kull strument vinkolanti magħmul tahtu,

jekk jkun hemm kunflitt bejn il-verżjoni bl-Ingliż u l-verżjoni bil-Malti, tipprevali l-verżjoni bl-Ingliż.

TAQSIMA II - Objettivi Regolatorji u Prinċipji ta' Governanza

3. (1) Is-settur tal-logħob f'Malta għandu jkun regolat u sorveljat permezz ta' regolamentazzjoni xierqa ta' attivitajiet u prattici rilevanti b'konformità mal-objettivi regolatorji u l-prinċipji ta' governanza stabbiliti b'dan l-Att.

Settur tal-logħob għandu jkun sorveljat.

(2) Il-Ministru għandu jiddetermina l-politika ġenerali ta' Malta, li ma tkunx inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, għas-settur tal-logħob u r-regolamentazzjoni tiegħu u sorveljanza fuqu.

4. (1) Il-governanza u s-sorveljanza fuq is-settur tal-logħob għandhom ifittxu li jintlaħqu l-objettivi regolatorji prinċipali li ġejjin:

Objettivi regolatorji prinċipali.

(a) li jiġi żgurat li r-regolamentazzjoni tas-settur tal-logħob titwettaq fl-interess pubbliku;

(b) li jiġi żgurat, permezz tas-setgħat vestiti fl-Awtorità, li l-logħob ikun meħlus mill-kriminalità u ma jintużax bħala għejjun jew strument ta' kriminalità;

(c) biex jiġi żgurat li l-logħob jitwettaq b'mod ġust, sigur u trasparenti;

(d) biex jiġi żgurat li jkunu salvagwardati adegwament l-interessi ta' minuri u ta' persuni oħra vulnerabbli;

(e) biex jiġi promoss l-iżvilupp ta' settur tal-logħob sostenibbli u t-tkabbir ekonomiku;

(f) biex jiġi promoss l-iżvilupp ta' Malta bħala ċentru ta' eċċellenza u kompetenza f'kapaċitajiet u abbiltajiet relatati mal-logħob, it-tkattir u t-trasferiment ta' għarfien, b'mod partikolari f'servizzi li għandhom kwantità għolja ta' teknoloġija u assistenza għal ġugaturi;

(g) biex tiġi promossa innovazzjoni responsabbli fis-settur tal-logħob.

(2) L-insegwiment tal-objettivi regolatorji, il-governanza u s-sorveljanza fuq is-settur tal-logħob għandu jkun ggwidat mill-prinċipji ta' governanza li ġejjin:

Prinċipji ta' governanza.

(a) azzjoni regolatorja għandha tkun proporzjonata għall-għanijiet li tipprova tilhaq u ma tkunx ta' piż aktar min-neċessarju għall-kisba ta' dawk l-oġettivi;

(b) il-ħtiġiet imposti fuq persuni regolati għandhom jkunu mhux diskriminatorji, trasparenti u aċċessibbli, konsistenti, oġġettivi u magħmula pubbliċi minn qabel;

(ċ) azzjoni regolatorja li taffettwa drittijiet u obbligi ta' persuni għandha tkun f'waqtha u raġunata u tittiehed fuq bażi ta' konsiderazzjonijiet xierqa u rilevanti;

(d) proċeduri u ħtiġiet regolatorji għandhom ikunu tali li jevitaw, kemm jista' jkun raġonevolment possibbli mingħajr ma jiġu ppreġudikati l-oġettivi regolatorji, duplikazzjoni ta' ħtiġiet u kontrolli;

(e) ir-regolamentazzjoni għandha, fejn xieraq u possibbli, tuża approċċ ibbażat fuq ir-riskju, sabiex l-oġettivi regolatorji jiġu insegwiti bil-mod l-aktar effiċjenti u effettivi;

(f) qabel ma tittiehed azzjoni regolatorja jew jiġu imposti ħtiġiet regolatorji, fejn ikun xieraq u opportun, għandha ssir konsultazzjoni ma' persuni regolati, *stakeholders* oħra fis-settur tal-logħob u, jew l-pubbliku b'mod ġenerali kif ikun il-każ;

(g) f'każ ta' kunflitt bejn l-interess pubbliku u konsiderazzjonijiet ekonomiċi, għandhom jipprevalu l-konsiderazzjonijiet tal-interess pubbliku;

(h) fejn il-konsiderazzjonijiet tal-interess pubbliku hekk jeħtieġu, il-Ministru jkollu s-setgħa li jemenda l-politika rilevanti u l-azzjonijiet regolatorji jiġu aġġustati skont hekk:

Iżda l-Awtorità tista' tiddevja minn dawn il-prinċipji ta' governanza jekk dik id-devjazzjoni hi ġustifikata oġġettivament skont prinċipju prevalenti li jirrigwarda l-ordni pubbliku, is-sigurtà pubblika, is-saħħa pubblika jew il-protezzjoni tal-ambjent.

TAQSIMA III - Twaqqif, Setgħat u Tmexxija tal-Affarijiet tal-Awtorità ta' Malta dwar il-Logħob

5. (1) Għandu jkun hemm awtorità, li tkun magħrufa bhala l-Awtorità ta' Malta dwar il-Logħob.

(2) L-Awtorità għandha tkun korp magħqud b'personalità ġuridika distinta u għandha tkun kapaċi li tagħmel kuntratti, li tikseb

u tiddisponi minn kull xorta ta' proprjeta għall-għanijiet tal-funzjonijiet tagħha taht dan l-Att jew taht xi liġi oħra, li tħarrek u tiġi mharrka, u li tagħmel dak kollu u twettaq dawk it-transazzjonijiet kollha hekk kif ikunu incidentali jew iwasslu għall-eżerċizzju jew twettieq tal-funzjonijiet tagħha kif imsemmi hawn qabel.

6. (1) L-Awtorità għandha tikkonsisti f'Bord ta' Kompożizzjoni tal-Awtorità. Gvernaturi.

(2) (a) Il-Bord għandu jahtar Uffiċjal Ewlieni għall-immaniġġar tal-affarijiet ta' kuljum tal-Awtorità.

(b) Il-Bord għandu, fuq ir-rakkomandazzjoni tal-Uffiċjali Ewlieni, jahtar dawk il-persuni l-oħra kemm minn persuni fi hdan l-Awtorità jew le, biex jiffurmaw parti mill-Kumitat Eżekuttiv biex jassisti lill-Uffiċjal Ewlieni fil-funzjonijiet tiegħu.

(3) L-organi l-oħra tal-Awtorità għandhom id-dmir li jagħtu lill-Bord dik l-informazzjoni kollha li tista' tkun meħtieġa għat-twettieq xieraq tal-funzjonijiet tiegħu u b'mod partikolari biex ikun jista' jiżgura li l-politika tiegħu qed titwettaq sew.

(4) Il-Bord u l-organi l-oħra tal-Awtorità jkunu komposti minn dawk il-membri, u għandhom imexxu l-affarijiet tagħhom, kif preskritt fl-Ewwel Skeda.

7. (1) Mingħajr preġudizzju għal xi setgħa jew funzjoni oħra mogħtija lilha b'dan l-Att jew b'xi liġi oħra, fl-insewiment tal-objettivi regolatorji prinċipali skont il-prinċipji ta' governanza stabbiliti b'dan l-Att. l-Awtorità jkollha l-funzjoni: Setgħat u funzjonijiet tal-Awtorità.

(a) li tirregola, tissorvelja u tirrevedi l-prattiċi, l-operazzjonijiet u l-attivitajiet kollha li jirrigwardaw xi haġa regolata b'dan l-Att jew tahtu, u l-prestazzjoni tas-settur tal-logħob;

(b) li tippromwovi l-interessi ġenerali tal-ġugaturi, u li tipprovdi l-informazzjoni rilevanti u gwida lill-pubbliku;

(ċ) li tiżgura li s-servizzi tal-logħob huma reklamati b'mod ġust u responsabbli skont il-liġi applikabbli;

(d) li tircievi u tinvestiga lmenti minn ġugaturi u li tassisti u tippromwovi r-risoluzzjoni ta' tilwim mingħajr dewmien, u b'mod ġust u kompetenti bejn ġugaturi u ġugaturi u, jew operaturi;

(e) li twettaq monitoraġġ fuq is-settur tal-logħob

f'Malta u li tagħmel jew tqabbd lil haddiehor biex jagħmel dak l-istudju, riċerka jew investigazzjoni li jidhrilha meħtieġa;

(f) li tipprovdi informazzjoni u tohroġ linji gwida u, jew rapporti lill-pubbliku dwar kull haġa regolata b'dan l-Att jew tahtu;

(g) li tikkonsulta mal-pubbliku ġenerali jew ma' segment speċifiku tiegħu, kif ikun il-każ, fuq l-affarijiet kollha li l-Awtorità tikkunsidra neċessarji u, jew desiderabbli;

(h) li titlob, tiġbor, tikkompila u żżomm *records* tad-*data* kollha rilevanti kif l-Awtorità jidhrilha xieraq fir-rigward tal-funzjonijiet u l-objettivi tagħha;

(i) li tiżviluppa l-istrateġija neċessarja u pjanijiet ta' azzjoni biex tikseb il-politika, l-istrateġiji u l-objettivi mfasla mill-Gvern jew mill-Awtorità;

(j) li tagħti pariri lill-Gvern b'mod ġenerali dwar il-formulazzjoni tal-politika konnessa direttament jew indirettament mal-logħob jew is-settur tal-logħob, u li tagħmel rakkomandazzjonijiet lill-Gvern dwar l-azzjonijiet li, fl-opinjoni tal-Awtorità, ikunu spediti fir-rigward ta' hwejjeġ li jaqgħu taht il-funzjonijiet regolatorji u ta' sorveljanza tal-Awtorità;

(k) li tagħti pariri lill-Ministru dwar żviluppi ġodda, htigiet u riskji fil-logħob u fis-settur tal-logħob u li tagħmel proposti kif jistgħu jitqiesu meħtieġa jew spediti biex ikun hemm rispons għal dawk l-iżviluppi ġodda, htigiet u riskji;

(l) li tagħti pariri lill-Ministru dwar l-għemil ta' regolamenti;

(m) li tistabbilixxi l-htigiet minimi li għandhom jiġu osservati minn kull persuna li hi ingaġġjata jew impjegata f'xi attività, funzjoni jew involuta f'xi haġa regolata b'dan l-Att jew tahtu;

(n) li tistħarreg dwar kemm persuna ingaġġjata jew impjegata f'xi attività jew involuta f'xi haġa regolata b'dan l-Att jew tahtu hi xierqa sabiex tiżgura li dawn il-persuni huma idonei u xierqa biex iwettqu l-funzjonijiet tagħhom;

(o) li tagħti kull liċenza, approvazzjoni, għarfien jew awtorizzazzjoni oħra biex titwettaq kull operazzjoni jew attività li għandha x'taqsam ma' xi haġa regolata b'dan l-Att jew tahtu, kif jista' jkun meħtieġ skont dan l-Att jew regolamenti

magħmulin taħtu;

(p) li tevalwa jekk persuni humiex josservaw l-htigiet imposti b'dan l-Att jew taħtu;

(q) li timponi dawk il-htigiet u kundizzjonijiet proporzjonati, f'konformità mal-legiżlazzjoni tal-Unjoni Ewropea u l-obbligi internazzjonali ta' Malta, kif jidhrilha meħtieġ għat-twertieq tal-funzjonijiet tagħha taħt dan l-Att, jew kif il-Ministru jista' jordna lill-Awtorità bis-saħħa tal-artikolu 11, fir-rigward ta' loġħob u attivitajiet relatati li huma awtorizzati minn awtorità kompetenti ta' xi ġurisdizzjoni oħra u li huma disponibbli f'Malta;

(r) li tiżgura li jkun hemm *standards* għoljin ta' kondotta u ta' amministrazzjoni mal-firxa kollha tas-settur tal-loġħob;

(s) li tipprevjeni, tikxef u tiżgura l-prosekuzzjoni ta' kull reat kontra dan l-Att jew regolamenti magħmulin taħtu;

(t) li tikkollabora ma' korpi oħra lokali jew barranin, dipartimenti tal-Gvern, organizzazzjonijiet internazzjonali, u entitajiet oħra li jeżerçitaw setgħat regolatorji, superviżorji jew ta' liċenzjar taħt xi liġi f'Malta jew barra minn Malta, jew li huma mod ieħor involuti f'oqsma ta' sorveljanza jew monitoraġġ jew attivitajiet fis-settur tal-loġħob jew setturi konnessi miegħu, u li tagħmel arrangamenti għall-iskambju ma' xulxin ta' informazzjoni u għal forom oħra ta' assistenza jew kollaborazzjoni fi hwejjeġ regolatorji u superviżorji;

(u) li tiżgura li l-obbligi internazzjonali li Malta jew l-Awtorità jidhlu għalihom rigward hwejjeġ regolati b'dan l-Att jew taħtu jiġu osservati;

(v) li tmexxi l-istabbiliment ta' *standards* komuni fis-settur tal-loġħob;

(w) li tinkoraġġixxi titjib fis-settur edukattiv dwar hwejjeġ relatati mas-settur tal-loġħob;

(x) li tagħmel kull haġa oħra meħtieġa, anċillari jew li twassal għall-kisba tal-oġġettivi tagħha u, jew it-twertieq tal-funzjonijiet tagħha taħt dan l-Att.

(2) B'zieda ma', u mingħajr preġudizzju għal dak imsemmi hawn qabel, l-Awtorità jkollha s-setgħa:

Setgħat
addizzjonali.

(a) li toħroġ u, jew tippubblika awtorizzazzjonijiet u strumenti vinkolanti, ikunu kif ikunu msemmija, kemm jekk indirizzati għall-pubbliku ġenerali jew lil kategoriji ta' persuni jew lil persuna jew persuni speċifiċi, kif previst b'dan l-Att jew taħtu:

Iżda meta strument vinkolanti jinħareġ u ikun indirizzat lill-pubbliku ġenerali, jew lil kategorija waħda jew aktar ta' persuni, l-Awtorità għandha toħroġ dak l-istrument vinkolanti wara konsultazzjoni mal-Ministru;

(b) li toħroġ u, jew tippubblika rapporti, linji gwida, *policies* u jew dokumenti għall-konsultazzjoni kif jista' jkun meħtieġ, xieraq u, jew opportun għat-twettieq tad-dispożizzjonijiet ta' dan l-Att u ta' xi strument regolatorju ieħor;

(c) li toħloq jew tipparteċipa fil-ħolqien u fl-operazzjonijiet ta' entitajiet li l-funzjoni tagħhom tkun neċessarja, anċillari jew twassal għat-twettieq tal-funzjonijiet u, jew tal-objettivi tal-Awtorità taħt dan l-Att jew regolamenti magħmulin taħtu;

(d) li titlob għal kull tip ta' informazzjoni mill-persuni awtorizzati tagħha, applikanti jew minn xi persuna oħra, kif tista' fid-diskrezzjoni tagħha tqis neċessarja għat-twettieq tal-funzjonijiet tagħha jew il-kisba tal-objettivi taħt dan l-Att jew taħt xi liġi oħra;

(e) li tistabbilixxi, timponi u tiġbor miżati, kontribuzzjonijiet u multi amministrattivi u flus oħra li jkollha s-setgħa timponi u, jew tiġbor skont dan l-Att jew xi liġi oħra;

(f) li tiġbor dazju, taxxa fuq il-logħob u flus oħra li għandha s-setgħa li tiġbor skont dan l-Att jew xi liġi oħra; u

(g) li tagħti dawk l-ordnijiet u timponi dawk is-sanzjonijiet li jidhrilha neċessarji f'konnessjoni ma' xi ksur ta' dan l-Att jew xi strument regolatorju jew vinkolanti ieħor:

Iżda kull ordni u, jew sanzjoni imposta skont dan il-paragrafu, u kull emenda jew revoka tagħhom, għandhom ikunu bil-miktub u għandhom jiddikjaraw ir-raġunijiet li fuqhom huma bbażati, u għandhom jiġu notifikati lill-persuna interessata.

huma responsabbli għal dawk l-oqsma li jistgħu jkollhom impatt fuq l-affarijiet regolati b'dan l-Att jew tahtu.

(4) L-Awtorità għandu jkollha wkoll dawk il-funzjonijiet, responsabbiltajiet u setgħat l-oħra kif stabbiliti b'dan l-Att jew tahtu jew kif jistgħu jigu assenjati lilha b'xi liġi oħra jew tahtha, inklużi dawk is-setgħat li huma meħtieġa jew inċidentali għat-twettieq tal-funzjonijiet tagħha b'dan l-Att jew tahtu jew taht xi liġi oħra jew strument regolatorju.

(5) L-Awtorità għandha twettaq il-funzjonijiet tagħha kif stabbiliti b'dan l-Att jew tahtu jew taht xi liġi oħra b'mod imparzjali, trasparenti u mingħajr dewmien u tiżgura li dawn jigu osservati.

(6) L-Awtorità tista', minflok ma tuża l-uffiċjali jew l-impjegati tagħha biex titwettaq xi azzjoni sanzjonata b'dan l-Att jew tahtu, tawtorizza terza persuna biex twettaq tali azzjoni, u f'każijiet bħal dawn il-kuntrattur tal-Awtorità jkollu dawk is-setgħat u obbligi bħal uffiċjal jew impjegat tal-Awtorità li jkun qed iwettaq dawk l-azzjonijiet:

Iżda funzjonijiet li għandhom x'jaqsmu mat-tehid ta' deċiżjonijiet u r-responsabbiltà dwarhom għandhom dejjem ikunu f'idejn l-Awtorità.

8. Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar is-Segretezza Professionali, kull informazzjoni kunfidenzjali żvelata lill-Awtorità jew lil xi membru, uffiċjal jew impjegat tagħha, għandha tkun sigrieta u, meta tkun attribwibbli għal xi persuna identifikata jew li tista' tiġi identifikata, ma għandhiex tiġi żvelata jew prodotta hlief bil-kunsens tal-persuna li tkun issottomettiet dik l-informazzjoni:

Segretezza u
żvelar.
Kap. 377.

Iżda dak kollu imsemmi hawn qabel hu mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 25(4) ta' dan l-Att:

Iżda wkoll, minkejja dak kollu li ntqal qabel, l-Awtorità tista' tiżvela dik l-informazzjoni lill-Pulizija għall-għanijiet ta' xi investigazzjoni jew prosekuzzjoni ta' xi reat kriminali jew meta jigi hekk mitlub li jsir minn xi qorti tal-ġustizzja fi proċeduri kriminali. L-Awtorità tista' wkoll tiżvela tali informazzjoni fi proċedimenti ċivili li jinvolvu l-Awtorità.

9. (1) Ir-rappreżentanza legali u ġuridika tal-Awtorità tkun vestita fl-Uffiċjal Ewlieni:

Personalità
ġuridika u
rappreżentanza
tal-Awtorità.

Iżda l-Uffiċjal Ewlieni jista' jahtar xi wiehed jew aktar mill-membri, uffiċjali jew impjegati tal-Awtorità biex jidhru, jiffirmaw jew mod ieħor jaġixxu għan-nom tal-Awtorità fi

proċedimenti legali u, jew fuq xi att, kuntratt, strument jew dokument ieħor, ikun x'ikun:

Iżda wkoll fir-rigward ta' xi haġa li taqa' fi hdan il-funzjonijiet vestiti f'xi membru tal-Kumitat Eżekuttiv, ir-rappreżentazzjoni legali tal-Awtorità tkun vestita wkoll f'dak il-membri tal-Kumitat Eżekuttiv li jaġixxi waħdu, jew f'dak il-membri, uffiċjal jew impjegat tal-Awtorità, kif il-membri tal-Kumitat Eżekuttiv jista' jahtar jew jawtorizza għal dan il-għan.

(2) Dokument li jinftiehem bħala strument magħmul jew maħruġ mill-Awtorità u ffirmat ml-Uffiċjal Ewlieni, jew minn membru tal-Kumitat Eżekuttiv għar-rigward ta' kull haġa li tinkwadra fil-funzjonijiet vestiti fid-direttorat relattiv mill-Awtorità, għandu jiġi riċevut bi prova u għandu, sakemm ma tingiebx prova kuntrarja, jitqies bħala strument magħmul jew maħruġ mill-Awtorità.

Kumitat ta' Verifika.

10. (1) Għandu jkun hemm Kumitat ta' Verifika, li jkun magħmul minn dawk il-membri u b'dawk il-funzjonijiet kif il-Bord jista' jiddetermina.

(2) Mingħajr preġudizzju għall-ġeneralità tad-dispożizzjonijiet tas-subartikolu (1), il-Kumitat ta' Verifika għandu jwettaq funzjoni ta' verifika interna, jipprovdi stampa ġenerali tal-proċessi, kontrolli interni, u kontrolli u bbilancjar ta' setgħat fi hdan l-Awtorità, jiżgura li jkun hemm governanza korporattiva tajba, kif ukoll l-osservanza mill-Awtorità tal-funzjonijiet, objettivi u dmirijiet tagħha skont il-liġi.

Hwejjeg li jolqtu l-interess pubbliku.

11. (1) Il-Ministru jista', dwar kull haġa li jidhirli li tolqot l-interess pubbliku, minn żmien għal żmien jaġti lill-Awtorità direttivi bil-miktub ta' xorta ġenerali, li jkunu konsistenti mad-dispożizzjonijiet ta' dan l-Att, u l-Awtorità għandha, malli tkun tista', tagħti seħħ lil dawk id-direttivi:

Iżda l-Awtorità għandha taġixxi b'mod indipendenti u ma għandhiex tfittex jew tieħu istruzzjonijiet minn xi korp ieħor fuq hwejjeg li jirrigwardaw ir-regolamentazzjoni ġenerali tas-settur tal-logħob:

Iżda wkoll fi hwejjeg li l-Awtorità tqis li jaffettwaw l-interess pubbliku, l-Awtorità tista' tagħti pariri lill-Ministru u tagħmel proposti dwar il-miżuri li jidhrilha neċessarji u, jew desiderabbli sabiex dawn il-hwejjeg jiġu indirizzati.

(2) L-Awtorità għandha tagħti lill-Ministru l-faċilitajiet sabiex jikseb informazzjoni fir-rigward tal-proprjetà u l-attivitajiet tagħha u tagħtih il-prospetti, kontijiet u informazzjoni oħra dwarhom, u tagħtih faċilitajiet sabiex tkun tista' tiġi verifikata l-informazzjoni mogħtija,

b'dak il-mod u f'dawk il-ħinijiet li jista' ragjonevolment jitlob.

(3) (a) Il-Ministru jista' jagħti konċessjonijiet lil persuni biex jifih u joperaw każinò f'postijiet fejn isir il-logħob, għal dak il-korrispettiv u taħt dawk il-pattijiet u kondizzjonijiet li l-Ministru jidhirlu xierqa.

(b) Il-Ministru jista' jagħti konċessjonijiet lil persuna waħda jew lil aktar persuni biex joperaw il-logħob tal-Lotterija Nazzjonali u dawk il-logħbiet l-oħra kif il-Ministru jista' jiddetermina f'dik il-konċessjoni għal dak il-korrispettiv u taħt dawk il-pattijiet u kondizzjonijiet li l-Ministru jidhirlu xierqa.

(ċ) L-għoti ta' konċessjoni skont il-paragrafi (a) jew (b) tkun mingħajr preġudizzju għall-ħtieġa li dak il-konċessjonarju li jikseb kull liċenza meħtieġa skont dan l-Att, kull strument regolatorju ieħor, jew xi liġi applikabbli oħra.

12. (1) Il-Ministru jista', waqt li jaġixxi fuq il-parir tal-Awtorità, jagħmel regolamenti biex jagħti effett lid-dispożizzjonijiet ta' dan l-Att, jew biex jippreskrivi kull haġa li għandha jew li tista' tkun preskritta skont dan l-Att jew kull strument regolatorju ieħor u jipprovdi għal kull haġa konsegwenzjali, inċidentali għal jew konnessa ma' dan.

Setgħat tal-Ministru.

(2) Mingħajr preġudizzju għall-ġeneralità ta' dak kollu li ntqal qabel, il-Ministru jista', permezz ta' dawk ir-regolamenti:

(a) jistabilixxi l-kategoriji ta' awtorizzazzjonijiet taħt dan l-Att u l-ħtiġiet u kondizzjonijiet ġenerali għal awtorizzazzjonijiet, l-għoti tagħhom, emendi għalihom, it-tiġdid, is-sospensjoni, ir-revoka u t-terminazzjoni u kull azzjoni oħra simili;

(b) jirregola logħbiet, kategoriji speċifiċi ta' logħbiet jew ta' logħbiet speċifiċi, u kull haġa li għandha x'taqsam magħhom, inkluża l-eżenzjoni ta' ċerti logħbiet jew kategorija ta' logħbiet minn xi ħtieġa jew mill-ħtiġiet kollha ta' awtorizzazzjoni;

(ċ) jirregola l-persuni involuti f'attivitajiet regolati b'dan l-Att jew taħtu, u kull haġa li għandha x'taqsam magħhom inkluża l-eżenzjoni ta' ċerti persuni jew kategoriji ta' persuni minn xi ħtieġa jew mill-ħtiġiet kollha ta' awtorizzazzjoni;

(d) jemenda, iħassar, iżid jew jissostitwixxi l-Iskedi li jinsabu ma' dan l-Att:

Iżda l-Ministru jista' jawtorizza lill-Awtorità biex tistabbilixxi d-dettalji kollha neċessarji għall-ħtiġiet u kondizzjonijiet msemmija fil-paragrafi (a), (b) u (ċ) permezz ta' strumenti vinkolanti li għandhom jinħarġu mill-Awtorità.

(3) Mingħajr preġudizzju għall-generalità ta' dak li ntqal qabel, il-Ministru jista', waqt li jaġixxi fuq il-parir tal-Awtorità, jagħmel regolamenti biex jipprovdi għat-tassazzjoni tal-persuni u l-entitajiet regolati mill-Awtorità u dwar kull haġa li għandha x'taqsam ma' dan.

TAQSIMA IV - Awtorizzazzjonijiet

Htieġa għal awtorizzazzjoni.

13. Fejn dan l-Att jew xi strument regolatorju ieħor jippreskrivi li xi attività, tkun xi tkun n-natura tagħha, teħtieġ awtorizzazzjoni sabiex titwettag, it-twertieq ta' tali attività, jew il-promozzjoni, l-għajjnuna, it-tħajjir jew xort'ohra l-iffaċilitar biex titwettag dik l-attività ikun bi ksur ta' dan l-Att sakemm dik l-attività ma tkunx debitament awtorizzata.

TAQSIMA V - Protezzjoni ta' Minuri u Persuni Vulnerabbli

Protezzjoni ta' minuri.

14. Bla ħsara għall-eċċezzjonijiet speċifikati f'dan l-Att biss, l-ebda persuna ma għandha toffri, tippermetti, thegġeg, tisforza, tistieden jew iġġieghel minuri jipparteċipa f'logħba li, skont dan l-Att jew xi strument regolatorju ieħor, għandha tkun offerta biss lil persuni li mhumiex minuri, kemm billi dak il-minuri jithalla jidhol fil-post fejn isir il-logħob, jew billi jinbiegħlu biljett tal-logħob, jew impjieg jew ingaġġjar fl-għoti ta' servizz tal-logħob, reklamar jew promozzjoni ta' servizz tal-logħob jew b'xi mod ieħor ikun x'ikun:

Iżda persuna ma titqiesx li tkun kisret dan l-artikolu dwar ir-reklamar jew il-promozzjoni ta' servizz tal-logħob jekk dak ir-reklamar jew promozzjoni jitwettag skont l-istrumenti regolatorji applikabbli:

Iżda wkoll każinò f'post fejn isir il-logħob li jopera bis-saħħa ta' konċessjoni mogħtija mill-Ministru skont l-artikolu 11 ma għandux jippermetti li ċittadin ta' Malta taħt l-età ta' ħamsa u għoxrin sena jagħmel użu mis-servizz tal-logħob tal-każinò waqt il-ħinijiet li jkun qed jopera l-każinò.

Projbizzjoni ta' għoti ta' kreditu.

15. Provditur ta' servizz tal-logħob jew agent tiegħu ma jistgħux jipprovdu kreditu lil ġugaturi biex jipparteċipaw fil-logħbiet.

Fond għal Kawżi Soċjali.

16. (1) Għandu jkun hemm fond li jkun magħruf bħala "il-Fond għal Kawżi Soċjali", li jkun fih il-flejjes miġbura b'dak il-mod li jista' jiġi preskritt mill-Ministru permezz ta' regolamenti, li jintuza

għat-twertieq ta' sforzi għal logħob responsabbli u kawżi oħra ġusti.

(2) Għandu jkun hemm Kumitat tal-Fond għal Kawżi Soċjali, li jkun magħmul minn dawk il-membri u jkollu dawk il-funzjonijiet li l-Ministru responsabbli għall-Finanzi jista' jiddetermina, biex jamministra il-Fond għal Kawżi Soċjali.

(3) Il-fondi li minn żmien għal żmien ikunu għall-kreditu tal-Fond għal Kawżi Soċjali għandhom jithallsu mill-Kumitat lil dawk il-persuni, organizzazzjonijiet jew entitajiet oħra li jkunu jsegwu kawżi meritevoli fl-interess pubbliku, b'dak il-mod kif jista' jiġi determinat mill-Ministru, wara kunsultazzjoni mal-Ministru responsabbli għall-Finanzi, f'regolamenti magħmula taht dan l-Att.

17. Il-Ministru għandu, b'regolamenti, jistabbilixxi l-parametri, kriterji u kondizzjonijiet totali biex jiġu protetti persuni vulnerabbli sabiex jiġi minimizzat ir-riskju potenzjali, assoċjat ma' parteċipazzjoni fil-logħob, għas-saħħa tagħhom; iżda l-Ministru jista' jawtorizza lill-Awtorità tistabbilixxi l-parametri, kriterji, kondizzjonijiet u standards raġjonevoli kollha permezz ta' direttivi jew strumenti oħra vinkolanti maħruġa mill-Awtorità.

Protezzjoni ta' persuni vulnerabbli.

TAQSIMA VI - Drittijiet u Obbligi tal-Ġugaturi

18. (1) Mingħajr preġudizzju għall-funzjonijiet stabbiliti fl-artikolu 7, l-Awtorità jkollha wkoll il-funzjoni li tirċievi lmenti bhala riżultat ta', jew f'konnessjoni ma', xi servizz tal-logħob, mingħajr preġudizzju għal xi funzjoni oħra li tista' tiġi assenjata lilha mill-Bord minn żmien għal żmien.

Ilmenti minn ġugaturi li jiġu riċevuti.

(2) L-awtorità tista' twettaq din il-funzjoni permezz ta' unità interna jew mod ieħor.

(3) Fit-twertieq ta' din il-funzjoni, l-Awtorità għandha, sa fejn ikun possibbli, tassisti u tikkoopera ma' korpi li huma responsabbli għat-temm ta' kwistjonijiet ta' konsumaturi barra mill-qorti f'Malta u fi Stati oħra taż-ŻEE fir-riżoluzzjoni ta' kwistjonijiet lokali u transkonfini li jirrigwardaw servizzi tal-logħob ipprovduti minn persuna awtorizzata.

19. Operatur, u kull terza parti li żżomm fondi ta' ġugaturi għal u f'isem dak l-operatur, ikun responsabbli biex jissalvagwardja l-fondi tal-ġugatur skont ir-Regolamenti tal-2018 dwar il-Protezzjoni tal-Ġugaturi u kull liġi applikabbli oħra.

Salvagwardja ta' fondi tal-ġugaturi.
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Proċedimenti kollettivi minn ġugaturi. Kap. 520.

20. Meta jkunu dovuti fondi ta' ġugaturi lil grupp ta' ġugaturi minn operatur, għandhom japplikaw *mutatis mutandis* l-artikoli 2, u 4 sa 23 tal-Att dwar Proċedimenti Kollettivi u dawk il-ġugaturi jistgħu jibdew proċedimenti kollettivi biex jirkupraw dawk il-fondi ta' ġugaturi.

Miżuri dwar logħob responsabbli.
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21. (1) Persuni awtorizzati, partikolarment persuni awtorizzati li jipprovdur servizz tal-logħob, għandhom jiżguraw li l-operazzjoni tagħhom titwettaq b'mod li tingħata l-konsiderazzjoni dovuta għal miżuri dwar logħob responsabbli kif previst fir-Regolamenti tal-2018 dwar il-Protezzjoni tal-Ġugaturi u kull strument regolatorju ieħor u kull liġi applikabbli oħra.

(2) L-Awtorità għandha, biex tiżgura li persuni awtorizzati jaġixxu skont ma hemm fis-subartikolu (1), iżzomm kuntatt u tikkollabora ma' awtoritajiet kompetenti oħra, inkluża, iżda mhux limitata għal, l-Awtorità ta' Malta għall-Kompetizzjoni u l-Affarijiet tal-Konsumatur.

Responsabbiltà tal-ġugaturi.

22. (1) Il-ġugaturi għandhom jaġixxu b'mod ġust u onest waqt li jagħmlu użu minn servizz tal-logħob u ma għandhomx jiżgwidaw jew iqarrqu bl-operaturi.

(2) L-Awtorità għandha, minn żmien għal żmien, toħroġ manifest li jagħti fid-dettall id-drittijiet u l-obbligi ta' ġugaturi li jagħmlu użu minn servizz tal-logħob provdut minn operatur.

TAQSIMA VII - Infurzar u Sanzjonijiet

Piena għal reati kriminali kontra dan l-Att.

23. (1) Kull min jagħmel reat stipulat fit-Tielet Skeda jeħel, meta jinstab ħati, multa ta' mhux inqas minn għaxart elef euro (€10,000) u mhux iżjed minn ħames mitt elf euro (€500,000), jew prigunerija ta' mhux iżjed minn ħames snin, jew dik il-multu ta' prigunerija flimkien:

Iżda meta persuna li tinstab ħatja ta' reat taħt dan l-Att tkun reċidiva dwar reat taħt dan l-Att, dik il-persuna teħel multa ta' mhux inqas minn għoxrin elf euro (€20,000) u mhux iżjed minn miljun euro (€1,000,000), jew prigunerija ta' mhux inqas minn sitt xhur u mhux iżjed minn sitt snin, jew dik il-multu u prigunerija flimkien:

Iżda wkoll meta dik il-persuna li hekk tinstab ħatja tkun il-president, direttur, *manager*, jew xi uffiċjal ieħor li jeżerċita funzjonijiet eżekuttivi f'kumpannija jew f'impriża oħra, dik il-persuna għandha, għall-finijiet ta' dan l-artikolu, titqies li tkun vestita bir-rappreżentanza ġuridika ta' dik il-kumpannija jew impriża oħra, organizzazzjoni, klabb, soċjetà jew assoċjazzjoni oħra jew korp ta'

persuni, li skont hekk tkun responsabbli *in solidum* mal-persuna misjuba hatja għall-hlas ta' dik il-multa.

(2) Il-multa msemmija fis-subartikolu (1) għandha titqies dejn ċivili, u pagabbli lill-Awtorità, li dwar jkun hemm titolu eżekuttiv.

(3) Id-dispożizzjonijiet tal-Att dwar il-*Probation* u tal-artikolu 21 u tal-artikoli 28A sa 28I tal-Kodiċi Kriminali m'għandhomx japplikaw dwar reati msemmija fis-subartikolu (1). Kap. 446.
Kap. 9.

24. (1) Il-Qorti tal-Maġistrati, fil-ġurisdizzjoni kriminali tagħha, tkun il-qorti kompetenti li tiegħu konjizzjoni ta' reati kontra dan l-Att u kull regolament magħmul tahtu. Il-Qorti tal-Maġistrati tiegħu konjizzjoni ta' reati u sanzjoni tal-Awtorità.

(2) Ebda proċediment kriminali taht dan l-Att jew xi strument regolatorju ieħor ma għandu jinbeda hlief bil-permess tal-Awtorità, u proċedimenti li jkunu hekk ġew mibdija jistgħu, fi kwalunkwe żmien qabel is-sentenza finali, jiġu rtirati fuq talba tal-Awtorità.

(2) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell lill-Qorti tal-Appelli Kriminali minn kull deċiżjoni mogħtija mill-Qorti tal-Maġistrati fir-rigward ta' proċedimenti kriminali għal reat kontra dan l-Att jew xi strument regolatorju ieħor. Kap. 9.

(3) Fi proċedimenti kriminali taht dan l-Att jew regolamenti magħmulin tahtu, kull uffiċjal tal-Awtorità jista', minkejja d-dispożizzjonijiet ta' kull liġi oħra, jipproduċi xhieda, imexxi u mod ieħor jittratta l-prosekuzzjoni flimkien mal-pulizija.

(4) Jekk ix-xhieda tal-uffiċjal msemmi mill-Awtorità kif imsemmi hawn qabel tkun meħtieġa bħala parti mill-każ tal-prosekuzzjoni, dak l-uffiċjal għandu jinstema' qabel ma jassumi r-rwol ta' uffiċjal prosekutur, sakemm il-ħtieġa li jagħti x-xhieda tiegħu ma tqumx fi stadju aktar tard:

Izda l-imsemmi uffiċjal jista' jiddikjara l-fatti li jikkostitwixxu r-reat qabel ma jagħti x-xhieda tiegħu.

(5) Il-pieni previsti f'dan l-Att għandhom japplikaw sakemm il-fatt ma jikkostitwixxix reat aktar serju taht il-Kodiċi Kriminali jew xi liġi oħra, f'liema każ għandhom japplikaw d-dispożizzjonijiet tal-Kodiċi Kriminali jew ta' dik il-liġi oħra. Kap. 9.

(6) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, il-proċedimenti kriminali għal reat kontra dan l-Att jew kull strument regolatorju ieħor ikunu preskritti meta jgħaddu sitt snin. Kap. 9.

25. (1) Minkejja kull dispożizzjoni ohra ta' dan l-Att, u minghajr preġudizzju għal kull proċediment ieħor li persuna li tkun kisret dawk id-dispożizzjonijiet tista' tehel taht kull ligi ohra, fil-każ ta' xi ksur imsemmi fit-Tielet Skeda, l-Awtorità tista', bi qbil mal-persuna li wettqet il-ksur u bla ħsara għar-rettifika ta' dak il-ksur, timponi penali ta' mhux iktar minn ħames mitt elf euro (€500,000) għal kull ksur jew nuqqas ta' osservanza u, jew somma ta' mhux iktar minn ħamest elef euro (€5,000) għal kull ġurnata ta' ksur jew nuqqas ta' osservanza, u, jew kull sanzjoni amministrattiva ohra bħala alternattiva għal proċedimenti f'qorti kriminali. Meta jiġi konkluz dan il-ftehim ir-responsabbiltà kriminali ta' min wettaq ir-reat taht dan l-Att, fir-rigward tar-reat jew reati li dwarhom gie konkluz il-ftehim, tintemm:

Izda l-ftehim ma jkunx konkluz u r-responsabbiltà kriminali ta' min wettaq ir-reat ma tintemmx jekk il-ftehim ma jkollux miegħu l-ħlas tas-somma dovuta jew l-għoti ta' garanzija suffiċjenti għall-ħlas tagħha, fil-każ ta' multa, jew fil-każ ta' xi forma ohra ta' sanzjoni bl-osservanza tagħha jew garanzija suffiċjenti tal-osservanza tagħha:

Izda wkoll, għall-għan ta' ċarezza, il-ftehim, u l-ħlas ta' kull multa dovuta permezz ta' dak il-ftehim, ma jeżonerax lill-persuna ħatja tal-ksur milli jirrettifika dak il-ksur u li josserva debitament dan l-Att u strumenti regolatorji applikabbli ohra:

Izda wkoll kull konfiska kkontemplata f'dan l-Att jew fl-istrument regolatorju rilevanti bħala konsegwenza tar-reat konness mal-ftehim għandha, minkejja dak il-ftehim, xorta tibqa' sseħħ.

(2) Id-dispożizzjonijiet tas-subartikolu (1) għandhom japplikaw ukoll f'kull każ fejn min ikkommetta r-reat ikun gie akkużat quddiem qorti dwar dak ir-reat, izda dejjem qabel ma tingħata s-sentenza finali f'dik il-kawża.

(3) Fil-każ ta' ksur ta' xi strument regolatorju li mhuwiex imsemmi fit-Tielet Skeda, l-Awtorità tista' timponi penali amministrattiva ta' mhux iktar minn ħamsa u għoxrin elf euro (€25,000) għal kull ksur jew nuqqas ta' osservanza u, jew penali amministrattiva ta' mhux iżjed minn ħames mitt euro (€500) għal kull ġurnata li jseħħ il-ksur.

(4) L-Awtorità tista', permezz ta' stqarrija pubblika, tiżvela l-isem tal-persuna sanzjonata, il-ksur partikolari ta' strument regolatorju li jkun gie kommess, u, jew il-penali jew miżura amministrattiva imposta, fejn jidhrila li n-nuqqas ta' żvelar ikun ta' detriment għall-interessi ta' ġugaturi jew jikkawża ħsara

sproporzjonata lill-partijiet involuti.

(5) Kull impożizzjoni ta' multa jew sanzjoni amministrattiva tkun mingħajr preġudizzju għad-dritt tal-Awtorità li tirkupra kull miżata, kontribuzzjoni, dazju, taxxi u, jew kull ammont ieħor dovut li huma imposti b'dan l-Att jew tahtu li jkunu għadhom ma thallsux sad-data meta għandhom jithallsu. Dawn il-miżati u taxxi jkunu dovuti lill-Awtorità bħala dejn ċivili u, man-notifika ta' att ġudizzjarju għall-ħlas mill-persuna indikata fin-notifika, jikkostitwixxu titolu eżekuttiv għall-effetti u l-għanijiet kollha tat-
Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Kap. 12.
Organizzazzjoni u Proċedura Ċivili.

26. (1) Fil-każ ta' ksur ta' xi dispożizzjoni ta' dan l-Att jew ta' xi strument regolatorju ieħor, il-flejjes kollha jew oġġetti, li jirrapprezentaw l-attività tal-logħob, kif ukoll kull strument jew mezzji oħra wżati fil-logħob u li jistgħu jinstabu u jinqabdu mill-Pulizija u, jew l-Awtorità, f'xi tfittxija li ssir fuq xi persuna li tkun suspettata li tkun wettqet dak il-ksur jew li setgħu nstabu f'xi post suspettat li kien użat għal dak il-għan, jistgħu, sakemm ma jkunx ippruvat il-kuntrarju, jitqiesu bħala prova biżżejjed li daww il-flus, oġġetti jew post kienu fil-fatt użati għal-logħob u li l-persuni misjuba hemmhekk u fil-prossimità diretta ta' daww il-flejjes jew oġġetti wżati għal-logħob fil-ħin tat-tfittxija kienu qed jieħdu sehem f'dak il-logħob, għalkemm ebda mħatra jew logħob ma kien fil-fatt qed isir fil-preżenza tal-uffiċjali tal-Pulizija u, jew l-uffiċjali tal-Awtorità.

Xhieda
preżuntiva ta'
logħob.

(2) Meta xi uffiċjal tal-Pulizija jew xi uffiċjal tal-Awtorità debitament awtorizzat biex jidhul f'xi post li jkun suspettat li qed jintuża bi ksur ta' xi strument regolatorju xjentement ma jithalliex jew ikun imfixkel jew imdewwem milli jidhul f'dak il-post jew f'parti minnu, jew meta xi bieb jew mezz ieħor ikun li jkun jinsab f'xi post bħal dak biex ma jhallix, idewwem jew ifixkel id-dhul fih, jew biex jagħti allarm jew twissija f'każ ta' dhul bħal dak, jew jekk xi post bħal dak jew parti minnu jinsab mgħammar jew provdut b'xi tagħmir jew mezz għal imħatri jew logħob ieħor kontra l-liġi jew biex jaħbi, ineħhi jew jeqred xi strumenti wżati għal daww l-għanijiet illegali, tkun prova, sakemm ma jiġix ippruvat il-kuntrarju, li dak il-post kien użat għall-imħatri u logħob ieħor kontra l-liġi u li l-persuni misjuba go fih kienu qed jieħdu sehem f'attivitajiet bi ksur tal-istrument regolatorju rilevanti.

(3) Fil-każ ta' prosekuzzjoni taht id-dispożizzjonijiet ta' dan l-Att jew xi strument regolatorju ieħor, kull persuna li b'xi mod ikun li jkun hadet sehem jew issieħbet ma' xi persuna f'xi mħatra jew logħob ieħor kontra l-liġi, u li x-xiehda tagħha tkun meħtieġa biex tiġi ppruvata l-imsemmija akkuża, tista' tiġi mgieghla twiegebb għal kull

mistoqsija dwar dik l-akkuża għalkemm it-twegiba għaliha tkun tista' għgibha taht proċess kriminali; iżda f'kull każ bħal dan, kull persuna li tkun tat xiehda fuq dik l-akkuża, u li tkun xehdet fedelment is-sewwa mill-aħjar li taf, taqla' mill-qorti ċertifikat f'dak is-sens, u, bis-saħħa ta' dan iċ-ċertifikat, tkun meħlusa minn kull responsabbiltà kriminali għas-sehem li tkun ħadet fl-imħatra jew logħob ieħor kontra l-liġi li fuqhom tkun l-akkuża u li fuqhom hija tkun xehdet bħala xhud.

Konfiska favur l-Awtorità.

27. B'zieda ma' kull piena taht xi dispożizzjoni oħra ta' dan l-Att jew taht regolamenti magħmulin tahtu, kull makkinarju jew tagħmir ieħor u l-flejjes kollha li għandhom x'jaqsmu mat-twettieq ta' xi reat elenkati fit-Tielet Skeda, jew li jkunu servew jew li kienu maħsuba li jservu għat-twettieq ta' dak ir-reat, għandhom jiġu elevati u jiġu konfiskati favur l-Awtorità u jiġu approprijati favur il-Fond għal Logħob.

Rizerva dwar pieni oghla stabbiliti f'xi liġi oħra.

28. Meta l-fatt li jikkostitwixxi reat taht xi strument regolatorju u jkun ukoll jikkostitwixxi reat taht xi liġi oħra u jkun suġġett għal piena oghla taht dik il-liġi, dik il-piena oghla għandha tiġi applikata minflok il-piena stabbilita f'dan l-Att.

Kontrafazzjoni u falsifikazzjoni.

29. (1) Hadd ma jista' -

(a) jiffalsifika, jagħmel kontrafazzjoni jew ibagħbas xi apparat jew xi awtorizzazzjoni jew dokument ieħor ikun x'ikun mahruġin taht, użati jew li għandhom jintużaw għall-għanijiet ta' dan l-Att jew xi strument regolatorju ieħor; jew

(b) xjentement jiċċirkola xi apparat jew xi awtorizzazzjoni jew dokument ieħor li jkunu ffalsifikati, kontrafatti jew imbagħbsin.

(2) Hadd ma jista' juża, jew ikollu fil-pussess tiegħu, xi apparat, awtorizzazzjoni jew dokument ieħor mahruġin taht, użati jew li għandhom jintużaw għall-għanijiet ta' dan l-Att jew xi strument regolatorju ieħor, li dik il-persuna tkun taf, jew li imissha kienet taf, li jkunu ġew falsifikati, kontrafatti jew xort'oħra mbagħbsin.

(3) Kull min jikser id-dispożizzjonijiet tas-subartikoli (1) jew (2) ikun ħati ta' reat kontra dan l-Att. Iktar minn hekk, kull apparat, awtorizzazzjoni jew dokument ieħor imsemmija f'dawk is-subartikoli għandhom jiġu kkonfiskati favur l-Awtorità u jiġu approprijati favur il-Fond għal Logħob.

Post li jintuża għal logħob mhux legittimu.

30. (1) Kull min xjentement jippermetti l-użu ta' xi post bil-għan tal-operazzjoni, il-promozzjoni, il-bejgħ jew il-logħob ta' xi logħba bi ksur ta' xi dispożizzjoni ta' dan l-Att jew ta' xi strument regolatorju ieħor jew bi ksur ta' xi kondizzjoni meħmuża ma' xi

awtorizzazzjoni mahruġa mill-Awtorità, jew bil-għan ta' hżin ta' apparat involut fil-ksur ta' dan l-Att jew xi strument regolatorju ieħor, jew li xjentement jipprevjeni lil xi uffiċjal tal-Pulizija jew lil uffiċjal tal-Awtorità milli legittimament jidhol go dak il-post jew jostakola jew idewwem id-dhul ta' tali uffiċjal go xi post bħal dak b'xi mezz jew tagħmir ieħor ikun x'ikun, jew persuna li tagħti allarm jew twissija lil dik il-persuna, ikunu hatja ta' reat kontra dan l-Att.

(2) Meta uffiċjal tal-Pulizija jew uffiċjal tal-Awtorità jkun xjentement ostakolat jew imfixkel jew imdewwem kif imsemmi qabel, dan ikun prova, sakemm ma tingiebx prova kuntrarja, li dak il-post ikun qed jintuża għal dawk l-għanijiet illegittimi u li dawk il-persuni li nstabu hemm ġew kienu qegħdin jipparteċipaw fl-attivitajiet illegittimi rilevanti.

(3) B'żieda ma' kull piena taħt kull dispożizzjoni oħra ta' dan l-Att jew xi strument regolatorju ieħor, il-flus u l-effetti kollha li jirrapprezentaw il-ġugati kif ukoll kull flus u apparat użati biex tintlagħab logħba illegittima li jinstabu f'xi post imsemmi taħt is-subartikolu (1) għandhom jiġu elevati u konfiskati favur l-Awtorità u jiġu approprjati favur il-Fond għal Logħob.

31. Minkejja kull dispożizzjoni oħra ta' dan l-Att jew ta' xi liġi oħra, l-Awtorità tista', permezz tal-membri, uffiċjali, spetturi jew impjegati oħra tagħha jew permezz ta' partijiet terzi ingaġġjati għal dan il-għan, twettaq analiżi u investigazzjoni dwar it-tmexxija tal-operazzjonijiet ta' persuna awtorizzata, b'avviż minn qabel jew mingħajru, u billi tavża jew ma tavżax il-persuna awtorizzata rilevanti li l-persuna li qed twettaq dik l-analiżi u, jew l-investigazzjoni tkun qed taġixxi f'isem l-Awtorità.

Investigazzjoni b'avviż minn qabel jew mingħajru.

32. (1) Mingħajr preġudizzju għal kull setgħa li tiġi eżerċitata bis-saħħa tad-dispożizzjonijiet ta' dan l-Att jew ta' xi strument regolatorju ieħor, l-Awtorità tista' f'kull waqt tinnotifika persuna awtorizzata b'avviż fejn titolbu, b'dak il-mod u f'dak iż-żmien raġonevoli hekk kif jista' jiġi speċifikat fl-avviż, iġġib magħha jew tippovdi għall-ispezzjon minn jew għan-nom tal-Awtorità, kotba, dokumenti, vidjo, awdjo, informazzjoni jew kull haġ'oħra li l-Awtorità tkun taf, jew ikollha tassew raġun għaliex taħseb, li jkunu fil-pussess ta' persuna awtorizzata, jew li hi tkun taf bihom, bil-għan li twettaq xi waħda mill-funzjonijiet tagħha.

Setgħa li titlob għal dokumenti eċċ.

(2) Jekk mingħajr skuża raġonevoli xi htieġa li tiġi imposta bl-avviż li jiġi notifikat bis-saħħa tas-subartikolu (1) ma titharisx, il-persuna awtorizzata tkun hatja ta' reat taħt dan l-Att.

Dikjarazzjonijiet foloz, qarrieqa jew mhux kompleti.

33. Kull min, sabiex jikseb vantaġġ jew benefiċċju għalih innifsu jew għal oħrajn f'xi dokument maħsub għall-Awtorità, xjentement jagħmel dikjarazzjoni jew stqarrija li tkun falza, qarrieqa jew mod ieħor mhux kompleta, jew mod ieħor xjentement jagħti informazzjoni li tkun falza, qarrieqa jew mod ieħor mhux kompleta lill-Awtorità, ikun hati ta' reat kontra dan l-Att.

TAQSIMA VIII - Dispożizzjonijiet Finanzjarji

L-awtorità għandha tibbilanċja l-ispejjeż mad-dhul.

34. (1) Mingħajr preġudizzju għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, l-Awtorità għandha hekk tmexxi l-affarijiet tagħha li n-nefqa meħtieġa għat-twettiq kif imiss tal-funzjonijiet tagħha għandha, skont kemm ikun Prattiku, tkun bilanċjata mad-dhul tagħha.

(2) Id-dhul tal-Awtorità għandu jkun magħmul minn:

(a) dhul li hu derivat minn awtorizzazzjonijiet u miżati, rati jew drittijiet oħra, inklużi taxxi, kontribuzzjonijiet, dazji u hlasijiet oħra li jithallsu taħt dan l-Att jew xi liġi oħra li l-Awtorità teżercita funzjonijiet superviżorji jew regolatorji jew funzjonijiet simili fuqhom;

(b) hlasijiet minn kirjiet, imgħaxijiet jew profitti li jirriżultaw minn proprjetà, depożiti u attiv ieħor tal-Awtorità; u

(ċ) kwalunkwe flejjes oħra riċevuti mill-Awtorità.

Kap. 452.

Kap. 318.

Kap. 372.

(3) Minkejja d-dispożizzjonijiet ta' kull liġi oħra, il-pretensjoni tal-Awtorità għal xi ammont dovut fir-rigward ta' dawk il-miżati, rati, drittijiet u hlasijiet oħra inklużi penali amministrattivi tikkostitwixxi jedd bi privileġġ, u tiġi minnufih wara l-pagi ta' impjegati dovuti skont l-artikolu 20 tal-Att dwar l-Impjegi u r-Relazzjonijiet Industrijali u pretensjonijiet tad-Direttur għas-Servizzi Soċjali skont l-artikolu 116 tal-Att dwar is-Sigurtà Soċjali, u b'mod ugwali ma' pretensjonijiet tal-Kummissarju tat-Taxxi skont l-artikolu 23(11) tal-Att dwar l-Amministrazzjoni tat-Taxxa, u għandha tithallas wara l-pretensjonijiet dwar dawk il-pagi u dwar is-sigurtà soċjali u flimkien ma' dawk il-pretensjonijiet dwar taxxa fuq l-income bi preferenza fuq kull pretensjoni oħra kemm jekk privileġġjata jew ipotekarja.

(4) L-Awtorità għandha wkoll tithallas mill-Gvern mill-Fond Konsolidat dawk l-ammonti li l-Kamra tista' minn żmien għal żmien tawtorizza li jiġu approprjati biex minnhom issir in-nefqa ta' xogħlijiet speċifikati biex dawn jitkomplew jew xort'oħra isiru mill-Awtorità, li jkunu xogħlijiet ta' infrastruttura jew ta' xorta kapitali bħal dik.

(5) Il-fondi tal-Awtorità li ma jkunux minnufih meħtieġa biex issir in-nefqa minnhom jistgħu ikunu investiti skont id-dispożizzjonijiet ta' dan l-Att.

(6) L-Awtorità tista' tistabbilixxi "Fond ta' Riservi Ordinarji", li jiġu lili akkreditati fondi żejda biex jintużaw għall-għanijiet tal-Awtorità.

(7) Il-fondi żejda tal-Awtorità msemmija fis-subartikolu (6) għal kull sena finanzjarja tal-Awtorità għandhom jiġu determinati wara li l-Awtorità thallas kull nefqa kurrenti għal dik is-sena u wara li tipprovdi, inkluż għall-finijiet ta' kontingenzi, kif jidhrilha meħtieġ.

(8) Wara li jkunu saru l-allokkazzjonijiet imsemmija fis-subartikoli (6) u (7), dak li jibqa' mill-fondi li kienu żejda għandu jithallas lill-Gvern.

35. (1) L-Awtorità tista':

Kontroll tal-Awtorità fuq il-finanzi tagħha.

(a) jkollha kontijiet fi kwalunkwe bank;

(b) tikseb self, *overdrafts* jew kull forma oħra ta' kreditu kif jkun meħtieġ;

(c) tinvesti l-attiv tagħha jew xi parti minnu f'obbligazzjonijiet tal-ewwel klassi b'terminu qasir jew medju kif approvat mill-Bord;

(d) takkwista, tixtri, tikri jew tiddisponi minn kull proprjetà mobbli jew immobbli meħtieġa għat-twettiq tan-negożju tagħha jew għal xi għanijiet anċillari jew inċidentali għat-twettiq tal-funzjonijiet tagħha taħt dan l-Att.

(2) Sabiex twettaq il-funzjonijiet tagħha taħt dan l-Att, l-Awtorità tista' tissellef jew toħloq dawk is-somom ta' flus li tista' teħtieġ:

Izda għal kull ammont li jaqbeż ħames mitt elf euro (€500,000) tkun meħtieġa l-approvazzjoni tal-Ministru bil-miktub.

36. Il-Ministru jista' jagħmel avvanzi lill-Awtorità ta' dawk l-ammonti li huwa jista' jaqbel bħala li jkunu meħtieġa mill-Awtorità għat-twettiq ta' kull funzjoni tagħha taħt dan l-Att, u jista' jagħmel dawk l-avvanzi taħt dawk il-pattijiet u l-kondizzjonijiet li huwa jista' jqis xierqa. Kull tali avvanz jista' jkun magħmul mill-Ministru mill-Fond Konsolidat, u mingħajr ebda approprjazzjoni oħra li ma tkunx dan l-Att, b'ordni mahruġa bil-firma tiegħu li tkun tawtorizza lill-*Accountant General*

Avvanzi mill-Gvern.

jagħmel dak l-avvanz.

Eżenzjoni minn
taxxi.

37. L-Awtorità tkun hielsa minn kull obbligu għall-ħlas ta' taxxa fuq id-dħul, taxxa fuq dokumenti u trasferimenti, dazji ta' importazzjoni u tas-sisa, taħt kull liġi li tkun fis-seħħ f'dak iż-żmien.

Estimi tal-
Awtorità.

38. (1) L-Awtorità għandha tara li jithejjew f'kull sena finanzjarja tal-Awtorità, u għandha mhux iktar tard minn sitt ġimgħat wara tmiem kull tali sena thejji biex jiġu adottati mill-Bord tal-Gvernaturi, fi żmien sitt ġimgħat mill-preżentazzjoni bi jew mingħajr emendi, estimi tad-dħul u l-infieq tal-Awtorità għal dik is-sena finanzjarja.

(2) Fil-preparazzjoni ta' dawk l-estimi, l-Awtorità għandha ttipprova tiżgura li kull dħul totali tal-Awtorità jkun mill-anqas suffiċjenti biex ikopri l-ammonti kollha li jiġu addebitati b'mod korrett lill-kont ta' dħul u nfiq inkluż, iżda mingħajr preġudizzju għall-ġeneralità ta' dik il-frażi, id-deprezzament.

(3) L-estimi għandhom jiġu magħmula f'dik l-għamla u għandu jkun fihom dik l-informazzjoni u dak it-taqbil mas-snin ta' qabel hekk kif il-Bord jista' jordna.

(4) Minkejja d-dispożizzjonijiet tas-subartikolu (1), jekk dwar xi sena finanzjarja tal-Awtorità, jirriżulta li l-ammont approvat mill-Bord tal-Gvernaturi ma jkunx biżżejjed jew tqum ħtieġa għall-infieq għal fini li m'hemmx provdut dwarha fl-estimi, il-Kumitat Eżekuttiv jista' jadotta estimi supplimentari għall-approvazzjoni mill-Bord u f'xi tali każ id-dispożizzjonijiet ta' dan l-Att applikabli għall-estimi għandhom kemm jista' jkun prattiku japplikaw għall-estimi supplimentari.

(5) Il-Ministru għandu, mal-ewwel opportunità u mhux iktar tard minn sitt ġimgħat wara li jkun irċieva kopja tal-estimi mill-Awtorità, japprovhom b'xi emendi jew mingħajrhom.

Kontijiet u
verifika.

39. (1) L-Awtorità għandha tara li jinżammu kontijiet u kull dokumentazzjoni oħra kif dovut dwar l-operazzjonijiet tagħha, u għandha tara li jithejja prospett ta' kontijiet dwar kull sena finanzjarja tal-Awtorità.

(2) Il-kontijiet tal-Awtorità jiġu verifikati minn awdituri li jiġu maħtura mill-Bord minn fost persuni li huma kwalifikati biex jinhatru bhala awdituri ta' kumpanija:

Iżda l-Ministru jista' jeħtieġ li l-kotba u l-kontijiet tal-Awtorità jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dak l-għan ikollu s-setgħat kollha stabbiliti fl-Att dwar l-Awditur

Ġenerali u l-Uffiċċju Nazzjonali tal-Verifika.

40. L-Awtorità għandha, kemm jista' jkun malajr iżda mhux iktar tard minn hames xhur wara tmiem kull sena finanzjarja tal-Awtorità, tibgħat lill-Kamra permezz tal-Ministru kopja tal-kontijiet annwali tagħha debitament verifikata flimkien ma' rapport dwar l-attivitajiet tagħha matul is-sena ta' qabel.

Rapport annwali u prospetti finanzjarji verifikati.

41. (1) L-Awtorità għandha tohloq u żżomm fond, li jkun imsejjaħ "il-Fond għal Logħob", li fih jiġu akkreditati u jithallsu mill-Awtorità, wara li tkun irċeviethom -

Il-Fond għal Logħob.

(a) dik il-perċentwali mis-somom gross, miżati, drittijiet u, jew taxxi mħallsin minn persuni awtorizzati lill-Awtorità kif jista' jkun preskritt mill-Ministru b'regolamenti magħmulin taht dan l-Att; u

(b) dawk l-ammonti li jithallsu, skont kwalsijasi liġi jew kuntratt u kwalsijasi strument legali jew document ieħor ta' kull xorta, sew jekk domestiku sew jekk esteru jew internazzjonali, għall-Fond għal-Logħob Responsabbli; u

(ċ) l-ammonti l-oħra kollha li l-Awtorità hi meħtieġa takkredita lil u thallas fil-Fond għal Logħob b'dan l-Att jew tahtu jew kull liġi oħra,

(2) Il-fondi kollha li jkunu akkreditati lill-Fond għal Logħob, wara li jitnaqqas l-ammont approprjat favur il-Fond għal Kawżi Soċjali u, jew il-Fond għal-Logħob Responsabbli, jistgħu jintużaw għal dawk l-għanijiet legali li l-Awtorità tista', fid-diskrezzjoni tagħha, tqis neċessarju jew desiderabbli għat-twettieq kontinwu tal-funzjonijiet tagħha jew l-oġettivi prinċipali ta' dan l-Att.

TAQSIMA IX - Revizjoni Amministrattiva

42. (1) It-Tribunal ta' Revizjoni Amministrattiva stabbilit bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva, hawn iżjed 'il quddiem imsejjaħ "it-Tribunal", ikun kompetenti li jisma' u jiddeċiedi appelli skont dan l-Att.

Tribunal ta' Revizjoni Amministrattiva Kap. 490.

(2) It-Tribunal għandu jwettaq dawk il-funzjonijiet li jiġu assenjati lilu skont dan l-Att.

(3) Id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva, sa fejn japplikaw għat-Tribunal tar-Revizjoni Amministrattiva, għandhom japplikaw għal kull proċedura quddiem l-imsemmi Tribunal, hliet fejn dawk id-dispożizzjonijiet huma

konfligġenti mad-dispożizzjonijiet ta' dan l-Att, f'liema każ jipprevalu d-dispożizzjonijiet ta' dan l-Att, u l-kliem "amministrazzjoni pubblika" fl-imsemmija liġi għandhom jinftiehem bħala referenza għall-Awtorità.

(4) It-Tribunal ikollu d-dritt li jharrek kull persuna biex tagħti xhieda jew ġgib kotba jew dokumenti oħra quddiemu:

Iżda:

(a) l-iskrivan, l-aġent, l-impjegat jew persuna oħra impjegata f'kariga konfidenzjali fl-affarijiet tal-appellant u l-ġenituri, il-konjuġi jew l-ulied tal-appellant ma għandhomx jissejhu biex jagħtu x-xhieda tagħhom jew ikunu eżaminati ħlief fuq it-talba tal-appellant;

(b) ħlief fuq it-talba tal-appellant, ebda persuna ma tkun eżaminata dwar xi tagħrif li jolqot lill-appellant meta dwar dak it-tagħrif l-appellant ikun marbut bis-sigriet professjonali. Din l-eċċezzjoni ma tapplikax għal membri jew impjegati jew persuni li kienu membri jew impjegati tal-Awtorità li l-Awtorità titlob li jagħtu xhieda sabiex tibni l-każ tagħha.

(6) (a) It-Tribunal għandu jiżgura li l-membri tiegħu li jintgħażlu sabiex jiġġudikaw dwar l-appell skont dan l-Att ikunu ħielsa minn kull konflitt ta' interess.

(b) Kull membru tat-Tribunal għandu jastjeni f'każijiet ta' konflitt ta' interess, u fl-assenza ta' dik l-astensjoni jista' jiġi rikuzat minn kwalunkwe parti fl-appell:

Iżda għall-finijiet ta' dan is-subartikolu, membru tat-Tribunal jitqies li jkollu konflitt ta' interess:

(i) għar-raġunijiet li għalihom imħallef jew maġistrat jista' jiġi rikuzat jew jastjeni skont il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;

(ii) jekk ikun qabel esprima l-opinjoni professjonali tiegħu fir-rigward tal-kwistjoni fl-appell jew fuq xi haġa li hi ta' konsiderazzjoni importanti fir-rigward tal-kwistjoni fl-appell; jew

(iii) jekk jipprovdi servizzi professjonali mhux ta' darba lil kompetitur dirett ta' wahda mill-partijiet fl-appell b'dak il-mod li dan jista' idgħajjed l-imparzjalità tiegħu, jew jagħti dehra raġjonevoli ta' nuqqas ta' imparzjalità.

(7) Il-membri tat-Tribunal ma jkunux responsabbli personalment għal xi att jew ommissjoni tat-Tribunal magħmul jew li jkun naqas milli jsir *bona fide* fil-kors tal-operat tat-Tribunal.

43. (1) Kull persuna li tħoss ruħha aggravata minn deċiżjoni tal-Awtorità tista', fi żmien għoxrin gurnata minn meta jiġi notifikat lilha l-avviż tal-Awtorità, tappella lit-Tribunal ta' Revizjoni Amministrattiva: Dritt ta' appell.

Iżda meta d-deċiżjoni li qed tiġi appellata tirrigwarda l-eżerċizzju ta' diskrezzjoni mill-Awtorità, it-Tribunal m'għandux jidhol fil-merti ta' dik id-diskrezzjoni sakemm dik id-diskrezzjoni tkun giet eżerċitata kif suppost:

Iżda wkoll ma jkun hemm l-ebda appell minn:

(a) deċiżjoni tal-Awtorità li timponi multa ta' mhux iżjed minn elfejn euro (€2000) jew xi ċanfira jew twissija; u, jew

(b) deċiżjoni tal-Awtorità li tiċhad l-għoti ta', jew li tissospendi jew tħassar liċenza jew xi awtorizzazzjoni oħra għal raġunijiet tal-interess nazzjonali jew bix tissalvagwardja r-reputazzjoni ta' Malta.

(2) Appell magħmul taht dan l-artikolu ma jissospendix l-operat tad-deċiżjoni li dwarha jsir l-appell:

Iżda deċiżjoni li tħassar liċenza jew biex tiġi imposta penali amministrattiva skont dan l-Att jew xi strument regolatorju ieħor m'għandhiex tibda' sseħħ qabel ma jispiċċa t-terminu li fih jista' jsir appell taht dan l-artikolu u, jekk isir appell f'dan it-terminu, id-deċiżjoni għandha tibda' seħħ fid-data tad-deċiżjoni tat-Tribunal li tiċhad l-appell jew fid-data meta l-appell ikun deżert:

Iżda wkoll meta jsir appell dwar deċiżjoni biex tithassar liċenza jew xi awtorizzazzjoni oħra, sakemm l-appell jiġi deċiż il-liċenza jew l-awtorizzazzjoni rilevanti għandha titqies sospiza.

(3) Kull persuna li tappella għandha tidher quddiem it-Tribunal jew hi stess jew permezz ta' agent fil-gurnata u fil-ħin stabbilit biex jinstema' l-appell:

Iżda jekk tingħata prova għas-sodisfazzjon tat-Tribunal li minhabba assenza minn Malta, mard jew xi kawża raġjonevoli oħra, xi persuna ma tkunx tista' tattendi għas-smiġħ tal-appell tagħha fil-gurnata u fil-ħin stabbilit għal dan il-għan, it-Tribunal jista' jipposponi s-smiġħ ta' dak l-appell għal dak iż-żmien raġjonevoli li

jidhirlu meħtieġ sabiex l-appellant ikun jista' jattendi.

(4) Il-piż tal-prova li d-deċiżjoni tal-Awtorità hi ingusta jkun fuq l-appellant.

(5) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (2), it-Tribunal ikollu s-setgħa li jikkonferma jew jannulla d-deċiżjoni jew jagħti dak l-ordni dwarha kif jidhirlu xieraq.

Ċerti dispożizzjonijiet li għandhom jiġu osservati fis-smiġħ ta' appelli.

44. Id-dispożizzjonijiet li ġejjin għandhom isehħu għall-finijiet ta' appell magħmul skont l-artikolu 43:

(a) it-Tribunal għandu sommarjament jiċhad kull appell quddiemu kemm-il darba ma tingiebx quddiemu prova *prima facie* li, sad-data li fiha jkun sar l-appell, l-appellant ikun ippreżenta d-dokumentazzjoni u informazzjoni kollha li tappoġġa l-argument tiegħu mal-Awtorità fir-rigward tad-deċiżjoni li hi tiffirma l-materja tal-appell:

Iżda tista' tiġi prezentata xhieda ġdida waqt l-appell jekk il-parti li tipproduċi x-xhieda tagħti prova li ma kenitx taf b'dik ix-xhieda qabel ma sar l-appell jew ma setgħetx, bil-mezzi provduti mil-liġi, tipproduċi dik ix-xhieda;

(b) it-Tribunal għandu sommarjament jiċhad kull appell li t-Tribunal jidhirli li hu frivolu u vessatorju. F'kull każ bħal dan, l-ispejjeż kollha jithallsu mill-appellant, u t-Tribunal jista' wkoll jimponi fuq l-appellant multa nominali ta' mhux iżjed minn elf euro (€1,000) li jitqies dejn ċivili, u pagabbli lill-Awtorità, li dwaru jkun hemm titolu eżekuttiv.

Appelli fuq punt ta' liġi.

45. (1) Kull persuna li, wara li tkun appellat lit-Tribunal, tħoss ruħha aggravata bid-deċiżjoni tat-Tribunal tista', permezz ta' rikors ippreżentat fi żmien għoxrin ġurnata mid-deċiżjoni tat-Tribunal, tappella lill-Qorti tal-Appell (Ġurisdizzjoni Inferjuri) fuq punt ta' liġi biss.

(2) L-Awtorità tista', jekk tħoss ruħha aggravata bid-deċiżjoni tat-Tribunal, permezz ta' rikors ippreżentat fi żmien għoxrin ġurnata mid-deċiżjoni tat-Tribunal, tappella lill-Qorti tal-Appell (Ġurisdizzjoni Inferjuri) fuq punt ta' liġi biss.

(3) Sakemm xi strument regolatorju ma jipprovdi għal perjodu itwal, il-partijiet għandhom jingħataw avviż ta' mhux inqas minn ħamest ijiem tax-xogħol dwar id-data stabbilita għas-smiġħ tal-appell.

(4) Il-Qorti tista' tikkonferma jew tannulla d-deċiżjoni tat-

Tribunal jew tagħti dawk l-ordnijiet dwarha kif jidhrilha xieraq.

(5) L-ispejjeż tal-appell ikunu fid-diskrezzjoni tal-Qorti, u għandhom ikunu somma stabbilita mir-reġistratur:

Iżda jekk il-Qorti tiddeċiedi li l-appell hu frivolu u vessatorju, l-ispejjeż ikunu fuq l-appellant.

(6) Il-Ministru jista', wara li jikkonsulta mal-Ministru responsabbli għall-gustizzja, permezz ta' regolamenti jistabbilixxi d-drittijiet li għandhom jithallsu fir-reġistru tal-qrati fir-rigward tal-preżentata ta' atti ġudizzjarji li għandhom x'jaqsmu ma' appell lill-Qorti tal-Appell (Ġurisdizzjoni Inferjuri) taħt dan l-artikolu:

Iżda sakemm jiġu hekk stabbiliti d-drittijiet mill-Ministru, għandhom jiġu applikati d-drittijiet li jinsabu fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

TAQSIMA X - Amministrazzjoni

46. (1) Mingħajr preġudizzju għas-setgħat mogħtija lill-Awtorità b'dan l-Att jew tahtu, l-Awtorità tista', f'każijiet eċċezzjonali fejn tkun raġjonevolment sodisfatta li dan ikun aħjar milli tittiehed kull azzjoni oħra, tipproċedi biex tiegħu xi waħda jew iktar mill-miżuri li ġejjin: Hatra ta' amministratur.

(a) taħtar amministratur biex jieħu ħsieb tal-attiv kollu, jew parti minnu, tal-persuna awtorizzata, sabiex jiġu mħarsa l-fondi tal-ġugarturi, l-interessi tal-ġugaturi u l-interessi tal-impjegati tal-persuna awtorizzata;

(b) taħtar amministratur biex jassumi l-kontroll tal-kummerċ tal-persuna awtorizzata, jew li jkompli dak il-kummerċ jew sabiex iwettaq dik il-funzjoni jew funzjonijiet oħra fir-rigward ta' dak in-negozju, jew parti minnu, kif l-Awtorità tista' tordna,

u permezz ta' rikors titlob il-ħatra ta' dak l-amministratur mill-Qorti Ċivili (Sezzjoni tal-Ġurisdizzjoni Volontarja), b'dik ir-rimunerazzjoni kif il-Qorti jidhrilha xieraq:

Hekk iżda li, fejn l-attiv tal-persuna awtorizzata mhux suffiċjenti biex jiġu sodisfatti l-obbligi tagħha, ir-rimunerazzjoni li għandha tithallas lill-amministratur u l-ispejjeż u ħlasijiet legali li jonfoq l-amministratur fit-twertieq tal-funzjonijiet tiegħu għandhom jithallsu fl-istess ordni ta' prijorità bħal spejjeż u ħlasijiet oħra li jonfoq likwidatur, u r-rimunerazzjoni li jithallas, fi stralċ wara insolvenza skont l-artikolu 258 tal-Att dwar il-Kumpanniji. Kap. 386.

(2) Meta jiġi hekk maħtur amministratur -

(a) taħt is-subartikolu (1)(a), il-persuna awtorizzata hi obbligata li tikkonsenja lil dak l-amministratur maħtur l-attiv kollu, kemm mobbli kif ukoll immobbli, li jkun responsabbli għalih, u s-setgħat, funzjonijiet u dmirijiet tal-persuna awtorizzata fir-rigward ta' dak l-attiv, inklużi dawk eżerċitati mill-persuna awtorizzata f'laqgħa ġenerali, jew mid-diretturi, jew minn xi persuna oħra, inkluża r-rappreżentanza legali u ġuridika tal-persuna awtorizzata, ikunu eżerċitabbli minn u jkunu vestiti fl-amministratur maħtur taħt l-imsemmi subartikolu bl-esklużjoni ta' kull persuna oħra;

(b) taħt is-subartikolu (1)(b), il-persuna awtorizzata għandha tissottometti n-negozju tagħha taħt il-kontroll ta' dak l-amministratur maħtur u għandha tipprova lil dik il-persuna dawk il-faċilitajiet li jistgħu jkunu meħtieġa sabiex jitkomplu n-negozju jew biex jitwettqu l-funzjonijiet mogħtija lil dik il-persuna taħt l-imsemmi subartikolu; u s-setgħat, funzjonijiet u dmirijiet kollha tal-persuna awtorizzata, inkluża r-rappreżentanza legali u ġuridika tal-persuna awtorizzata, ikunu eżerċitabbli minn u jkunu vestiti fl-amministratur maħtur taħt l-imsemmi subartikolu bl-esklużjoni ta' kull persuna oħra.

(3) L-Awtorità tista', fejn jidhrilha li jkun fl-aħjar interess ta' ġugaturi jew tal-pubbliku ġenerali, tagħmel jew toħroġ dikjarazzjonijiet pubbliċi jew avvizi li jkun fihom twissijiet jew informazzjoni dwar kull miżura meħuda skont dan l-artikolu.

(4) L-Awtorità tista' teħtieġ lill-persuna awtorizzata kkonċernata biex tħallas l-ispejjeż kollha ta', u inċidentali għal, il-pubblikazzjoni jew hrug ta' dikjarazzjonijiet pubbliċi jew avvizi f'konformità ma' dan l-artikolu, jew dik il-parti minnhom li jidhrilha xieraq; u kull somma hekk dovuta għandha tiġi rkuprata mill-Awtorità bħala dejn ċivili.

(5) L-amministratur iżomm il-kariga -

(a) għal dak iż-żmien li jiġi stabbilit mill-Qorti; jew

(b) fl-assenza ta' perjodu stabbilit mill-Qorti, sa dak iż-żmien li l-Qorti, jew l-Awtorità, jidhriha meħtieġ,

sakemm ma jirriżenjx qabel permezz ta' nota ppreżentata quddiem il-Qorti u notifikata lill-Awtorità.

(6) L-Awtorità tista', permezz ta' strument vinkolanti,

tispeċifika b'aktar dettall ir-responsabbiltajiet ta' amministratur mahtur skont din it-Taqsima, il-proċeduri li għandhom jiġu osservati fir-rigward ta' dik il-ħatra, u hwejjeġ anċillari oħra.

TAQSIMA XI - Mixxellanji

47. Sakemm ma jiġix dikjarat il-kuntrarju f'dan l-Att jew f'xi strument regolatorju ieħor, f'każ li jkun hemm kunflitt bejn dan l-Att jew xi strument regolatorju ieħor u xi dispożizzjoni li għandha x'taqsam mal-logħob f'xi liġi oħra, jipprevali dan l-Att jew dak l-istrument regolatorju, kif ikun il-każ.

Kunflitt bejn dan l-Att u xi liġi oħra.

48. (1) Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-ħatra ta' uffiċjali u ta' impjegati oħra tal-Awtorità, u l-pattijiet u l-kondizzjonijiet tal-impieg għandhom jiġu stabbiliti mill-istess Awtorità.

ħatra ta' uffiċjali u impjegati.

(2) L-Awtorità għandha tahtar u timpjega, b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet kif tista' tistabbilixxi skont dan l-artikolu, lil dawk l-uffiċjali u impjegati tal-Awtorità li jistgħu minn żmien għal żmien ikunu meħtieġa għat-twettiq kif imiss u effiċjenti tal-funzjonijiet tal-Awtorità. Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-artikolu u ta' dan l-Att, il-ħatra u l-impjeg ta' uffiċjali u impjegati jkunu regolati bid-dispożizzjonijiet tat-Tieni Skeda.

(3) L-ebda membru, impjegat jew uffiċjali ieħor tal-Awtorità ma jista' jieħu sehem f'logħob offert minn operatur regolat mill-Awtorità.

(4) Għall-finijiet tal-Kodiċi Kriminali u ta' kull dispożizzjoni ta' natura penali f'xi liġi oħra, il-membri tal-Awtorità u l-uffiċjali u l-impjegati kollha tagħha jitqiesu bħala uffiċjali pubbliċi.

Kap. 9.

49. L-Awtorità u l-uffiċjali u l-impjegati tal-Awtorità ma jkunux responsabbli għal danni għal xi haġa li ssir u li tkun naqset milli ssir fit-twettiq jew fit-twettiq intenzjonat ta' xi funzjoni taht dan l-Att jew taht xi liġi oħra amministrata mill-Awtorità, jew mod ieħor fl-eżerċizzju tad-dmirijiet uffiċjali tagħhom sakemm l-att jew l-ommissjoni ma jkunux saru jew ikunu naqsu milli jsiru, kif ikun il-każ, b'*mala fede*.

Limitazzjoni ta' responsabbiltà.

50. L-Awtorità tista' tingaġġa dawk il-konsulenti, u dawk in-nies li jagħtu parir, li tista' tqis neċessarji biex jassistuha fit-twettiq tal-funzjonijiet tagħha.

Konsulenti u nies li jagħtu parir.

Ma jistax
jintuża l-isem
tal-Awtorità
mingħajr
kunsens.

51. Hadd ma jista', mingħajr il-kunsens bil-miktub minn qabel tal-Awtorità, jagħmel jew jara li ssir xi stqarrija f'xi forma viżwali, verbali jew f'xi forma oħra, kemm speċifikament jew b'implikazzjoni, li jkollha l-effett li tagħti x'tifhem li xi attività mwettqa minn dik il-persuna hi approvata jew qed titwettaq bil-kooperazzjoni jew l-assistenza tal-Awtorità, jew li dik il-persuna qiegħdha mod ieħor tikkollabora ma' jew tassisti lill-Awtorità.

Notifika ta'
avviżi.

52. Meta avviż, ikun kif ikun deskritt, hu meħtieġ li jingħata mill-Awtorità lil xi persuna kemm jekk taħt dan l-Att jew taħt xi liġi oħra amministrata mill-Awtorità, l-avviż għandu jiġi indirizzat lil dik il-persuna b'wieħed mill-modi li ġejjin:

(a) billi jitwassal għand il-persuna li lilha għandu jiġi notifikat jew li lilha għandu jiġi konsenjat;

(b) billi jithalla fl-indirizz fejn il-persuna tkun soltu toqgħod jew l-aħħar kienet toqgħod, jekk dik il-persuna kienet forniet dak l-indirizz jew, jekk dik il-persuna kienet forniet indirizz fejn għandha tiġi notifikata, f'dak l-indirizz;

(ċ) billi jintbagħat bil-posta reġistrata indirizzata lil dik il-persuna fl-indirizz fil-post fejn toqgħod jew fl-indirizz għal notifika kif imsemmi qabel;

(d) fil-każ ta' korp magħqud jew xi korp ieħor ta' persuni, billi jintbagħat lil ufficjal jew impjegat ta' dak il-korp fl-uffiċċju reġistrat jew prinċipali jew billi jintbagħat bil-posta reġistrata indirizzata lill-imsemmi korp f'dak l-uffiċċju;

(e) f'kull każ fejn l-Awtorità tqis li l-għoti immedjat tal-avviż ikun meħtieġ, billi jintbagħat, permezz ta' mezzi elettronici, bħal posta elektronika lill-persuna:

Hekk iżda li l-mezzi li jintużaw huma tali li jagħmlu possibbli l-produzzjoni ta' prova li jkun intbagħat; jew

(f) f'kull każ fejn ma jkunx raġonevolment possibbli li ssir notifika jew li jingħata avviż f'xi mod minn dawk hawn qabel imsemmija sew lil kull jew lil xi persuna waħda jew iżjed li lilhom għandha ssir in-notifika jew jingħata l-avviż, billi d-dokument li għandu jiġi notifikat jew mogħti jitwaħħal f'post fejn jidher sew mal-bini li jkun jirrigwarda u jinżamm hekk imwaħħal għal perjodu ta' mhux inqas minn sebat ijiem tax-xogħol u billi jiġi ppubblikat il-kontenut tiegħu fil-Gazzetta.

Ilsien tar-
regolamenti u
direttivi.

53. Regolamenti li jistgħu jsiru mill-Ministru fuq il-parir tal-Awtorità jew wara konsultazzjoni magħha taħt kull Att li dwaru l-

Awtorità giet mahtura bhala l-awtorità kompetenti, u kull direttiva jew strumenti oħra regolatorji li jistgħu jinħargu mill-Awtorità skont d-dispożizzjonijiet ta' dan l-Att jew xi strument regolatorju ieħor, jistgħu jiġu ppubblikati bl-ilsien Inġliż biss.

54. L-artikoli 1713 u 1716 tal-Kodiċi Ċivili ma għandhomx japplikaw fir-rigward ta' loġħba li hi legalment prevista skont id-dispożizzjonijiet ta' dan l-Att jew xi strument regolatorju ieħor u, jew li hi provduta minn operatur li hu legalment awtorizzat b'dan l-Att jew tahtu.

Ċerti dispożizzjonijiet ma japplikawx. Kap. 16.

55. Minkejja kull liġi oħra, inkluż l-Att dwar il-Protezzjoni u l-Privatezza tad-Data, l-Awtorità tista', sabiex twettaq il-funzjonijiet tagħha taht dan l-Att jew xi strument regolatorju ieħor, iżżomm informazzjoni, inkluża informazzjoni personali, għal dak il-perjodu ta' żmien li jidhrilha meħtieġ fid-diskrezzjoni tagħha, jew indefinitivament, kif ikun il-każ.

Żamma ta' informazzjoni. Kap. 440.

56. Kull talba ta' kwalsijasi natura magħmula fil-konfront tal-Awtorità għandha tingieb fi żmien sentejn minn meta l-persuna interessata ssir taf jew setgħet issir taf bl-att jew omissjoni li minnha temerġi t-talba, skont liema tiġi l-ewwel:

Terminu perentorju.

Iżda, għall-finijiet ta' kjarizza, iż-żmien imsemmi f'dan l-artikolu huwa terminu perentorju u għaldaqstant mhux soġġett għal kwalunkwe sospensjoni, interruzzjoni, jew kwalsijasi estensjoni.

57. (1) Bla ħsara għad-dispożizzjonijiet tas-subartikoli (4), (5) u (6), l-Att dwar Lotteriji u Loġħob Ieħor, l-Att dwar il-Loġħob, l-Ordinanza dwar il-Lottu Pubbliku, l-Att għat-Twaqqif tal-Kariga ta' Direttur tal-Lottu Pubbliku u l-Att dwar il-Lotteriji tal-Gvern, hawn iżjed 'il quddiem kollettivament imsejha "il-legiżlazzjoni mħassra", flimkien ma' kull legiżlazzjoni sussidjarja magħmula tahtom, huma b'dan imħassra mingħajr preġudizzju għal dak kollu li sar jew naqas milli jsir tahtom.

Thassir tal-Att dwar Lotteriji u Loġħob Ieħor, l-Att dwar il-Loġħob u l-Ordinanza dwar il-Lottu Pubbliku, u kif għandhom jinftiehem referenzi għalihom. Kap. 438. Kap. 400. Kap. 70.

(2) Kull referenza f'xi liġi jew kuntratt privat jew f'xi strument jew dokument legali ieħor, ikun li jkun, lokali, barrani jew internazzjonali, għall-Awtorità Maltija dwar il-Lotteriji u l-Loġħob jew għall-Awtorità Maltija dwar il-Loġħob għandha tinqara u tinftiehem bhala referenza għall-Awtorità ta' Malta dwar il-Loġħob stabbilita b'dan l-Att.

(3) Kull referenza f'xi liġi jew kuntratt privat jew f'xi strument jew dokument legali ieħor, ikun li jkun, lokali, barrani jew internazzjonali, għal-legiżlazzjoni mħassra u, jew xi legiżlazzjoni sussidjarja magħmula jew strument vinkolanti maħruġ tahtom għandhom, sa meta jiġu revokati, jinqraw u jinftiehem bhala

referenza għal dan l-Att u kull strument regolatorju applikabbli.

(4) Id-dispożizzjonijiet tal-leġiżlazzjoni mhassra, inkluża l-leġiżlazzjoni sussidjarja magħmula taħthom, għandha tibqa' fis-sehħ sal-31 ta' Diċembru 2018:

Iżda sa fejn dawn id-dispożizzjonijiet japplikaw għal logħob provdut b'mezzi ta' komunikazzjoni minn distanza, dawk id-dispożizzjonijiet għandhom jibqgħu biss fis-sehħ sat-30 ta' Ġunju 2018.

(5) (a) Sal-31 ta' Diċembru 2018, fejn ikun hemm kunflitt bejn dan l-Att u strumenti regolatorji maħruġa tahtu, u xi dispożizzjoni li tirrigwarda logħob provdut f'fondi għal-logħob fil-leġiżlazzjoni mhassra, inkluża leġiżlazzjoni sussidjarja magħmula taħthom, għandhom jipprevalu d-dispożizzjonijiet tal-leġiżlazzjoni mhassra.

(b) Sabiex ma jkun hemm l-ebda dubju, wara l-1 ta' Lulju 2018, fejn ikun hemm kunflitt bejn dan l-Att u strumenti regolatorji maħruġa tahtu, u xi dispożizzjoni li tirrigwarda logħob b'mezzi ta' komunikazzjoni minn distanza fil-leġiżlazzjoni mhassra, inkluża leġiżlazzjoni sussidjarja magħmula taħthom, għandhom jipprevalu d-dispożizzjonijiet ta' dan l-Att u l-istrumenti regolatorji maħruġa tahtu.

(6) Minkejja d-dispożizzjonijiet tas-subartikoli preċedenti, ir-Regolamenti dwar Fond għal Logħob Responsabbli u r-Regolamenti dwar Fond għal GamingMalta u r-Regolamenti tal-2017 dwar Miżati għal Liċenzi tal-Logħob għandhom jibqgħu fis-sehħ u jibqgħu jkollhom effett bħallikieku saru taht dan l-Att.

L.S. 438.08
L.S. 438.09
L.S. 438.12.

Uffiċjali
pubbliċi li
jitqabbd
jagħmlu
dmirijiet mal-
Awtorità.

Emenda u
revoka ta'
leġiżlazzjoni
ohra.

58. Il-Prim Ministru jista', fuq talba tal-Awtorità, minn żmien għal żmien jordna li xi uffiċjal pubbliku jitqabbad jaqdi dmirijietu mal-Awtorità, f'konformità mat-Tieni Skeda.

59. (1) Il-leġiżlazzjoni fl-Ewwel Kolonna tat-Taqsima A tar-Raba' Skeda għandu jkollha effett soġġetta għall-emendi li jidhru fir-rigward tagħha fit-Tieni Kolonna tal-imsemmija Skeda.

(2) Il-leġiżlazzjoni msemmija fit-Taqsima B tar-Raba' Skeda, hawn iżjed 'il quddiem imsejha "il-leġiżlazzjoni revokata", għandha tiġi revokata.

L-EWWEL SKEDA

(Artikolu 6(4))

Kompożizzjoni u tmexxija tal-affarijiet tal-Bord

1. (1) Il-Bord għandu jistabbilixxi l-politika li għandha tkun segwita mill-Awtorità. Fid-determinazzjoni ta' dik il-politika, il-Bord għandu jsegwi l-linji gwida ta' politika hekk kif tista' tiġi stabbilita mill-Ministru. Il-Bord għandu jkun ukoll responsabbli biex jagħti pariri lill-Gvern fir-rigward tal-funzjonijiet u l-ksib tal-oġettivi tal-Awtorità skont dan l-Att.
- (2) Il-Bord tal-Gvernaturi għandu jkun magħmul minn dawn li ġejjin:
 - (a) *Chairperson*, mahtur mill-Ministru; u
 - (b) erba' Gvernaturi oħra mahtura mill-Ministru minn fost persuni li jkunu għamli isem fin-negozju, f'attivitajiet finanzjarji, fil-professjonijiet, fis-servizzi pubbliċi jew affarijiet akkademiċi u li fl-opinjoni tiegħu huma kapaċi jirrappreżentaw il-fehma tal-industrija u min jaħdem fiha.
- (3) Iċ-*Chairperson* u l-membri l-oħra tal-Bord għandhom jinhatru għal perjodu ta' mhux iżjed minn tliet snin, kif jista' jiġi speċifikat fl-istrument tal-ħatra. Iżda l-persuni hekk mahtura jistgħu jerġgħu jiġu mahtura meta jispiċċa l-perjodu tal-kariga tagħhom.
- (4) Il-Ministru jista' jinnomina wieħed mill-membri l-oħra tal-Bord bħala Viċi *Chairperson*, u l-membri hekk nominat ikollu kull setgħa u jwettaq il-funzjonijiet kollha taċ-*Chairperson* matul in-nuqqas jew inabilità tiegħu li jagħmilha ta' *Chairperson* jew filwaqt li ċ-*Chairperson* ikun qiegħed vaganza jew matul xi vakanza fil-kariga ta' *Chairperson*:

Iżda l-Ministru jista' wkoll, f'kull ċirkostanza msemmija hawn qabel f'dan is-subartikolu, jahtar lil xi persuna oħra biex tagħmilha ta' *Chairperson* u f'dak il-każ, id-dispożizzjonijiet ta' qabel ta' dan is-subartikolu u d-dispożizzjonijiet tas-subartikolu li ġej għandhom japplikaw dwar dik il-persuna.
- (5) (a) Persuna ma tkunx kwalifikata li tinhatar *Chairperson* jew bħala membru tal-Bord tal-Gvernaturi, jew ta' xi organu ieħor tal-Awtorità, jew li jkollha xi kariga oħra fl-Awtorità jekk hija:
 - (i) hi d-detentur ta' licenza jew awtorizzazzjoni maħruġa mill-Awtorità, jew mod ieħor taqa' taht il-funzjonijiet regolatorji jew superviżorji tal-Awtorità; jew
 - (ii) hi direttur, uffiċjali jew impjegat ta' dak id-detentur jew kull persuna oħra msemmija fis-subparagrafu (i); jew

(iii) għandha interess finanzjarju jew xi interess ieħor f'xi intrapriża jew attività direttament relatata mal-logħob;

(iv) hi Ministru, Segretarju Parlamentari jew membru tal-Kamra tad-Deputati;

(v) hi mħallef jew maġistrat tal-qrati tal-ġustizzja;

(vi) tkun ġiet iddikjarata falluta jew waslet għal kompożizzjoni jew arrangament mal-kredituri tagħha;

(vii) tkun legalment inkapaċitata jew interdetta;

(viii) tkun instabet hatja ta' xi reat punibbli bi prigunerija għal perjodu ta' sitt xhur jew iżjed;

(ix) tkun instabet hatja ta' xi reat taħt dan l-Att jew xi liġi oħra li jirrigwarda l-logħob jew xi reat kontra l-fiduċja pubblika;

(x) ħadet sehem fi jew kienet assoċjata ma' xi prattika ta' negozju oħra jew mod ieħor ġabet ruħha b'dak il-mod li jixhet dubju fuq il-kompetenza jew l-kapaċità tagħha; jew

(xi) m'hijiex mod ieħor persuna adatta u xierqa biex tokkupa dik il-kariga.

(b) Biex jistabbilixxi jekk persuna tkunx adatta u xierqa, il-Ministru għandu jqis l-integrità ta' dik il-persuna, il-kompetenza u l-kapaċità tagħha biex twettaq ir-responsabbiltajiet ta' dik il-kariga, id-diligenza li biha dik il-persuna tkun qed twettaq jew x'aktarx twettaq dawk ir-responsabbiltajiet u jekk l-interessi ta' xi persuna huma, jew x'aktarx ikunu, mhedda waqt li tkun f'dik il-kariga.

(6) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-kariga ta' membru tal-Bord issir vakanti:

(a) meta jiskadi l-perjodu tagħha tal-kariga;

(b) jekk tirriżenja;

(ċ) jekk ikun hemm ċirkostanzi li jiskwalifikaw lil dak il-membru milli jibqa' fil-kariga bħala membru tal-Bord; jew

(d) jekk titneħħa mill-kariga skont dan l-artikolu.

(7) Membru tal-Awtorità jista' jitneħħa mill-kariga jekk:

(a) fil-fehma tal-Ministru, dak il-membru ma jkunx idoneu biex jibqa' fil-kariga jew ma jkunx baqa' kapaċi li jaqdi dmirijietu sew bħala

membru;

(b) l-imġiba jew il-prestazzjoni tal-membru tnissel dubju dwar kemm huwa jkun idoneu jew kapaċi li jibqa' membru, b'mod partikolari dwar imġiba li tkun tolqot jew tista' tolqot l-fama, l-indipendenza jew l-awtonomija tiegħu, jew il-fama, l-indipendenza jew l-awtonomija tal-Awtorità;

(ċ) il-membru jkun instab ħati ta' reat kriminali li jinvolvi l-fiduċja pubblika, jew ta' serq jew frodi, jew li jkun xjentement laqa' għandu oġġetti miksubin b'serq jew frodi jew ta' tixhim jew ta' *money laundering*, hekk li l-Ministru jista' jissospendi lill-membru jekk huwa jkun qed jiġi investigat dwar reat kriminali;

(d) jekk il-Membru jonqos milli jwettaq dmirijietu għal żmien twil mingħajr ebda ġustifikazzjoni valida:

Iżda minkejja dak kollu msemmi hawn qabel, ikun hemm kawża għat-tneħħija ta' membru jekk dak il-membru għal xi raġuni jonqos milli jwettaq dmirijietu, inkluż li jattendi għal-laqgħat tal-Bord, għal perjodu li jibqa' għaddej u li jeċċedi s-sitt xhur;

(e) jekk il-membru jaġixxi bi ksur tas-subartikolu (9); u, jew

(f) waħda jew aktar mir-raġunijiet ta' skwalifika msemmija fis-subartikolu (5) tiġi fis-seħħ wara li l-membru li tirrigwarda jkun ġie mahtur fuq il-Bord.

(8) Jekk membru jirriżenja jew jekk il-kariga ta' membru tal-Bord tkun xort'oħra vakanti jew jekk membru ma jkunx jista' għal xi raġuni jwettaq il-funzjonijiet tal-kariga tiegħu, il-Ministru jista' jahtar persuna li tkun kwalifikata li tinħatar bħala membru biex tkun membru temporanju tal-Bord. Kull persuna mahtura b'dan il-mod għandha, bla ħsara għad-dispożizzjonijiet tas-subartikoli (6) u (7), ittemm milli tkun tali membru meta tinħatar persuna biex timla l-vakanza jew, skont il-każ, meta l-membru li ma setax iwettaq il-funzjonijiet tal-kariga tiegħu jerga' jibda jwettaq dawk il-funzjonijiet.

(9) Membru tal-Bord li jkollu xi interess dirett jew indirett f'xi deċiżjoni magħmula jew proposta li ssir mill-Bord fit-twettieq tal-funzjonijiet tiegħu taht dan l-Att jew xi liġi oħra għandu jiżvela x-xorta ta' dak l-interess fl-ewwel laqgħa tal-Bord wara li huwa jkun sar jaf bil-fatti rilevanti. Dak l-iżvelar għandu jitniżżel fil-minuti tal-Bord, u l-membru li jkollu interess kif hawn aktar qabel imsemmi għandu jirtira minn kull laqgħa li fiha tkun qed tiġi diskussa dik id-deċiżjoni. Kull iżvelar bħal dak għandu jiġi mgħarraf lill-Ministru mingħajr dewmien. Meta l-interess tal-membru jkun tali li jiskwalifikah milli jibqa' membru tal-Bord, huwa għandu jirrapporta l-fatt minnufih lill-Ministru u jissottometti r-riżenja tiegħu.

2. (1) Il-laqgħat tal-Bord għandhom jissejhu miċ-*Chairperson* daqstant spiss kemm ikun meħtieġ, jew fuq inizjattiva tiegħu stess jew fuq it-talba ta' żewġ membri jew aktar tal-Bord:

Iżda l-Bord għandu jiltaqa' daqstant spiss kemm ikun meħtieġ, imma mhux inqas minn ħames darbiet fis-sena

(2) (a) Iċ-*Chairperson* u mill-inqas żewġ membri oħra tal-Bord jiffurmaw *quorum*. Id-deċiżjonijiet jittieħdu b'moġġoranza ssemplici tal-voti tal-membri preżenti u li jivvutaw:

Iżda, mingħajr preġudizzju għall-ħtiġiet l-oħra ta' dan l-Att, l-ebda deċiżjoni ma tkun valida jekk ma tkunx appoġġjata minn mill-inqas żewġ membri tal-Bord.

(b) Kull membru tal-Bord ikollu vot wieħed:

Iżda iċ-*Chairperson* ikollu vot inizjali, u f'każ ta' voti indaqs, ikollu vot deċiżiv.

(3) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Bord jista' jirregola l-proċedura tiegħu stess.

(4) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu, ebda att jew proċediment tal-Bord ma għandu jiġi invalidat unikament minħabba f'li jkun hemm xi vakanza fost il-membri tal-Bord.

(5) Kull att magħmul minn xi persuna li tkun qed taġixxi *bona fide*, bħala membru tal-Bord għandu jkun validu bħallikieku hi kienet membru minkejja li wara jiġi skopert li kien hemm xi difett fil-ħatra jew il-kwalifiki tagħha. Ebda att jew proċediment tal-Bord ma għandu jiġi kontestat minn xi membru minħabba fil-ksur, minn xi membru, tal-artikolu 1(9) ta' din l-Iskeda.

3. (1) Il-Kumitat Eżekuttiv ikun responsabbli li jeżegwixxi l-politika li jiddeċiedi dwarha l-Bord u li jieħu d-deċiżjonijiet meħtieġa fir-rigward ta' dik il-politika, kif ukoll deċiżjonijiet fir-rigward tal-amministrazzjoni ta' kuljum tal-Awtorità.

(2) Il-Kumitat Eżekuttiv ikun magħmul minn Uffiċjal Eżekuttiv Ewlieni u l-kapijiet tad-direttorati tal-Awtorità, u kull persuna oħra kif meħtieġ, li kollha kemm huma jiġu maħtura mill-Bord fuq ir-rakkomandazzjoni tal-Uffiċjal Eżekuttiv Ewlieni.

(3) Il-membri tal-Kumitat Eżekuttiv jinħatru għal dak il-perjodu li jista' jiġi stabbilit mill-Uffiċjal Eżekuttiv Ewlieni fl-ittra tal-ħatra.

(4) Il-Kumitat Eżekuttiv għandu jiltaqa' daqstant spiss kemm ikun meħtieġ u, bla ħsara għad-dispożizzjonijiet ta' dan l-Att, jista' jirregola l-

proċedura tiegħu stess.

IT-TIENI SKEDA

(Artikolu 58)

Uffiċjali pubbliċi li jitqabbd u jagħmlu dmirijiet mal-Awtorità

1. (1) Il-Prim Ministru jista', fuq talba tal-Awtorità, minn żmien għal żmien jordna li xi uffiċjal pubbliku jitqabbd jaqdi dmirijietu mal-Awtorità f'dik il-kariga u b'effett minn dik id-data li tista' tiġi speċifikata fl-ordni tal-Prim Ministru.

(2) Il-perjodu li matulu ordni bħal dik hawn aktar qabel imsemmija għandha tapplika għal xi uffiċjal li jkun speċifikat fiha, għandu, kemm-il darba l-uffiċjal ma jkunx irtira mis-servizz pubbliku, jew xort'oħra temm milli jibqa' fil-kariga f'data li tiġi qabel, jew kemm-il darba ma tiġix speċifikata data differenti f'dik l-ordni, jtemm milli jibqa' jseħh wara sena mid-data effettiva ta' dik l-ordni kemm-il darba l-ordni ma tiġix aktar kmieni revokata mill-Prim Ministru.

2. (1) Meta uffiċjal jiġi assenjat għal dmirijiet mal-Awtorità taht xi waħda mid-dispożizzjonijiet tal-artikolu 1 ta' din l-Iskeda, dak l-uffiċjal għandu, matul iż-żmien li fih dik l-ordni jkollha effett dwaru, jkun taht l-awtorità u l-kontroll amministrattivi tal-Awtorità iżda huwa għandu għal kull għan u raġuni oħra jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

(2) Mingħajr preġudizzju għall-generalità ta' dak hawn aktar qabel imsemmi, uffiċjal li jkun assenjat għal dmirijiet kif hawn aktar qabel imsemmi:

(a) ma għandux waqt iż-żmien li matulu huwa jkun hekk assenjat:

(i) ikun prekluz milli japplika għal trasferiment f'xi dipartiment tal-Gvern skont il-pattijiet u l-kondizzjonijiet tas-servizz konnessi mal-ħatra tiegħu mal-Gvern li jkollu fid-data meta huwa jiġi hekk assenjat għal dmirijietu; jew

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kondizzjonijiet tas-servizz tiegħu jkunu inqas favorevoli minn dawk li jkunu konnessi mal-ħatra tiegħu mal-Gvern li jkollu fid-data hawn aktar qabel imsemmija jew li kienu jkunu konnessi ma' dik il-ħatra, matul dak iż-żmien, li kieku dak l-uffiċjal ma jkunx ġie assenjat biex jaqdi dmirijietu mal-Awtorità; u

(b) ikollu jedd li s-servizz tiegħu mal-Awtorità jiġi kkunsidrat bħala

servizz mal-Gvern għall-għanijiet ta' pensjoni, gratifikazzjoni jew benefiċċju taħt l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema u ta' kull dritt jew privileġġ ieħor li huwa jkollu jedd għalih, u responsabbli għal kull responsabbiltà li dwarha huwa jkun responsabbli, hliet għall-fatt li huwa jkun għe assenjat biex iwettaq dmiru mal-Awtorità.

(3) Meta ssir applikazzjoni kif previst fis-subartikolu (2)(a)(i) għandha tingħatalha l-istess konsiderazzjoni daqslikielu l-applikant ma jkunx għe assenjat għal servizz mal-Awtorità.

(4) L-Awtorità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru dwar l-ispiza ta' pensjonijiet u gratifikazzjonijiet li jinqalghu minn uffiċjal li jkun assenjat għal dmirijiet mal-Awtorità kif hawn aktar qabel imsemmi matul il-perjodu li fih huwa jkun hekk assenjat.

3. (1) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil uffiċjal assenjat għal dmirijiet mal-Awtorità taħt xi waħda mid-dispożizzjonijiet tal-artikolu 1 ta' din l-Iskeda, impieg permanenti mal-Awtorità b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet li ma jkunux inqas favorevoli minn dawk li jgawdi dak l-uffiċjal fid-data ta' dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet f'xi offerta magħmula kif hawn aktar qabel imsemmi ma għandhiex titqies bħala inqas favorevoli biss għaliex ma jkunux għalkollox identiċi jew superjuri għal dawk li l-uffiċjal involut ikun qed igawdi fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet ikkunsidrati flimkien, fil-fehma tal-Prim Ministru jkunu joffru benefiċċji sostanzjalment ekwivalenti jew akbar.

(3) Kull uffiċjal li jaċċetta impieg permanenti mal-Awtorità li jiġi offert lillu, taħt id-dispożizzjonijiet tas-subartikolu (1), għandu għall-għanijiet kollha minbarra dawk tal-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, jitqies bħala li temm ikun fis-servizz tal-Gvern u li jkun daħal fis-servizz mal-Awtorità fid-data meta huwa jaċċetta, u għall-finijiet tal-imsemmija Ordinanza u tal-imsemmi Att, sakemm applikabbli għalih, servizz mal-Awtorità għandu jitqies bħala servizz mal-Gvern fi hdan it-tifsiriet tagħhom rispettivament.

(4) Kull uffiċjal bħal dak hawn aktar qabel imsemmi li, minnufih qabel ma jaċċetta impieg permanenti mal-Awtorità kellu jedd jikseb benefiċċju taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' jkollu dak il-jedd li jibbenefika taħtu għal kull skop bħallikielu s-servizz tiegħu mal-Awtorità kien servizz mal-Gvern.

(5) L-Awtorità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru għar-rigward tal-ispiza

ta' pensjonijiet u gratifikazzjonijiet li jinqalghu minn ufficjal li jkun acçetta li jwettaq impieg mal-Awtorità kif hawn aktar qabel imsemmi matul il-perjodu li jibda fid-data meta dak l-ufficjal hekk jaççetta.

IT-TIELET SKEDA

(Artikolu 23)

Reati Kriminali

- (a) L-għoti ta' servizz u, jew forniture li jeħtiegu awtorizzazzjoni mingħajr l-awtorizzazzjoni meħtiega, jew li jgħinu, iheggu jew xort'ohra jiffacilitaw dak l-għoti.
- (b) Aġir kontra, jew nuqqas ta' osservanza sal-ogħla limitu possibbli ta', ordni maħruġa mill-Awtorità, tkun kif tkun imsejha.
- (c) It-twettieq ta' ksur, wieħed jew iktar, kkontemplati fl-artikoli 29, 30, 32 u 33 ta' dan l-Att.
- (d) Ma jhallix jew ifixkel jew idewwem xi ufficjal tal-Pulizija jew xi ufficjal tal-Awtorità legalment awtorizzat milli jidhol f'xi post li hemm suspett li qed jintuza bi ksur ta' xi strument regolatorju, jew jagħti allarm jew twissija fil-każ ta' dak id-dhul.
- (e) Nuqqas milli jsiru hlasijiet lill-Awtorità meta dawn ikunu legalment dovuti.
- (f) Nuqqas milli jsiru hlasijiet lil ġugaturi meta dawn ikunu legalment dovuti:

Izda meta jkun hemm xi kwistjoni dwar jekk hlas ikunx legalment dovut jew le, dak il-hlas għandu jitqies li hu legalment dovut għall-finijiet ta' din id-dispożizzjoni meta jkun hemm deçiżjoni finali u vinkolanti b'dan l-effett minn qorti tal-ġustizzja kompetenti jew entità dwar ir-riżoluzzjoni ta' tilwim.
- (g) Nuqqas li tintalab l-approvazzjoni minn qabel tal-Awtorità, kif jista' jkun meħtieġ minn xi strument regolatorju, meta jsiru xi bidliet li jeħtiegu dik l-approvazzjoni minn qabel.
- (h) Nuqqas li tiġi żgurata l-integrità u d-disponibbiltà ta' *data* regolatorja essenzjali.
- (i) Kull ksur ieħor f'xi strument regolatorju li hu mfisser f'dak l-istrument

bhala li jwassal għal reat kriminali jew reat kontra dan l-Att.

IR-RABA' SKEDA

(Artikolu 59)

TAQSIMA A - Emendi għal leġislazzjoni oħra

1. Kodiċi Kriminali - Kap. 9: Id-dispożizzjonijiet li ġejjin għandhom jithassru:
 - (a) l-artikolu 379; u
 - (b) il-proviso għall-artikolu 643.

2. Ordinanza dwar iċ-Ċertifikati tal-Kondotta - Kap. 77: Fir-Raba' Skeda tagħha, minflok il-kliem "Awtorità dwar il-Lotteriji u l-Logħob" għandhom jidhlu l-kliem "Awtorità ta' Malta dwar il-Logħob", u minflok il-kliem "Att dwar Lotteriji u Logħob Ieħor" għandhom jidhlu l-kliem "Att dwar il-Logħob".

3. Ordinanza dwar Imħatri f'Tigrijiet - Kap. 78: Id-dispożizzjonijiet li ġejjin tagħha għandhom jithassru:
 - (a) l-artikoli 6 sa 13, it-tnejn inklużi;
 - (b) il-paragrafu (d) tal-artikolu 14;
 - (c) it-tieni proviso għall-artikolu 15; u
 - (d) l-artikolu 16.

4. Att dwar ix-Xandir - Kap. 350:
 - (a) L-artikolu 10(6Ċ) tiegħu għandu jithassar.
 - (b) Minnufih wara l-paragrafu (ċ) tas-subartikolu (4) tal-artikolu 16M tiegħu għandhom jiżdiedu l-provisos godda li ġejjin:

"Iżda minkejja dak li ntqal qabel, jistgħu jsiru reklami f'dak il-programm dwar prodotti tal-logħob tal-azzard li huma strettament relatati ma' avveniment sportiv matul dak l-avveniment, bla ħsara għal dawk ir-restrizzjonijiet u kondizzjonijiet li l-Awtorità u, jew l-Awtorità ta' Malta dwar il-Logħob jistgħu jimponu dwar dak il-programm:

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Iżda wkoll minkejja l-ewwel proviso għal dan il-paragrafu, l-Awtorità, jekk jidhrilha li, fl-interess tas-saħħa pubblika u, jew għall-protezzjoni ta' minuri u, jew persuni vulnerabbli kif imfisser fir-Regolamenti tal-2018 dwar it-Tifsiriet dwar Logħob, ir-reklamar msemmi fl-ewwel proviso ta' dan il-paragrafu ma għandux isir, tista' tirrestringi u, jew tipprojbixxi dak ir-reklamar kif jidhrilha xieraq fid-diskrezzjoni unika tagħha."

5. Att dwar Servizzi li jingħataw fis-Suq Intern - Kap. 500: Fil-paragrafu (g) tas-subartikolu (2) tal-artikolu 3 tiegħu, minflok il-kliem "bl-Att dwar il-Logħob u l-Att dwar Lotteriji u Logħob Iehor", għandhom jidhlu l-kliem "bl-Att dwar il-Logħob".;
6. Regolamenti dwar ir-Registrazzjoni ta' Kazini - L.S. 10.21
- (a) Fil-paragrafu (b) tar-regolament 5 tagħhom, minflok il-kliem "ta' l-azzard u ta' interess" għandhom jidhlu l-kliem "tal-azzard u ta' interess, hekk iżda li jkun ivverifika li tkun inħarġet awtorizzazzjoni minn qabel mill-Awtorità ta' Malta dwar il-Logħob skont l-Att dwar il-Logħob"; u
- (b) Ir-regolament 9 tagħhom għandu jigi emendat kif ġej:
- (i) fil-paragrafu (d) tiegħu, minflok il-kliem "ta' l-azzard u ta' interess" għandhom jidhlu l-kliem "tal-azzard u ta' interess, hekk iżda li l-Kummissarju tal-Pulizija jkun ivverifika li tkun inħarġet awtorizzazzjoni minn qabel mill-Awtorità ta' Malta dwar il-Logħob skont l-Att dwar il-Logħob";
- (ii) fil-paragrafu (e) tiegħu, minflok il-kliem "ta' l-azzard u ta' interess" għandhom jidhlu l-kliem "tal-azzard u ta' interess, hekk iżda li l-Kummissarju tal-Pulizija jkun ivverifika li tkun inħarġet awtorizzazzjoni minn qabel mill-Awtorità ta' Malta dwar il-Logħob skont l-Att dwar il-Logħob".

7. Regolamenti dwar id-Drittijiet li jithallsu fid-Dipartimenti tal-Gvern - L.S. 35.01
- Id-dispożizzjonijiet li ġejjin li jinsabu fl-Iskeda tagħhom għandhom jithassru:
- "Lottu
- (a) Għal permess biex issir tombła jew lotterija, inkluża t-taxxa li tithallas 0.17
- Dan id-dritt ikun jidher billi jitwaħħlu bolli mal-permess.
- (b) Dritt dwar talba magħmula wara ż-żmien imsemmi fir-regolament 7 tar-Regolamenti dwar it-Tombli minbarra d-drittijiet li għandhom jithallsu skont il-paragrafu (a) ta' hawn fuq 1.16".
8. Regolamenti dwar it-Tipjip f'Postijiet Pubbliċi - L.S. 315.04
- Fil-paragrafu (ċ) tas-subregolament (2) tar-regolament 4 tagħhom, minflok il-kliem "mill-Awtorità dwar il-Lotteriji u l-Logħob" għandhom jidhlu l-kliem "mill-Awtorità ta' Malta dwar il-Logħob".
9. Ordni ta' Awtorizzazzjoni għal Xandir tat-Televiżjoni permezz tas-Satellita - L.S. 350.13
- L-artikolu 2 tiegħu għandu jithassar.
10. Htiġiet dwar *Standards* u Prattika dwar it-Tmexxija ta' Kompetizzjonijiet u l-għoti ta' Premjijiet fil-Mezzi tax-Xandir - L.S. 350.22
- (a) minnufih wara s-subparagrafu (iv) tal-paragrafu 1.2.2 tar-regolament 1 tagħhom għandu jizdied il-paragrafu ġdid li ġej:
- "1.2.3 Iżda fit-twettieq ta' dan ir-regolament, għandhom jiġu osservati l-Att dwar il-Logħob u l-istrumenti regolatorji magħmulin tahtu li jkun applikabbli għal dan ir-regolament.";
- (b) minnufih wara l-paragrafu 3.3. tar-regolament 3 tagħhom għandu jizdied il-paragrafu ġdid li ġej:
- "3.4 Iżda fit-twettieq ta' dan ir-regolament, għandhom jiġu osservati l-Att dwar il-Logħob u l-istrumenti regolatorji magħmulin tahtu li jkun applikabbli għal dan ir-regolament.";

- (c) minnufih wara l-paragrafu 4.1 tar-regolament 4 tagħhom għandu jiżdied il-paragrafu ġdid li ġej:
- "4.2 Iżda fit-twettieq ta' dan ir-regolament, għandhom jiġu osservati l-Att dwar il-Logħob u l-istrumenti regolatorji magħmulin tahtu li jkun applikabbli għal dan ir-regolament.";
- (d) minnufih wara l-paragrafu 5.3 tar-regolament 5 tagħhom għandu jiżdied il-paragrafu ġdid li ġej:
- "5.4 Iżda fit-twettieq ta' dan ir-regolament, għandhom jiġu osservati l-Att dwar il-Logħob u l-istrumenti regolatorji magħmulin tahtu li jkun applikabbli għal dan ir-regolament.";
- (e) minnufih wara l-paragrafu 6.2 tar-regolament 6 tagħhom għandu jiżdied il-paragrafu ġdid li ġej:
- "6.3 Iżda fit-twettieq ta' dan ir-regolament, għandhom jiġu osservati l-Att dwar il-Logħob u l-istrumenti regolatorji magħmulin tahtu li jkun applikabbli għal dan ir-regolament.";
- (f) minnufih wara s-subparagrafu (iv) tal-paragrafu 10.1 tar-regolament 10 tagħhom għandu jiżdied il-paragrafu ġdid li ġej:
- "10.2 Iżda fit-twettieq ta' dan ir-regolament, għandhom jiġu osservati l-Att dwar il-Logħob u l-istrumenti regolatorji magħmulin tahtu li jkun applikabbli għal dan ir-regolament.";
- (g) minnufih wara l-paragrafu 11.1 tar-regolament 11 tagħhom għandu jiżdied il-paragrafu ġdid li ġej:
- "11.2 Iżda fit-twettieq ta' dan ir-regolament, għandhom jiġu osservati l-Att dwar il-Logħob u l-istrumenti regolatorji magħmulin tahtu li jkun applikabbli għal dan ir-regolament.".

11. Htiġiet dwar ir-Reklami, Metodi ta' Reklamar u Direttivi dwar Reklamar dwar Logħob ta' l-Azzard fuq is-Servizzi tax-Xandir - L.S. 350.25
- (a) fil-paragrafu 2.2 tar-regolament 2 tagħhom, il-kliem "għaliex reklamar bħal dan ma jistax isir skond l-artikolu 49 ta' l-Att dwar il-Logħob (Kapitolu 400 tal-Liġijiet ta' Malta)" għandhom jithassru;
 - (b) fil-paragrafu 4.1 tar-regolament 4 tagħhom, l-ewwel referenza għall-kliem "l-Att dwar il-Lotteriji u Logħob ieħor" għandha tithassar u minflok il-kliem "fl-Att dwar Lotteriji u Logħob ieħor jew kull leġiżlazzjoni sussidjarja li saret taħtu" għandhom jidhlu l-kliem "fl-Att dwar il-Logħob jew xi strumenti regolatorji oħra mahruġin taħtu";
 - (c) minnufih wara s-subparagrafu (xvii) tal-paragrafu 5.4 tar-regolament 5 tagħhom għandu jizdied il-paragrafu ġdid li ġej:
 - "5.5 Mingħajr preġudizzju għall-ġeneralità ta' dak li ntqal qabel, fit-twertieq ta' din id-dispożizzjoni, għandu jiġi osservat il-Kodiċi ta' Komunikazzjonijiet Kummerċjali, ikun kif ikun imsejjaħ, kif mahruġ mill-Awtorità ta' Malta dwar il-Logħob."

TAQSIMA B - Revoka ta' leġiżlazzjoni oħra

Il-leġiżlazzjoni sussidjarja li ġejja għandha tiġi revokata:

- l-Ordni dwar Imħatri fuq Riżultati dwar Logħob tal-Futbol - L.S. 9.02
 - ir-Regolamenti dwar l-Importazzjoni ta' Apparati Mekkanici - L.S. 37.03
 - ir-Regolamenti dwar Applikazzjonijiet għal Permessi dwar Lotteriji u Tombli - L.S. 70.01;
 - ir-Regolamenti dwar Tombli għall-Pubbliku - L.S. 70.02;
 - ir-Regolamenti dwar il-Lottu Pubbliku - L.S. 70.03;
 - ir-Regoli dwar l-Użu ta' Totalizzatur fl-Imħatri fit-Tigrijiet - L.S. 78.01;
 - ir-Regolamenti dwar Fond għal Logħob Responsabbli - L.S. 438.08.
-

Ghanijiet u Raġunijiet

L-ghan ta' dan l-Abbozz ta' Liġi hu sabiex jaġġorna d-dispożizzjonijiet dwar il-governanza u r-regolamentazzjoni tas-servizzi u l-prodotti dwar il-logħob minn Malta u f'Malta, flimkien mal-attivitajiet u l-ħwejjeg l-oħra kollha li huma ancillari jew incidental għal dan jew konnessi miegħu, u sabiex jipprovdi għat-twaqqif u l-funzjonijiet tal-Awtorità ta' Malta dwar il-Logħob, kif ukoll għat-thassir, revoka u, jew emendar ta' ċerta legiżlazzjoni oħra.

**A BILL
entitled**

AN ACT to make provision for the governance and regulation of gaming services and products from and within Malta, together with all such activities and matters that are ancillary or incidental thereto or connected therewith, and for the establishment and functions of the Malta Gaming Authority.

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

ARRANGEMENT OF THE ACT

		Articles
Part I	Preliminary	1 - 2
Part II	Regulatory Objectives and Governing Principles	3 - 4
Part III	Establishment, Functions, Powers and Conduct of Affairs of the Malta Gaming Authority	5 - 12
Part IV	Authorisations	13
Part V	Protection of Minors and Vulnerable Persons	14 - 17
Part VI	Rights and Obligations of Players	18 - 22
Part VII	Enforcement and Sanctions	23 - 33
Part VIII	Financial Provisions	34 - 41
Part IX	Administrative Review	42 - 45
Part X	Administration	46
Part XI	Miscellaneous	47 - 59
First Schedule -	Composition and conduct of affairs of the Board	
Second Schedule -	Detailing of public officers for duty with the Authority	
Third Schedule -	Criminal Offences	
Fourth Schedule -	Amendment of other enactments	

PART I - Preliminary

1. (1) The short title of this Act is the Gaming Act, 2018. Short title and commencement.

(2) (a) The provisions of this Act shall, without prejudice to paragraph (b), come into force on the 1st July, 2018.

(b) With respect to gaming devices, commercial tombolas and all other services provided in gaming premises and, or controlled gaming premises, this Act and all regulations made hereunder shall come into force on 1st January, 2019.

2. (1) In this Act, unless the context otherwise requires: Interpretation.

"agent" means a person acting for and on behalf of another person;

"ancillary gaming supply" or "ancillary supply" means a gaming supply other than a material supply;

"Authority" means the Malta Gaming Authority established by this Act;

"authorisation" means a licence, approval, certificate, recognition notice or similar instrument issued by the Authority authorising a person to provide a gaming service, gaming supply or a key function;

"authorised person" or "authorisation holder" means a person who holds an authorisation from the Authority;

"binding instrument" means an act, document or other pronouncement of the Authority having binding effect on those to whom it is addressed, as may be prescribed by or under this Act, and shall include the conditions attached to an authorisation;

"Board" shall mean the Board of Governors of the Authority;

"Chairperson" means the Chairperson of the Board and includes the deputy chairperson or another person appointed to act as chairperson in circumstances established in this Act or as decided by the Board;

"Chief Executive" means the chief executive officer of the Authority appointed in accordance with this Act;

"confidential information" means any and all information, whether written or otherwise, whether in electronic form or otherwise, and whether or not described specifically by the person disclosing it as confidential, which is related to or connected with the commercial operation of the disclosing person, but shall not include information that:

(a) is in the public domain;

(b) is or becomes generally available to the public other than as a result of its disclosure by the recipient in breach of confidentiality;

(c) was available to the recipient on a non-confidential basis prior to disclosure by the disclosing party;

(d) was, is or becomes available to the recipient on a non-confidential basis from a person who, to the recipient's knowledge, is not bound by a confidentiality agreement with the disclosing party or is otherwise prohibited from disclosing the information to the recipient;

(e) was lawfully in the possession of the recipient before the information was disclosed to it by the disclosing party;

(f) the parties agree in writing is not confidential or may be disclosed; or

(g) is developed by or for the recipient independently of the information disclosed by the disclosing party;

Cap. 378.

"consumer" shall have the meaning prescribed by the Consumer Affairs Act;

"critical gaming supply" or "critical supply" means a material supply which is (a) indispensable in determining the outcome of game or games forming part of the gaming service, and, or (b) an indispensable component in the processing and, or management of essential regulatory data;

"director" means a division of the Authority as may be established from time to time;

"economic activity" means any activity which by its nature is or

could be carried out for the purpose of making a profit, whether or not such profit is for philanthropic or other fundraising purposes;

"financial year of the Authority" means a period from 1 January to 31 December of a year;

"game" means a game of chance or a game of skill;

"game of chance" means an activity the outcome of which is determined by chance alone or predominantly by chance, and includes but is not limited to activities the outcome of which is determined depending on the occurrence or outcome of one or more future events;

"game of skill" means an activity the outcome of which is determined by the use of skill alone or predominantly by the use of skill, but excludes a sport event, unless otherwise established by or under this Act;

"gaming" means an activity consisting in participating in a game, offering a gaming service or making a gaming supply;

"gaming device" means any device or object, including any electrical, electronic, or mechanical device, ticket or any other thing, that is used or is by its nature intended for use as part of a gaming service or in connection therewith in a gaming premises;

"gaming premises" means any premises accessible to the public, which is used or intended to be used for players to participate in a gaming service;

"gaming sector" means the economic sector focused on the provision of gaming services and gaming supplies and other services and goods in connection therewith or related thereto;

"gaming service" means making a game available for participation by players, whether directly or indirectly, and whether alone or with others, as an economic activity;

"gaming supply" means a supply, directly or indirectly, of a good or service, in relation to a gaming service, which is either a material gaming supply or ancillary gaming supply, but does not include provision of a key function;

"material supply" or "material gaming supply" means a gaming supply of such importance that any weakness or failure in its provision could have a significant impact on the operator's (a) ability to meet the operator's obligations under the Act and all applicable

regulatory instruments or (b) to manage the risks related to such supply; or (c) to continue in business, and the term "material supply" shall include a "critical supply";

"minor" means a physical person under the age of eighteen years, except where prescribed otherwise in specific instances under this Act or any other regulatory instrument;

"Minister" means the Minister responsible for the gaming sector;

"money and, or money's worth" includes, without limitation, currency accepted as legal tender in the jurisdiction or jurisdictions of its issue, virtual currencies, units of value, tokens of value, goods, services and any form of property which may be traded, sold, converted into, or otherwise exchanged for money, goods or services;

"National Lottery games" means the Grand Lottery, Super 5 and Lotto, in the form envisaged in the National Lottery licence as well as any variation of any of the said National Lottery Games;

"National Lottery licence" means a licence granted by the Authority in virtue of a concession by the Minister granted under article 11(3), to operate the National Lottery games and such other games as authorised by the Authority, and subject to such terms and conditions therein, and "National Lottery licensee" shall be construed accordingly;

"operator" means a person who carries out a gaming service;

"player" means an end customer who participates or takes preparatory steps to participate in a game;

"player funds" means player's money and money's worth held by an operator under an arrangement made between an operator and the player for the provision of a gaming service and includes, but is not limited to, funds that the player has the right to withdraw and funds committed directly by players to games, pending determination of the outcome of such games;

"player funds account" means an account held by or for or on behalf of an operator with a licensed credit, financial and, or payment institution in which player funds are kept;

"prize" means the reward of money or money's worth offered to one or more participants in a game in accordance with the rules of the game;

"recognition notice" means a notice issued by the Authority whereby an authorisation issued by another Member State of the EU or the EEA, or a State which is deemed by the Authority to offer safeguards largely equivalent to those offered by Maltese law, and is recognised as having the same effect as an authorisation issued by the Authority for the purpose of providing a gaming service, gaming supply and, or key function in or from Malta;

"regulatory data" means data which an authorised person is obliged to compile, retain and, or report to the Authority by or under this Act or any other regulatory instrument;

"regulatory instrument" means this Act, regulations made under this Act, and the Authority's binding instruments;

"stake" means money or money's worth that is or must be committed in order for a player to participate in a game, whether or not it is risked directly on a result of the game;

"vulnerable person" means any person who is known to have a gambling problem, any person whose social circumstances may make him or her more susceptible to problem gambling, or any person who, by virtue of a defect in the capacity of will and understanding, is rendered more susceptible to problem gambling, and this shall include players who are undergoing a period of self-exclusion, persons who have been diagnosed by medical professionals as being pathological or otherwise problem gamblers, persons who are currently seeking treatment for problem gambling and persons under the influence of alcohol or drugs.

(2) In this Act and any binding instrument made thereunder, if there is any conflict between the English and Maltese texts, the English text shall prevail.

PART II - Regulatory Objectives and Governing Principles

3. (1) The gaming sector in Malta shall be governed and supervised by means of proper regulation of relevant activities and practices in line with the regulatory objectives and governing principles established by this Act.

Gaming sector to be supervised.

(2) The Minister shall determine Malta's general policies not inconsistent with the provisions of this Act for the gaming sector and its governance and supervision.

4. (1) Governance and supervision of the gaming sector shall pursue the following main regulatory objectives:

Main regulatory objectives.

(a) to ensure that regulation of the gaming sector is carried out in the public interest;

(b) to ensure, through the powers vested in the Authority, that gaming is free from crime and is not used as a source or an instrument of crime;

(c) to ensure that gaming is conducted in a fair, safe and transparent manner;

(d) to ensure that the interests of minors and other vulnerable persons are adequately safeguarded;

(e) to promote the development of a sustainable gaming sector and economic growth;

(f) to promote the development of Malta as a centre of excellence and expertise for gaming-related competences and skills, knowledge building and knowledge transfer, in particular in technology-rich and player assistance services;

(g) to promote responsible innovation in the gaming sector.

Governing principles.

(2) The pursuit of the regulatory objectives, governance and supervision of the gaming sector shall be guided by the following governing principles:

(a) regulatory action shall be proportionate to the aims it strives to achieve and not more burdensome than necessary for the achievement of the said aims;

(b) requirements to be imposed on regulated persons shall be non-discriminatory, transparent and accessible, consistent, objective and made public in advance;

(c) regulatory action affecting rights and obligations of persons shall be timely and shall be reasoned and taken on the basis of appropriate and relevant considerations;

(d) regulatory procedures and requirements shall be such as to avoid, as much as reasonably possible without prejudicing regulatory objectives, duplication of requirements and controls;

(e) regulation shall, where appropriate and possible, use a risk-based approach, so that regulatory objectives are pursued in the most efficient and effective way;

(f) prior to taking regulatory action or imposing regulatory requirements, where appropriate and opportune, consultation shall be carried out with regulated persons, other stakeholders in the gaming sector and, or the wider public as the case may be;

(g) in case of a conflict between public interest and economic considerations, public interest considerations shall prevail;

(h) where the public interest considerations so require, the Minister shall be empowered to amend any relevant policies and regulatory actions shall be adjusted accordingly:

Provided that the Authority may deviate from these governing principles if such deviation is objectively justified by an overriding reason relating to public policy, public security, public health or the protection of the environment.

PART III - Establishment, Functions, Powers and Conduct of Affairs of the Malta Gaming Authority

5. (1) There shall be an authority, to be called the Malta Gaming Authority.

Establishment
of the Malta
Gaming
Authority.

(2) The Authority shall be a body corporate having distinct legal personality and shall be capable of entering into contracts, of acquiring and disposing of property of any kind for the purposes of its functions under this Act or any other law, of suing and of being sued, and of doing all such things and entering into all transactions as are incidental to or conducive to the exercise or performance of its functions as aforesaid.

6. (1) The Authority shall consist of a Board of Governors.

Composition of
the Authority.

(2) (a) The Board shall appoint a Chief Executive for the day-to-day management of the affairs of the Authority.

(b) The Board shall, on the recommendation of the Chief Executive, appoint such other persons whether from within the Authority or not, to form part of an Executive Committee to assist the Chief Executive in his functions.

(3) It shall be the duty of the other organs of the Authority to provide the Board with all such information as may be required for the proper performance of its functions and in particular to enable it to ensure that its policies are being properly carried out.

(4) The Board and other organs of the Authority shall be composed of such members, and shall conduct their affairs, as prescribed in the First Schedule.

Powers and functions of the Authority.

7. (1) Without prejudice to any other power or function conferred to it by this Act or any other law, in pursuing the main regulatory objectives in line with the governing principles established by this Act, it shall be the function of the Authority:

(a) to regulate, supervise and keep under review all practices, operations and activities relating to any matter regulated by or under this Act, and the performance of the gaming sector;

(b) to promote the general interests of players, and to provide the relevant information and guidance to the public;

(c) to ensure that gaming services are advertised fairly and in a responsible manner in accordance with applicable law;

(d) to receive and investigate complaints by players and to assist and promote timely, fair and competent resolution of disputes between players and operators;

(e) to monitor the gaming sector in Malta and to undertake or commission such study, research or investigation which it may deem necessary;

(f) to provide information and issue guidelines and, or reports to the public relating to any matter regulated by or under this Act;

(g) to consult with the general public or a specific segment thereof, as the case may be, on all matters which the Authority considers necessary and, or desirable;

(h) to request, collect, compile and maintain records of all relevant data as the Authority may deem appropriate in connection with its functions and objectives;

(i) to develop the necessary strategy and action plans to achieve the policies, strategies and objectives set by Government or by the Authority;

(j) to advise the Government generally on the formulation of policies directly or indirectly connected with gaming and the gaming sector, and to make recommendations to Government on actions which in the opinion of the Authority

would be expedient in relation to matters falling within the regulatory and supervisory functions of the Authority;

(k) to advise the Minister on new developments, needs and risks in gaming and the gaming sector and to make proposals as may be deemed necessary or expedient to respond thereto;

(l) to advise the Minister on the making of regulations;

(m) to establish the minimum requirements to be satisfied by any person who is engaged or employed in any activity, function or involved in any matter regulated by or under this Act;

(n) to inquire into the suitability of any person engaged or employed in any activity or involved in any matter regulated by or under this Act to ensure that these persons are fit and proper and suitable to carry out their functions;

(o) to grant any licence, approval, recognition or other authorisation for the carrying out of any operation or activity relating to any matter regulated by or under this Act, as may be required in terms of this Act or regulations made thereunder;

(p) to assess whether persons comply with the requirements imposed by or under this Act;

(q) to impose such proportionate requirements and conditions, in conformity with European Union law and Malta's international obligations, as it may deem necessary in fulfilment of its functions under this Act, or as the Minister may direct the Authority by virtue of article 11, in respect of gaming and related activities which are authorised by a competent authority of any other jurisdiction and made available in Malta;

(r) to ensure high standards of conduct and management throughout the gaming sector;

(s) to prevent, detect and ensure the prosecution of any offence against this Act or regulations made thereunder;

(t) to collaborate with other local or foreign bodies, Government departments, international organisations, and other entities which exercise regulatory, supervisory or licensing powers under any law in Malta or abroad, or which are otherwise engaged in overseeing or monitoring areas or activities in the gaming sector or sectors connected therewith,

and to make arrangements for the mutual exchange of information and for other forms of assistance or collaboration in regulatory and supervisory matters;

(u) to ensure that international obligations entered into by Malta or by the Authority relative to matters regulated by or under this Act are complied with;

(v) to pursue the establishment of common standards in the gaming sector;

(w) to foster advancements in the educational sector for matters relating to the gaming sector;

(x) to do such other things as are necessary, ancillary or conducive to the attainment of its objectives and, or the performance of its functions under this Act.

Additional powers.

(2) In addition to and without prejudice to the above, the Authority shall have the power:

(a) to issue and, or publish authorisations and binding instruments, howsoever named, whether addressed to the general public or to categories of persons or to a specific person or persons, as provided for by or under this Act:

Provided that where a binding instrument is issued and addressed to the general public, or to one or more categories of persons, the Authority shall issue such binding instrument in consultation with the Minister;

(b) to issue and, or publish reports, guidelines, policies and, or consultation papers as may be required, appropriate and, or opportune for the carrying into effect of the provisions of this Act and of any other regulatory instrument;

(c) to create or participate in the creation and operations of entities whose function shall be necessary, ancillary or conducive to the attainment of the functions and, or objectives of the Authority under this Act or regulations made thereunder;

(d) to request any kind of information from its authorised persons, applicants or any other person, as it may in its discretion consider necessary for the performance of its functions or the fulfilment of the objectives under this Act or any other law;

(e) to establish, impose and collect fees, contributions,

administrative fines and other dues which it is empowered to impose and, or collect in terms of this Act or any other law;

(f) to collect gaming devices levy, gaming tax and other money which it is empowered to collect in terms of this Act or any other law; and

(g) to give such directions and impose such sanctions as it may consider necessary in connection with a breach of this Act or any other regulatory instrument or binding instrument:

Provided that any direction and, or sanction imposed in accordance with this paragraph, and any amendment or revocation thereof shall be in writing and shall state the reasons on which it is based, and shall be notified to the person concerned.

(3) The Authority shall, where it considers appropriate, consult and, or exchange information with all competent authorities responsible for any such other areas as may impact on the matters regulated by or under this Act. Consultation and exchange of information.

(4) The Authority shall also have such other functions, responsibilities and powers as are set out by or under this Act or as may be assigned to it by or under any other law, including all such powers as are necessary for or incidental to the performance of its functions by or under this Act or any other law or regulatory instrument.

(5) It shall be the duty of the Authority to carry out its functions as established by or under this Act or any other law in an impartial, transparent and timely manner and to ensure compliance therewith.

(6) The Authority may, instead of using its officers or employees to carry out any action sanctioned by or under this Act, authorise a third party to carry out such action, and in such cases the contractor of the Authority shall have such powers and obligations as an officer or employee of the Authority carrying out those actions:

Provided that decision-making functions and responsibility thereof shall lie solely with the Authority.

8. Without prejudice to the provisions of the Professional Secrecy Act, any confidential information disclosed to the Authority or any member, officer or employee thereof, shall be secret and, when attributable to an identified or identifiable person, shall not be disclosed or produced other than with the consent of the person who

Secrecy and disclosure.
Cap. 377.

has submitted that information:

Provided that the above is without prejudice to the provisions of article 25(4) of this Act:

Provided further that notwithstanding the above, the Authority may disclose such information to the Police for the purposes of any investigation or prosecution of a criminal offence or when requested to do so by a court of law in any criminal proceedings. The Authority may also disclose such information in any civil proceedings involving the Authority.

Legal
personality and
representation
of the Authority.

9. (1) The legal and juridical representation of the Authority shall vest in the Chief Executive:

Provided that the Chief Executive may appoint any one or more of the Authority's members, officers or employees to appear, sign or otherwise act in the name and on behalf of the Authority in any judicial proceedings and, or in any act, contract, instrument or other document whatsoever:

Provided further that in respect of any matter falling within the functions vested in any member of the Executive Committee, the legal representation of the Authority shall also vest in such Executive Committee member acting alone, or in such member, officer or employee of the Authority, as the Executive Committee member may appoint or authorise for the purpose.

(2) Any document purporting to be an instrument made or issued by the Authority and signed by the Chief Executive, or by a member of the Executive Committee in relation to any matter falling within the functions vested in the relative directorate by the Authority, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

Audit
Committee.

10. (1) There shall be an Audit Committee, composed of such members and with such functions as the Board may determine.

(2) Without prejudice to the generality of the provisions of sub-article (1), the Audit Committee shall perform an internal audit function, providing oversight of all processes, internal controls, and checks and balances within the Authority, ensuring good corporate governance, as well as the compliance of the Authority with its functions, objectives and obligations at law.

Matters
affecting public
interest.

11. (1) The Minister may, in relation to matters that appear to him to affect public interest, from time to time give to the

Authority directions in writing of a general character, consistent with the provisions of this Act, and the Authority shall, as soon as is practicable, give effect to all such directions:

Provided that the Authority shall act independently and shall not seek or take instructions from any other body on matters related to the general regulation of the gaming sector:

Provided further that in matters that appear to the Authority to affect public interest, the Authority may advise the Minister and make proposals on the measures it deems necessary and, or desirable to address such matters.

(2) The Authority shall afford to the Minister facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(3) (a) It shall be lawful for the Minister to grant concessions to persons to open and operate casinos in gaming premises, for such consideration and under such terms and conditions as the Minister deems fit.

(b) It shall be lawful for the Minister to grant concessions to one or more persons to operate the National Lottery games and such other games as the Minister may, in such concession, determine, for such consideration and under such terms and conditions as the Minister deems fit.

(c) The grant of a concession in terms of paragraphs (a) or (b) shall be without prejudice to the requirement of such concessionaire to obtain any licences required in terms of this Act, any other regulatory instrument, or any other applicable law.

12. (1) The Minister may, acting on the advice of the Authority, make regulations to give effect to the provisions of this Act, or to prescribe anything that is to be or which may be prescribed in terms of this Act or any other regulatory instrument and provide for any matter consequential, incidental to or connected therewith.

Powers of the
Minister.

(2) Without prejudice to the generality of the foregoing the Minister may, by such regulations:

(a) establish the categories of authorisations under this Act and the overall requirements and conditions for authorisations, their grant, amendment, renewal, suspension,

revocation and termination and other similar actions;

(b) regulate games, specified categories of games or specified games, and all matters related thereto including the exemption of certain games or categories of games from any or all requirements of authorisation;

(c) regulate persons involved in activities regulated by or under this Act, and all matters related thereto including the exemption of certain persons or categories of persons from any or all requirements of authorisation;

(d) amend, revoke, add to or substitute the Schedules to this Act:

Provided that the Minister may authorise the Authority to devise all necessary details of such requirements and conditions referred to in paragraphs (a), (b) and (c) by way of binding instruments to be issued by the Authority.

(3) Without prejudice to the generality of the foregoing, the Minister may, acting on the advice of the Authority, make regulations providing for the taxation of the persons and entities regulated by the Authority and any other matter related thereto.

PART IV - Authorisations

Requirement for authorisation.

13. Where this Act or any other regulatory instrument prescribe that an activity, of whatsoever nature, requires an authorisation in order to be performed, it shall be an offence against this Act to perform such activity, or to promote, aid, abet or otherwise facilitate such activity unless it is duly authorised.

PART V - Protection of Minors and Vulnerable Persons

Protection of minors.

14. Subject only to exceptions specified under this Act, no person shall offer, permit, entice, cause, invite or induce a minor to participate in a game which must, in terms of this Act or any other regulatory instrument, solely be offered to persons who are not minors, whether by means of allowing entrance into gaming premises, selling a gaming ticket, employment or engagement in the provision of a gaming service, advertising or promotion of a gaming service or by any other means whatsoever:

Provided that a person shall not be deemed to be in contravention of this article due to advertising or promotion of a gaming service if such advertising or promotion is carried out in accordance with applicable regulatory instruments:

Provided further that casinos in gaming premises operating in virtue of a concession granted by the Minister in terms of article 11 shall not allow a citizen of Malta under the age of twenty-five years to make use of the casino's gaming service during its hours of operation.

15. It shall be an offence against this Act for a provider of a gaming service or an agent thereof to provide credit to players for participation in games.

Prohibition of provision of credit.

16. (1) There shall be a fund to be known as the "Social Causes Fund", which shall be composed of monies collected in such manner as may be prescribed by the Minister in regulations, which shall be used for the fulfilment of responsible gaming endeavours and other good causes.

Social Causes Fund.

(2) There shall be a Social Causes Fund Committee, composed of such members and with such functions as the Minister responsible for Finance may determine, to administer the Social Causes Fund.

(3) The funds from time to time standing to the credit of the Social Causes Fund shall be paid out by the Committee to such persons, organisations, bodies or other entities pursuing deserving causes in the public interest, in such manner as may be determined by the Minister, in consultation with the Minister responsible for Finance, in regulations made under this Act.

17. The Minister shall, by regulations, establish the overall parameters, criteria and conditions for protecting vulnerable persons in order to minimise potential risk to their health associated with participation in games; provided that the Minister may authorise the Authority to devise all reasonable parameters, criteria, conditions and standards by way of directives or other binding instruments to be issued by the Authority.

Protection of vulnerable persons.

PART VI - Rights and Obligations of Players

18. (1) Without prejudice to the functions established in article 7, the Authority shall also have the function of receiving complaints from players arising out of or in connection with any gaming service, without prejudice to any other function which may be assigned to it by the Board from time to time.

Receipt of player complaints.

(2) The Authority may carry out this function by means of an internal unit or otherwise.

(3) In carrying out this function, the Authority shall, to the extent possible, assist and cooperate with bodies responsible for out-of-court settlement of consumer disputes in Malta and in other EEA

States in the resolution of local and cross-border consumer disputes concerning gaming services provided by an authorised person.

Safeguarding of
player funds.
**LEGAL
NOTICE
NUMBER TO
BE INSERTED
UPON
PUBLICATION**

19. An operator, and any third party holding player funds for or on behalf of such operator, shall be responsible for safeguarding the player funds in accordance with the Player Protection Regulations, 2018 and any other applicable law.

Collective
proceedings by
players.
Cap. 520.

20. Where a group of players are owed player funds by an operator, articles 2, and 4 to 23 of the Collective Proceedings Act shall apply *mutatis mutandis* and such players may institute collective proceedings to recover such player funds.

Responsible
gaming
measures.
**LEGAL
NOTICE
NUMBER TO
BE INSERTED
UPON
PUBLICATION**

21. (1) Authorised persons, in particular authorised persons providing a gaming service, shall ensure that their operation is carried out with due regard to responsible gaming measures as envisaged in the Player Protection Regulations, 2018 and any other regulatory instrument and any other applicable law.

(2) The Authority shall, in ensuring that authorised persons act as required in terms of sub-article (1), liaise and collaborate with other competent authorities, including but not limited to the Malta Competition and Consumer Affairs Authority.

Responsibility
of players.

22. (1) Players shall behave in a fair and honest manner in making use of a gaming service and shall not mislead or deceive operators.

(2) The Authority shall, from time to time, issue a manifesto detailing the rights and obligations of players making use of a gaming service provided by an operator.

PART VII - Enforcement and Sanctions

Penalty for
criminal
offences against
this Act.

23. (1) Any person guilty of a breach stipulated in the Third Schedule shall, on conviction, be liable to a fine (*multa*) of not less than ten thousand euro (€10,000) and not more than five hundred thousand euro (€500,000) or to imprisonment for a term of not more than five years, or to both such fine and imprisonment:

Provided that where the person convicted of an offence against this Act is a recidivist of an offence against this Act, he shall be liable to a fine (*multa*) of not less than twenty thousand euro (€20,000) and not more than one million euro (€1,000,000), or to imprisonment for a term of not less than six months and of not more than six years, or to both such fine and imprisonment:

Provided further that where the person so found guilty is the president, director, manager, or any other officer exercising executive functions in a company or other undertaking, organisation, club, society or other association or body of persons, the said person shall, for the purpose of this article, be deemed to be vested with the legal representation of the same company or other undertaking, organisation, club, society or other association or body of persons, which shall accordingly be liable in solidum with the person found guilty for the payment of the said fine.

(2) The fine referred to in sub-article (1) shall be considered as a civil debt owed and payable to the Authority in respect of which there is an executive title.

(3) The provisions of the Probation Act and of article 21 and articles 28A to 28I of the Criminal Code shall not apply with respect to offences referred to in sub-article (1). Cap. 446.
Cap. 9.

24. (1) The Court of Magistrates, in its criminal jurisdiction, shall be the competent court to take cognizance of offences against this Act or any regulations made thereunder. Offences to be
tried by the
Court of
Magistrates and
sanction of the
Authority.

(2) No criminal proceedings under this Act or any other regulatory instrument shall be taken except at the instance or with the sanction of the Authority, and proceedings that have been so taken may, at any time before final judgment, be withdrawn at the request of the Authority.

(2) Notwithstanding the provisions of the Criminal Code, the Attorney General shall have a right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates in respect of criminal proceedings under this Act or any other regulatory instrument. Cap. 9.

(3) In any criminal proceedings under this Act or regulations made thereunder, any officer of the Authority may, notwithstanding the provisions of any other law, produce the evidence, plead and otherwise conduct the prosecution jointly with the police.

(4) Should the evidence of the officer designated by the Authority as aforesaid be required as part of the case for the prosecution, he shall be heard before assuming the duties of a prosecuting officer unless the necessity of his giving evidence arises at a later stage:

Provided that said officer may state the facts constituting the offence before giving evidence.

Cap. 9. (5) The punishments provided in this Act shall apply unless the fact constitutes a more serious offence under the Criminal Code or any other law, in which case the provisions of the Criminal Code or of such other law shall apply.

Cap. 9. (6) Notwithstanding the provisions of the Criminal Code, criminal proceedings for an offence against this Act or any other regulatory instrument shall be barred by prescription by the lapse of six years.

Penalty by agreement and other sanctions.

25. (1) Notwithstanding any other provision of this Act, and without prejudice to any other proceedings to which the person in breach may be liable to under any other law, in the case of any breach mentioned in the Third Schedule, the Authority may, with the concurrence of the person committing the breach and subject to the rectification of the breach, impose a penalty not exceeding five hundred thousand euro (€500,000) for each infringement or failure to comply and, or a sum not exceeding five thousand euro (€5,000) for each day of infringement or non-compliance, and, or any other administrative sanctions as an alternative to criminal court proceedings. Upon conclusion of such agreement, the offender's criminal liability under this Act with regard to the offence or offences in relation to which the agreement has been entered, shall be extinguished:

Provided that the agreement shall not be concluded and the criminal liability of the offender shall not be extinguished unless the agreement is accompanied by the payment of the sum due or the provision of sufficient security for its payment, in the case of a fine, or in the case of another form of sanction by adherence thereto or sufficient security of adherence:

Provided further for the sake of clarity that the agreement, and payment of any fine due in virtue thereof, shall not exonerate the person in breach from rectifying such breach and becoming duly compliant with this Act and other applicable regulatory instruments:

Provided further that any forfeiture contemplated in this Act or the relevant regulatory instrument as a consequence of the offence to which the agreement relates shall, notwithstanding such agreement, still take effect.

(2) The provisions of sub-article (1) shall apply also in any case where the offender has been charged before a court in relation to the offence, but before final judgement has been given in the case.

(3) In the case of a breach of any regulatory instrument which is not mentioned in the Third Schedule, the Authority may impose an

administrative penalty not exceeding twenty-five thousand euro (€25,000) for every breach or non-compliance and, or an administrative penalty not exceeding five hundred euro (€500) for each day on which the breach persists.

(4) The Authority may, by means of a public statement, disclose the name of the person sanctioned, the particular breach of a regulatory instrument committed, and the penalty or administrative measure imposed, where it deems that lack of disclosure would be detrimental to the interests of players or cause disproportionate damage to the parties involved.

(5) Any imposition of a fine or administrative sanction shall be without prejudice to the right of the Authority to recover any and all fees, contributions, levies, taxes and other dues which are imposed by or under this Act that remain unpaid after their due date. Such fees and taxes shall be due to the Authority as a civil debt and shall upon the service by judicial act of a copy of a notice for payment on the person indicated in the notice, constitute an executive title for all effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure. Cap. 12.

26. (1) In the case of any infringement of any provision of this Act or any other regulatory instrument, any moneys or effects representing the gaming activity, as well as any instruments or other means used in gaming and which may have been found and seized by the Police and, or the Authority on the occasion of any search effected on any person suspected of having committed such infringement or which may have been found in any place suspected of being used for such purpose, may, until the contrary is proved, be taken as sufficient evidence that such moneys, effects or place were actually used for gaming and that the persons found therein and located within direct proximity of the moneys or effects used for gaming at the time of the search were taking part in such gaming, even though no such bets or wagers were actually going on in the presence of the Police officers and, or officers of the Authority. Presumptive evidence of gaming.

(2) Where any Police officer or any officer of the Authority lawfully authorised to enter any premises suspected to be used in contravention of any regulatory instrument is wilfully prevented from or obstructed or delayed in entering the same or any part thereof, or where any door or any contrivance whatsoever is found in such premises for preventing, delaying or obstructing the entry into the same, or for giving an alarm or warning in case of such entry, or if any such premises or part thereof is found fitted or provided with any means or contrivance for unlawful betting or wagering or for concealing, removing or destroying any instruments used for such

unlawful purposes, it shall be evidence, until the contrary is made to appear, that such premises are used for bets or wagers and that the persons found therein were taking part in activities in contravention of the relevant regulatory instrument.

(3) In the case of a prosecution under the provisions of this Act or any other regulatory instrument, any person who in any way whatsoever has taken part in or has been a partner of any person in any bet or wager, and whose evidence is required in support of such charge as aforesaid, shall be compellable to answer any question respecting that charge, notwithstanding that the answer thereto will expose him to criminal prosecution; but in any such event, any person who shall have given evidence in respect of such charge, and who shall have made a true and faithful statement touching such charge, to the best of his knowledge, shall thereupon obtain from the court a certificate to that effect, and he shall, in consequence, be exempted from all criminal responsibility in respect of his participation in the bet or wager forming the subject-matter of the charge upon which he gave evidence as witness.

Forfeiture in favour of the Authority.

27. In addition to any penalty under any other provision of this Act or regulations made thereunder, any machine or other device whatsoever and any moneys relating to or used in the commission of any offence listed in the Third Schedule, or which has served or was intended to serve for the commission of any such offence, shall be seized and forfeited in favour of the Authority and shall be appropriated in favour of the Gaming Fund.

Saving as to higher punishments established in any other law.

28. Where the fact which constitutes a breach of any regulatory instrument also constitutes an offence under any other law and is liable to a higher punishment under such law, such higher punishment shall be applied in lieu of the punishment established in this Act.

Counterfeiting and forgery.

29. (1) It shall not be lawful for a person -

(a) to forge, counterfeit or tamper with any device or any authorisation or other document whatsoever issued under, used or to be used for the purposes of this Act or any other regulatory instrument; or

(b) knowingly to utter any such forged, counterfeit or tampered with device or authorisation or other document.

(2) It shall not be lawful for a person to use, or have in his possession, any device, authorisation or other document issued under, used or to be used for the purposes of this Act or any other regulatory instrument, which the person knows or ought to know to have been

forged, counterfeited or otherwise tampered with.

(3) Whosoever shall contravene the provisions of sub-articles (1) or (2) shall be guilty of an offence against this Act. Furthermore, any device, authorisation or other document and any gains which that person may have made due to said device, authorisation or other document referred to in the said sub-articles shall be forfeited in favour of the Authority and appropriated in favour of the Gaming Fund.

30. (1) Any person who knowingly permits the use of any place for the purpose of the operation, promotion, sale or playing of any game in contravention of any provision of this Act or any other regulatory instrument or in breach of any conditions attached to an authorisation issued by the Authority, or the storage of a device involved in the contravention of this Act or any other regulatory instrument, or who wilfully prevents any Police officer or an officer of the Authority from lawfully entering into such premises, or obstructs or delays such officer from entering by any other means or contrivance whatsoever, or a person who gives any alarm or warning to such person, shall be guilty of an offence against the Act.

Place used for
unlawful
gaming.

(2) Where any Police officer or officer of the Authority is wilfully prevented or obstructed or delayed as aforementioned, it shall be evidence, until the contrary is made to appear, that such premises are used for the said unlawful purposes and that the persons found therein were taking part in the relevant unlawful activities.

(3) In addition to any penalty under any provision of this Act or any other regulatory instrument, the money and effects representing the stakes as well as any other money and devices used in the playing of the unlawful game found in any place referred to under sub-article (1) shall be seized and forfeited in favour of the Authority and shall be appropriated in favour of the Gaming Fund.

31. Notwithstanding any other provision of this Act or of any other law, the Authority may, whether through its members, officers, inspectors or other employees or through third parties engaged for such purpose, conduct an analysis and investigation of the conduct of operations by an authorised person, with or without prior notice, and with or without informing the relevant authorised person that the person carrying out such analysis and, or investigation is acting on behalf of the Authority.

Investigation
with or without
notice.

32. (1) Without prejudice to any power exercisable by virtue of the provisions of this Act or any other regulatory instrument or any other law, the Authority may at any time serve on an authorised person a notice requiring him, in such manner and within

Power to
demand.

such reasonable time as may be specified in the notice, to produce or supply for inspection by or on behalf of the Authority, any books, documents, video, audio, information or any other thing which the Authority knows, or has reasonable cause to believe, to be in the possession of, or to be known to, the authorised person for the purpose of carrying out any of its functions.

(2) If without reasonable excuse any requirement imposed by a notice served by virtue of sub-article (1) is not complied with, the authorised person shall be guilty of an offence under this Act.

False, misleading or incomplete statements.

33. Whosoever, in order to gain any advantage or benefit for himself or others, shall, in any document intended for the Authority, knowingly make a false, misleading or otherwise incomplete declaration or statement, or otherwise knowingly give false, misleading or otherwise incomplete information to the Authority, shall be guilty of an offence against this Act.

PART VIII - Financial Provisions

Authority to meet expenditure from revenue.

34. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) The revenue of the Authority shall consist of:

(a) income derived in respect of authorisations and other fees, rates or charges, including tax, contribution, levy and other payments payable under this Act or any other law in respect of which the Authority exercises supervisory, regulatory or similar functions;

(b) rents, interests and profits accruing from property, deposits and other assets of the Authority; and

(c) any other money receivable or received by the Authority.

(3) Notwithstanding the provisions of any other law, the claim of the Authority of any amount due by way of any such fees, rates, charges, taxes, duties and other payments including administrative penalties shall constitute a privileged claim, ranking immediately after the wages of employees due in terms of article 20 of the Employment and Industrial Relations Act and claims by the Director of Social Security in terms of article 116 of the Social Security Act, and equally with claims by the Commissioner for Revenue in terms of article 23(11) of the Income Tax Management Act, and shall be paid

Cap. 452.
Cap. 318.

Cap. 372.

after such wages and social security claims and together with such income tax claims in preference to all other claims whether privileged or hypothecary.

(4) The Authority shall also be paid by Government out of the Consolidated Fund such sums as the House may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by the Authority, being works of infrastructure or a similar capital nature.

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in accordance with the provisions of this Act.

(6) The Authority may establish an "Ordinary Reserves Fund" to which may be appropriated surplus funds to be used for the purposes of the Authority.

(7) The surplus funds of the Authority mentioned in sub-article (6) for each financial year of the Authority shall be determined after the Authority meets all current expenditure for that year and after making such provisions, including provisions for contingencies, as it deems fit.

(8) After the allocations referred to in sub-articles (6) and (7) have been made, the remainder of the surplus funds shall be paid to the Government.

35. (1) The Authority may:

- (a) hold accounts with any bank;
- (b) obtain loans, overdrafts or any other form of credit as may be necessary;
- (c) invest any of its liquid assets in short and medium term first class securities as approved by the Board;
- (d) acquire, purchase, lease or dispose of any movable or immovable property required for the conduct of its business or for any purposes ancillary or incidental to the performance of its functions under this Act.

Authority's
control of its
finances.

(2) For the purposes of carrying out its functions under this Act, the Authority may borrow or raise such sums as it may require:

Provided that for any amount in excess of five hundred thousand euro (€500,000) there shall be required the approval of the

Minister in writing.

Advances from
Government.

36. The Minister may make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may deem appropriate. Any such advance may be made by the Minister out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorizing the Accountant General to make such advance.

Exemption from
taxes.

37. The Authority shall be exempt from any liability for the payment of income tax, duty on transfers and documents, customs and excise duty, under any law for the time being in force.

Estimates and
expenditure.

38. (1) The Authority shall cause to be prepared in every financial year of the Authority, and shall not later than six weeks after the end of each such year prepare for adoption by the Board of Governors, within six weeks of presentation with or without amendments, estimates of the income and expenditure of the Authority for that financial year.

(2) In the preparation of such estimates the Authority shall endeavour to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its income and expenditure account, including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Board may direct.

(4) Notwithstanding the provisions of sub-article (1), if in respect of any financial year of the Authority, it is found that the amount approved by the Board of Governors is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Executive Committee may adopt supplementary estimates for approval by the Board, and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to supplementary estimates.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment.

Accounts and
audit.

39. (1) The Authority shall cause to be kept proper books of accounts and other records in respect of its operations and shall cause to be prepared a statement of accounts in respect of each financial

year of the Authority.

(2) The accounts of the Authority shall be audited by auditors appointed by the Board from among persons who are qualified to be appointed as auditors of a company:

Provided that the Minister may require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have all the powers set out in the Auditor General and National Audit Office Act.

Cap. 396.

40. The Authority shall, as soon as may be but not later than five months after the close of each financial year of the Authority, transmit to the House through the Minister, a copy of its annual accounts duly audited together with a report on its activities during the previous year.

Annual report and audited financial statements.

41. (1) The Authority shall create and maintain a fund, to be styled as the "Gaming Fund", to which there shall be credited and paid by the Authority, upon receipt thereof:

The Gaming Fund.

(a) such percentage of the gross sums, fees, duties and, or taxes paid by authorised persons to the Authority as may be prescribed by regulations made by the Minister under this Act;

(b) such sums as may be paid in terms of any law or private contract or any other legal instrument or document whatsoever, be it domestic, foreign or international, to the Responsible Gaming Fund; and

(c) any other amounts which the Authority is required to credit and pay into the Gaming Fund by or under this Act or any other law.

(2) All funds standing to the credit of the Gaming Fund may, after deducting the amount to be appropriated in favour of the Social Causes Fund and, or the Responsible Gaming Fund, be used for such lawful purposes as the Authority may, in its discretion, deem necessary or desirable in furtherance of its functions or the main objectives of this Act.

PART IX - Administrative Review

42. (1) The Administrative Review Tribunal established by article 5 of the Administrative Justice Act, hereinafter referred to as the "Tribunal", shall be competent to hear and determine appeals in accordance with this Act.

Administrative Review Tribunal.
Cap. 490.

(2) The Tribunal shall carry out such functions as are assigned to it in terms of this Act.

(3) The provisions of the Administrative Justice Act, in so far as they apply to the Administrative Review Tribunal, shall apply to any proceedings before the said Tribunal in terms of this Act, except to the extent that such provisions conflict with the provisions of this Act, in which case the provisions of this Act shall prevail, and the words "public administration" in the said enactment shall be construed as a reference to the Authority.

(4) The Tribunal shall have the power to summon any person to give evidence or to produce books or other documents before it:

Provided that:

(a) the clerk, agent, employee or other person confidentially employed in the affairs of the appellant and the parent, spouse or children of the appellant shall not be called to give evidence or to be examined except on the request of the appellant;

(b) except at the request of the appellant, no person shall be examined in relation to any information concerning the appellant in respect of which the said person is under the duty of professional secrecy. This exception does not apply to members or employees or former members or employees of the Authority which the Authority requests to give evidence in order to make its case.

(6) (a) The Tribunal shall ensure that the members thereof that are selected to adjudicate an appeal in accordance with this Act shall be free from any conflict of interest.

(b) Any Tribunal member shall abstain in cases of conflict of interest, and in the absence of such abstention may be challenged by either party to the appeal:

Provided that for the purposes of this sub-article a Tribunal member shall be deemed to have a conflict of interest:

(i) on the grounds on which a judge or magistrate may be challenged or abstain in terms of the Code of Organization and Civil Procedure;

(ii) if he has previously expressed his professional opinion in relation to the subject matter of the appeal or an issue which is an important consideration with

respect to the subject matter of the appeal; or

(iii) if he provides ongoing professional services to a direct competitor of one of the parties to the appeal in such a manner as to undermine his impartiality, or to give the reasonable appearance of a lack of impartiality.

(7) The Tribunal members shall not be personally liable for any act or default of the Tribunal done or omitted to be done in good faith in the course of the operations of the Tribunal.

43. (1) Any person who feels aggrieved by a decision of the Authority may enter, within twenty days after the date of service upon him of notice of the Authority's decision, an appeal to the Administrative Review Tribunal: Right of appeal.

Provided that where the decision appealed from related to the exercise of discretion by the Authority, the Tribunal shall not query the Authority's decision so long as such discretion has been exercised properly:

Provided further that no appeal shall lie from:

(a) any decision of the Authority imposing a fine not exceeding two thousand euro (€2000) or from any reprimand or warning;

(b) a decision of the Authority to refuse to grant, or to suspend or cancel a licence or other authorisation on grounds of national interest or for the safeguarding of the reputation of Malta.

(2) An appeal made under this article shall not suspend the operation of any decision from which the appeal is made:

Provided that a decision to cancel a licence or to impose an administrative penalty in terms of this Act or any other regulatory instrument shall not become operative until the expiration of the period within which an appeal lies under this article and, if an appeal is made within such period, the decision shall become operative on the date of the decision of the Tribunal dismissing the appeal or the date on which the appeal is abandoned:

Provided further that when a decision to cancel a licence or other authorisation is appealed, pending the determination of the appeal the relevant licence or authorisation shall be deemed suspended.

(3) Every person appealing shall appear before the Tribunal either in person or by agent on the day and at the time fixed for the hearing of the appeal:

Provided that if it be proved to the satisfaction of the Tribunal that owing to absence from Malta, sickness or other reasonable cause, any person is prevented from attending at the hearing of his appeal on the day and at the time fixed for that purpose, the Tribunal may postpone the hearing of such appeal for such reasonable time as it thinks necessary for the attendance of the appellant.

(4) The onus of proving that the decision of the Authority is unjust shall rest on the appellant.

(5) Subject to the provisions of sub-article (2), the Tribunal shall have the power to confirm or annul the decision or make such order thereon as it shall deem fit.

Certain provisions to be followed in the hearing of appeals.

44. The following provisions shall have effect for the purposes of an appeal made under article 43:

(a) the Tribunal shall summarily reject any appeal before it unless *prima facie* proof is brought to the effect that, by the time when the appeal was filed, the appellant had filed all documentation and information in support of his argument with the Authority in connection with the decision forming the subject of the appeal:

Provided that new evidence may be brought on appeal if the party producing the evidence proves that it had no knowledge of such evidence before the appeal or could not, with the means provided by law, have produced such evidence;

(b) the Tribunal shall summarily reject any appeal that is deemed by the Tribunal to be frivolous and, or vexatious. In any such case all costs shall be borne by the appellant, and the Tribunal may also impose on the appellant a nominal fine not exceeding one thousand euro (€1,000), which shall be recoverable by the Authority as a civil debt owed and due to the Authority on which there is an executive title.

Appeals on a point of law.

45. (1) Any person who, having appealed to the Tribunal, feels aggrieved by its decision may, by application filed within twenty days of the Tribunal's decision, appeal to the Court of Appeal (Inferior Jurisdiction), on a point of law only.

(2) The Authority may, if it is aggrieved by the decision of the

Tribunal, by application filed within twenty days of the Tribunal's decision, appeal to the Court of Appeal (Inferior Jurisdiction), on a point of law only.

(3) Unless any regulatory instrument provides a longer period, the parties shall be given no less than five working days' notice of the date fixed for the hearing of the appeal.

(4) The Court may confirm or annul the Tribunal's decision or make such orders thereon as it may deem fit.

(5) The cost of the appeal shall be at the discretion of the Court, and shall be a sum fixed by the registrar:

Provided that if the Court determines that an appeal is frivolous or vexatious, costs shall be borne by the appellant.

(6) The Minister may, after consulting the Minister responsible for justice, by regulations establish the fees payable in the registry of the courts in relation to the filing of judicial acts in connection with an appeal to the Court of Appeal (Inferior Jurisdiction) under this article:

Provided that until such fees have been so established by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply. Cap. 12.

PART X - Administration

46. (1) Without prejudice to the powers conferred to the Authority by or under this Act, the Authority may, in exceptional circumstances where it is reasonably satisfied that this would be preferable to any other action, proceed to take any one or more of the following measures: Appointment of administrator.

(a) nominate an administrator to take charge of the assets of the authorised person, or any portion of them, for the purposes of safeguarding player funds, the interests of players, and the interests of the employees of the authorised person;

(b) nominate an administrator to assume control of the business of the authorised person, either to carry on that business or to carry out such other function or functions in respect of such business, or part thereof, as the Authority may direct,

and by application seek the appointment of such administrator by the Civil Court (Voluntary Jurisdiction Section), with such remuneration

as the Court may deem fit:

Provided that, where the assets of the authorised person are insufficient to satisfy its liabilities, the remuneration due to the administrator and any lawful expenses and disbursements incurred by the administrator in the performance of his functions shall be paid in the same order of priority as expenses and other disbursements incurred by a liquidator, and the remuneration due thereto, in an insolvent winding up in accordance with article 258 of the Companies Act.

Cap. 386.

(2) Where an administrator is so appointed -

(a) under sub-article (1)(a), it shall be the duty of the authorised person to deliver to such appointed administrator all the assets, whether movable or immovable, of which he is placed in charge, and all the powers, functions and duties of the authorised person in respect of those assets, including those exercisable by the authorised person in a general meeting, or by the directors, or by any other person, including the legal and judicial representation of the authorised person, shall be exercisable by and vest in the administrator appointed under the said sub-article to the exclusion of any other person;

(b) under sub-article (1)(b), the authorised person shall submit its business to the control of such appointed administrator and shall provide such person with such facilities as may be required to carry on that business or to carry out the functions assigned to such person under the said paragraph; and all the powers, functions and duties of the authorised person, including the legal and judicial representation of the authorised person, shall be exercisable by and vest in the administrator appointed under the said sub-article to the exclusion of any other person.

(3) The Authority may, where it feels it is in the best interest of the players or the general public so to do, make or issue public statements or notices giving warnings or information about any measure taken in terms of this article.

(4) The Authority may require the authorised person concerned to pay all the expenses of, and incidental to, the publication or issue of public statements or notices pursuant to this article, or such part thereof as it may deem appropriate; and any sum so due shall be recoverable by the Authority as a civil debt.

(5) The administrator holds office -

(a) for the duration established by the Court; or

(b) in the absence of an established period of duration, until such time as the Court, or the Authority, deems necessary,

unless before such time he resigns by means of a note filed before the Court and notified to the Authority.

(6) The Authority may, by means of a binding instrument, specify in further detail the responsibilities of an administrator appointed in accordance with this Part, the procedures to be followed in connection with such appointment, and other ancillary matters.

PART XI - Miscellaneous

47. Unless otherwise stated in this Act or in any other regulatory instrument, in case of any conflict between this Act or any other regulatory instrument and any provision relating to gaming in any other law, this Act or such regulatory instrument, as the case may be, shall prevail.

Conflict between this Act and any other law.

48. (1) Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Authority, and the establishment of terms and conditions thereof, shall be made by the same Authority.

Appointment of officers and employees.

(2) The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may in accordance with this article determine, such officers and employees of the Authority as may, from time to time, be necessary for the due and efficient discharge of the functions of the Authority. Without prejudice to the other provisions of this article and this Act, the appointment and employment of officers and employees shall be regulated by the provisions of the Second Schedule.

(3) No member, employee or other officer of the Authority may participate in gaming offered by an operator regulated by the Authority.

(4) For the purposes of the Criminal Code and of any provision of penal nature in any other law, the members of the Authority and every officer or employee thereof shall be deemed to be public officers.

Cap. 9.

49. The Authority and the officers and employees of the Authority shall not be liable in damages for anything done or omitted to be done in the discharge or purported discharge of any function under this Act or any other law administered by the Authority, or

Limitation of liability.

otherwise in the exercise of their official duties, unless the act or omission is shown to have been done or omitted to be done, as the case may be, in bad faith.

Consultants and advisers.

50. The Authority may engage such consultants or advisers as it may consider necessary to assist it in the fulfilment of its functions.

Name of the Authority not to be used without consent.

51. No person shall, without the prior written consent of the Authority, make or cause to be made any representation in any visual, aural or other form, either specifically or by implication, to the effect that any activity carried out by such person has the approval or is conducted with the cooperation or assistance of the Authority, or that such person is otherwise collaborating with or assisting the Authority.

Service of notices.

52. Where a notice howsoever described is required to be given by the Authority to any person whether under this Act or under any other law administered by the Authority, the notice shall be addressed to that person and shall be given to the person in any of the following ways:

(a) by delivering it to the person on whom it is to be served or to whom it is to be given;

(b) by leaving it at the usual or last place of abode of the person, if such person has furnished such an address or, if such person has furnished an address for service, at such address;

(c) by sending it by registered mail addressed to that person at the place or abode or service as aforesaid;

(d) in the case of a body corporate or other body of persons, by delivering it to an officer or employee thereof at the registered or principal office, or by sending it by registered mail addressed to the body aforesaid at that office;

(e) in any case where the Authority considers that the immediate giving of the notice is required, by sending it by electronic means, such as by electronic mail to the person:

Provided that the means used must be such as to enable the production of proof of delivery; or

(f) in any case in which it is not reasonably possible to effect service or give notice in any of the foregoing manners, whether on all or on any one or more of the persons on whom service is to be made or notice is to be given, by affixing the document to be served or given in a conspicuous place on the premises to which it relates, and keeping it so affixed for a

period of not less than seven working days, and by publishing the contents thereof in the Gazette.

53. Regulations which may be made by the Minister upon the advice of the Authority or after consultation therewith under any Act in respect of which the Authority has been appointed as the competent authority, and any directives or other binding instruments which may be issued by the Authority in accordance with the provisions of this Act or any other regulatory instrument, may be published in the English language only.

Language of regulations and directives.

54. Articles 1713 and 1716 of the Civil Code shall not apply with respect to a game lawfully provided in terms of this Act or any other regulatory instrument and, or any game which is provided by an operator lawfully authorised by or under this Act.

Inapplicability of certain provisions. Cap. 16.

55. Notwithstanding any other law, including the Data Protection Act, the Authority may, for the purpose of carrying out its functions under this Act or any other regulatory instrument, retain any information, including personal information, for such period of time as it may in its discretion deem necessary, or indefinitely as the case may be.

Retention of information. Cap. 440.

56. Any claim of whatsoever nature brought against the Authority shall be filed within two years from when the interested person knew or could have become aware of the act which gave rise to the claim, whichever is earlier:

Period of forfeiture.

Provided that for the sake of clarity such period shall be a peremptory period and shall not be subject to suspension, interruption, or any other extension of such period.

57. (1) Saving the provisions of sub-articles (4), (5) and (6), the Lotteries and Other Games Act, the Gaming Act, the Public Lotto Ordinance, the Director of Public Lotto (Powers and Functions) Act and the Government Lotteries Act, hereinafter collectively referred to as "the repealed legislation", are hereby repealed, without prejudice to anything done or omitted to be done thereunder.

Repeal of the Lotteries and Other Games Act, the Gaming Act and the Public Lotto Ordinance and construction of references therein. Cap. 438. Cap. 400. Cap. 70.

(2) Any reference in any law or private contract or any other legal instrument or document whatsoever, be it domestic, foreign or international, to the repealed legislation shall be read and construed as a reference to the Malta Gaming Authority established by this Act.

(3) Any reference in any law or private contract or any other legal instrument or document whatsoever, be it domestic, foreign or international, to the repealed legislation and, or any subsidiary legislation made or binding instrument issued thereunder shall, until

their repeal, be read and construed as a reference to this Act and any applicable regulatory instrument.

(4) All provisions of the repealed legislation including subsidiary legislation made thereunder shall remain in force until 31 December 2018:

Provided that in so far as these provisions apply to gaming provided by means of distance communication, such provisions shall only remain in force until 30 June 2018.

(5) (a) Until 31 December 2018, where there is any conflict between this Act and regulatory instruments issued thereunder, and any of the provisions relating to gaming provided in gaming premises in the repealed legislation, including subsidiary legislation made thereunder, the provisions of the repealed legislation shall prevail.

(b) For the sake of removing any doubt, after 1 July 2018, where there is any conflict between this Act and regulatory instruments issued thereunder, and any of the provisions relating to gaming by means of distance communications in the repealed legislation, including subsidiary legislation made thereunder, the provisions of this Act and the regulatory instruments issued thereunder shall prevail.

(6) Notwithstanding the provisions of the preceding sub-articles, the Responsible Gaming Fund Regulations, the GamingMalta Fund Regulations and the Gaming Licence Fees Regulations, 2017, shall be kept in force and shall continue to have effect as though made under this Act.

S.L. 438.08
S.L. 438.09
S.L. 438.12.

Detailing of
public officer
for duty with the
Authority.

58. The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority, in accordance with the Second Schedule.

Amendment and
revocation of
other
enactments.

59. (1) The enactments in the First Column of Part A of the Fourth Schedule shall have effect subject to the amendments appearing relative thereto in the Second Column of the said Schedule.

(2) The enactments in referred to in Part B of the Fourth Schedule, hereinafter referred to as "the revoked enactments", shall be revoked.

FIRST SCHEDULE

(Article 6(4))

Composition and conduct of affairs of the Board

1. (1) The Board shall establish the policies to be pursued by the Authority. In determining such policies, the Board shall follow such policy guidelines as may be set out by the Minister. The Board shall also be responsible for advising the Government in furtherance of the functions and in the attainment of the objectives of the Authority in terms of this Act.

(2) The Board of Governors shall consist of the following:

(a) a Chairperson, appointed by the Minister; and

(b) four other Governors appointed by the Minister from among persons who have distinguished themselves in business, financial activities, the professions, the public services or academic affairs and who in his opinion are able to represent the points of view of the industry and players.

(3) The Chairperson and the other members of the Board shall be appointed for a term being not more than three years, as may be specified in the instrument of appointment. However, the members so appointed may be re-appointed on the expiry of their term of office.

(4) The Minister may designate one of the other members of the Board as Deputy Chairperson, and the member so designated shall have all the powers and perform all the functions of the Chairperson during his absence or inability to act as Chairperson, or while the Chairperson is on vacation or during any vacancy in the office of Chairperson:

Provided that the Minister may also, in any of the circumstances mentioned in this sub-article, appoint another person to act as Chairperson, and in such case the provisions of this sub-article and the provisions of the following sub-article shall apply in respect of such person.

(5) (a) A person shall not be eligible to be appointed as Chairperson or as a member of the Board of Governors, or of any other organ of the Authority, or to hold any other office with the Authority, if he:

(i) is the holder of any licence or authorisation issued by the Authority, or otherwise falls under the regulatory or supervisory functions of the Authority; or

(ii) is a director, an officer or employee of such holder or other such person mentioned in sub-paragraph (i); or

(iii) has a financial or other interest in any enterprise or activity directly related to gaming;

(iv) is a Minister, Parliamentary Secretary or a member of the House of Representatives;

(v) is a judge or magistrate of the courts of justice;

(vi) has been declared bankrupt or has made a composition or arrangement with his creditors;

(vii) is legally incapacitated or interdicted;

(viii) has been convicted of an offence punishable by imprisonment for a period of six months or more;

(ix) has been found guilty of an offence under this Act or any other law relating to gaming or of an offence against public trust;

(x) has engaged in or been associated with any other business practice or otherwise conducted himself in such manner as to cast doubt on his competence or soundness of judgement; or

(xi) is otherwise not a fit and proper person to hold that office.

(b) In determining whether a person is a fit and proper person, the Minister shall have regard to that person's probity, competence and soundness of judgement for fulfilling the responsibilities of that office, to the diligence with which he is fulfilling or is likely to fulfil those responsibilities, and to whether the interests of any person are, or are likely to be, in any way threatened by his holding of that office.

(6) Subject to the provisions of this article, the office of a member of the Board shall become vacant:

(a) at the expiry of his term of office;

(b) if he resigns;

(c) if any circumstances arise that disqualify such member from holding office as a member of the Board; or

(d) if he is removed from office in terms of this article.

(7) A member of the Board may be removed if:

(a) such member is, in the opinion of the Minister, unfit to continue in office or has become incapable of properly performing his duties as a

member;

(b) the behaviour or performance of the member brings into question his suitability or ability to continue as a member, in particular for behaviour that affects or may affect his reputation, independence or autonomy, or the reputation, independence or autonomy of the Authority;

(c) the member has been convicted of a criminal offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud, or of bribery or of money laundering, provided that the Minister may suspend the member if he is being investigated for a criminal offence;

(d) the member fails to perform his duties for a prolonged period without any valid justification:

Provided that notwithstanding the above, it shall be a cause for the removal of a member if that member, for any reason, fails to perform his duties including attending for Board meetings, for a continuous period exceeding six months;

(e) if the member acts in contravention of sub-article (9); and, or

(f) one or more of the grounds for ineligibility envisaged in sub-article (5) arises after that member's appointment to the Board.

(8) If a member resigns, or if the office of a member of the Board is otherwise vacant, or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed as a member, to be a temporary member of the Board. Any person so appointed shall, subject to sub-articles (6) and (7) hereof, cease to be a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(9) Any member of the Board who has any direct or indirect interest in any decision made or proposed to be made by the Board in pursuance of its functions under this Act or any other law shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the Board, and the member having an interest as aforesaid shall withdraw from any meetings at which such decision is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from holding office as a member of the Board, he shall report the fact immediately to the Minister and tender his resignation.

2. (1) The meetings of the Board shall be called by the Chairperson as often as may be necessary, either of his own motion or at the request of two or

more members of the Board:

Provided that the Board shall meet as often as may be necessary, but not less than five times every year.

(2) (a) The Chairperson and at least two other members of the Board shall form a quorum. Decisions shall be adopted by a simple majority of the votes of the members present and voting:

Provided that, without prejudice to the other requirements of this Act, no decision shall be valid which is not supported by at least two members of the Board.

(b) Each member of the Board shall be entitled to one vote:

Provided that the Chairperson shall have an initial vote, and in the event of an equality of votes, a casting vote.

(3) Subject to the provisions of this Act, the Board may regulate its own procedure.

(4) Subject to the foregoing provisions of this article, no act or proceeding of the Board shall be invalidated merely by reason of the existence of any vacancy among its members.

(5) All acts done by any person acting in good faith as a member of the Board shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification be afterwards discovered. No act or proceeding of the Board shall be questioned on the ground of the contravention, by a member, of article 1(9) of this Schedule.

3. (1) The Executive Committee shall be responsible for executing the policies decided upon by the Board and for taking the necessary decisions in pursuance thereof as well as decisions in furtherance of the day-to-day management of the Authority.

(2) The Executive Committee shall be composed of the Chief Executive and the heads of the Authority's directorates, and any other persons as necessary, all of whom shall be appointed by the Board on the recommendation of the Chief Executive.

(3) The members of the Executive Committee shall be appointed for such period as may be established by the Chief Executive in the letter of appointment.

(4) The Executive Committee shall meet as often as may be necessary and, subject to the provisions of this Act, may regulate its own proceedings.

SECOND SCHEDULE

(Article 58)

Detailing of public officers for duty with the Authority

1. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such direction, cease to have effect after one year from the effective date of such direction unless the direction is revoked earlier by the Prime Minister.

2. (1) Where any officer is detailed for duty with the Authority under any of the provisions of article 1 of this Schedule, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall, for other intents and purposes, remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid:

(a) shall not, during the time in respect of which he is so detailed:

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity or benefit under the Pensions Ordinance and the Widows' and Orphans' Pension Act and of any other right or privilege to which he would be entitled, and shall be liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Authority.

(3) Where an application is made as provided in sub-article (2)(a)(i), the

same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

3. (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under the provisions of article 1 of this Schedule, permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of sub-article (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pension Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, insofar as this applies in his case, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority was entitled to benefit under the Widows' and Orphans' Pension Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

THIRD SCHEDULE

(Article 23)

Criminal offences

- (a) Providing a service and, or supply which requires an authorisation without the necessary authorisation, or aiding, abetting or otherwise such a provision.
- (b) Acting contrary to, or not adhering to the fullest extent possible to, an order issued by the Authority, howsoever named.
- (c) Committing one or more of the breaches envisaged in articles 30, 31, 33 and 34 of this Act.
- (d) Preventing, obstructing, or delaying any Police officer or any officer of the Authority lawfully authorised to enter any premises suspected to be used in contravention of any regulatory instrument, or giving an alarm or warning in case of such entry.
- (e) Failing to effect payments to the Authority when lawfully due.
- (f) Failing to effect payments to players when lawfully due:

Provided that where it is disputed whether a payment is lawfully due or otherwise, such payment will be deemed to be lawfully due for the purpose of this provision when there is a final binding decision to that effect by a competent court of law or dispute resolution entity.

- (g) Failing to seek the prior approval of the Authority, as may be required by any regulatory instrument, when effecting changes which require such prior approval.
 - (h) Failing to ensure the integrity and availability of essential regulatory data.
 - (i) Any other breach specified in any regulatory instrument which is defined therein as giving rise to a criminal offence or an offence against this Act.
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FOURTH SCHEDULE

(Article 59)

PART A - Amendment of other enactments

1. Criminal Code - Cap. 9: The following provisions thereof shall be repealed:
 - (a) article 379; and
 - (b) the proviso to article 643.

2. Conduct Certificates Ordinance - Cap. 77: In the Fourth Schedule thereof, for the words "Lotteries and Gaming Authority" there shall be substituted the words "Malta Gaming Authority", and for the words "Lotteries and Other Games Act" there shall be substituted the words "Gaming Act".

3. Racecourse Betting Ordinance - Cap. 78: The following provisions thereof shall be repealed:
 - (a) articles 6 to 13, both inclusive;
 - (b) paragraph (d) of article 14;
 - (c) the second proviso to article 15; and
 - (d) article 16.

4. Broadcasting Act - Cap. 350:
 - (a) Article 10(6C) thereof shall be repealed.
 - (b) Immediately after paragraph (c) of sub-article (4) of article 16M thereof there shall be added the following new provisos:

"Provided that notwithstanding the above, gambling products which are strictly related to a sporting event may be advertised on such programme throughout the duration of such event, subject to such restrictions and conditions as the Authority and, or the Malta Gaming Authority may impose thereon:

LEGAL NOTICE NUMBER TO BE
INSERTED UPON PUBLICATION

Provided further that notwithstanding the first proviso hereof, if the Authority deems that, in the interest of public health and, or for the protection of minors and, or vulnerable persons as defined in the Gaming Definitions Regulations, 2018 the advertising envisaged in the first proviso hereof shall not occur, it may restrict and, or prohibit such advertising as it deems fit in its sole discretion."

5. Services (Internal Market) Act - Cap. 500: In paragraph (g) of sub-article (2) of article 3 thereof, for the words "the Gaming Act and the Lotteries and other Games Act", there shall be substituted the words "the Gaming Act".
6. Registration of Clubs Regulations - S.L. 10.21
- (a) In paragraph (b) of regulation 5 thereof, immediately after the word "gambling" there shall be added the words "and provided that he has verified that prior authorisation has been issued by the Malta Gaming Authority in terms of the Gaming Act"; and
 - (b) Regulation 9 thereof shall be amended as follows:
 - (i) in paragraph (d) thereof, immediately after the word "premises" there shall be added the words "provided that the Commissioner of Police has verified that prior authorisation has been issued by the Malta Gaming Authority in terms of the Gaming Act";
 - (ii) in paragraph (e) thereof, immediately after the word "gambling" there shall be added the words "provided that the Commissioner of Police has verified that prior authorisation has been issued by the Malta Gaming Authority in terms of the Gaming Act".
7. Fees leviable by Government Departments Regulations - S.L. 35.01 The following provisions within the Schedule thereof shall be repealed:
"Lotto

- (a) For a permit to hold a tombola or lottery, inclusive of the duty leviable 0.17
Such fees shall be denoted by means of stamps to be affixed to the permit.
- (b) Fee in respect of an application filed later than the term specified in regulation 7 of the Public Tombolas Regulations - exclusive of the fees payable under paragraph (a) above 1.16".
8. Smoking in the Public Places Regulations - S.L. 315.04
In paragraph (c) of sub-regulation (2) of regulation 4 thereof, for the words "Lotteries and Gaming Authority" there shall be substituted the words "Malta Gaming Authority".
9. Satellite Television Broadcasting Licence (Empowerment) Order - S.L. 350.13
Article 2 thereof shall be repealed.
10. Requirements as to Standards and Practice applicable to the Conduct of Competitions and the Award of Prizes - S.L. 350.22
- (a) immediately after sub-paragraph (iv) of paragraph 1.2.2 of regulation 1 thereof there shall be added the following new paragraph:
"1.2.3 Provided that in the exercise of this regulation, the Gaming Act and the regulatory instruments made thereunder applicable to it, shall be complied with.";
- (b) immediately after paragraph 3.3. of regulation 3 thereof there shall be added the following new paragraph:
"3.4 Provided that in the exercise of this regulation, the Gaming Act and the regulatory instruments made thereunder applicable to it, shall be complied with.";
- (c) immediately after paragraph 4.1 of regulation 4 thereof there shall be added the following new paragraph:
"4.2 Provided that in the exercise of this regulation, the Gaming Act and the regulatory instruments made thereunder applicable to it, shall be complied with.";

(d) immediately after paragraph 5.3 of regulation 5 thereof there shall be added the following new paragraph:

"5.4 Provided that in the exercise of this regulation, the Gaming Act and the regulatory instruments made thereunder applicable to it, shall be complied with.";

(e) immediately after paragraph 6.2 of regulation 6 thereof there shall be added the following new paragraph:

"6.3 Provided that in the exercise of this regulation, the Gaming Act and the regulatory instruments made thereunder applicable to it, shall be complied with.";

(f) immediately after sub-paragraph (iv) of paragraph 10.1 of regulation 10 thereof there shall be added the following new paragraph:

"10.2 Provided that in the exercise of this regulation, the Gaming Act and the regulatory instruments made thereunder applicable to it, shall be complied with.";

(g) immediately after paragraph 11.1 of regulation 11 thereof there shall be added the following new paragraph:

"11.2 Provided that in the exercise of this regulation, the Gaming Act and the regulatory instruments made thereunder applicable to it, shall be complied with.".

11. Requirements as to
Advertisements, Methods
of Advertising and
Directions Applicable to
Gambling
Advertisements - S.L.
350.25

(a) in paragraph 2.2 of regulation 2 thereof, the words "since any such advertising is prohibited in terms of article 49 of the Gaming Act (Chapter 400 of the Laws of Malta)" shall be deleted;

(b) in paragraph 4.1 of regulation 4 thereof, the first reference to the words "the Lotteries and Other Games Act" shall be deleted, and for the words "Lotteries and other Games Act or any subsidiary legislation made thereunder" there shall be substituted the words "Gaming Act or any other regulatory instruments issued thereunder";

(c) immediately after sub-paragraph (xvii) of paragraph 5.4 of regulation 5 thereof there shall be added the following new paragraph:

"5.5 Without prejudice to the generality of the foregoing, in the exercise of this provision, the Code of Commercial Communications, howsoever named, as issued by the Malta Gaming Authority shall be complied with."

PART B - Revocation of other enactments

The following subsidiary legislation is being revoked:

- the Betting on the Result of Football Matches Order - S.L. 9.02
- the Importation of Mechanical of Gambling Contrivances Regulations - S.L. 37.03
- the Permits application for Lotteries, Tombolas or Small Games Regulations - S.L. 70.01;
- the Public Tombolas Regulations - S.L. 70.02;
- the Public Lotto Regulations - S.L. 70.03;
- the Racecourse Betting (Use of Totalisator) Rules - S.L. 78.01;
- the Responsible Gaming Fund Regulations - S.L. 438.08.

Objects and Reasons

The object of this Bill is to update the provisions relating to the governance and regulation of gaming services and products from and within Malta, together with all such activities and matters that are ancillary or incidental thereto or connected therewith, for the establishment and functions of the Malta Gaming Authority, and for the repeal, revocation and, or amendment of certain other legislation.