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I assent.

(L.S.)

**DOLORES CRISTINA**  
**Acting President**

15th May, 2018

**ACT No. XVI of 2018**

*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

A 562

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;

"directorate" 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 fund raising 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

A 564

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;

A 566

(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.

**7.** (1) Without prejudice to any other power or function conferred to it by this Act or any other law, in pursuing the main Powers and functions of the Authority.



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

A 570

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.** (1) 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 has submitted that information:

Secrecy and disclosure.  
Cap. 377.

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

A 572

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.

(2) The Authority shall be empowered to share any relevant personal data in its possession with local and, or foreign regulators entrusted with the governance and regulation of a particular sector, when such transfer of data is (i) considered by the Authority as a necessary measure in the public interest, and (ii) necessary for the process of detecting, preventing and investigating activities constituting a criminal offence in Malta, or in accordance with Maltese law, and the law of the country of the relevant foreign regulator:

Provided that the public interest requirement shall be deemed *ipso jure* satisfied where the transfer of data is required in relation to the process of detecting, preventing and investigating activities relating to any of the following offences:

- (a) money laundering;
- (b) terrorist financing;
- (c) fraud, identity theft and misappropriation of funds;
- (d) computer misuse; and
- (e) manipulation of sports competitions:

Provided further that for the purposes of detecting, preventing and investigating the manipulation of sports competitions, the Authority may also share information, including any relevant personal data, with sport governing bodies and other platforms whose function includes the detection of suspicious betting activities and, or are responsible to take action to prevent such manipulation of sports competitions from taking place, and with whom the Authority has signed an agreement establishing the necessary safeguards to protect any personal data being shared:

Provided further that all processing operations shall be in accordance with the applicable data protection legislation.

**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,

Legal  
personality and  
representation  
of the Authority.

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.

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

(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.

**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: Matters affecting public interest.

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.

Powers of the  
Minister.

**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.

(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

**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.

Requirement for authorisation.

#### PART V - Protection of Minors and Vulnerable Persons

**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:

Protection of minors.

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



A 576

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.

Protection of vulnerable persons.

**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.

#### PART VI - Rights and Obligations of Players

Receipt of player complaints.

**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.

(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.

**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.

**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.

**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. Responsibility of players.

(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

**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: Penalty for criminal offences against this Act.

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.

A 578

Offences to be tried by the Court of Magistrates and sanction of the Authority.

**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.

(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.

Cap. 9.

(3) 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.

(4) 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.

(5) 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.

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

Cap. 9.

(7) Notwithstanding the provisions of the Criminal Code, 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.

**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.

(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.

**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.

Forfeiture in favour of the Authority.

**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.

Saving as to higher punishments established in any other law.

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

Counterfeiting and forgery.

(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

Place used for unlawful gaming.

A 582

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.

(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.

Investigation  
with or without  
notice.

**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.

Power to  
demand  
documents etc..

**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 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.

**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.

False, misleading or incomplete statements.

#### PART VIII - Financial Provisions

**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.

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

Cap. 452.  
Cap. 318.

Cap. 372.

(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



A 584

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.

Authority's  
control of its  
finances.

**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.

(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.

**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.

Exemption from taxes.

**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.

Estimates and expenditure.

(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.

**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.

Accounts and audit.

(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.

A 586

Annual report  
and audited  
financial  
statements.

**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.

The Gaming  
Fund.

**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:

(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

Administrative  
Review  
Tribunal.  
Cap. 490.

**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.

(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.

(5) (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;

Cap. 12.

(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.

(6) 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.

A 588

Right of appeal. **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:

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 (€2,000) or from any reprimand or warning; and, or

(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.

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

Certain provisions to be followed in the hearing of appeals.

(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.

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.

Appeals on a point of law.

(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

A 590

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:

Cap. 12. 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.

#### PART X - Administration

Appointment of administrator.

**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:

(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:

Cap. 386. 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.

(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.



A 592

## PART XI - Miscellaneous

Conflict between this Act and any other law.

**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.

Appointment of officers and employees.

**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.

(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.

Cap. 9.

(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.

Limitation of liability.

**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 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.

**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:

Service of notices.

(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 address for 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

Inapplicability of certain provisions. Cap. 16.

A 594

operator lawfully authorised by or under this Act.

Retention of  
information.  
Cap. 440.

**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.

Peremptory  
period.

**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:

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.

Repeal of Acts  
and construction  
of references  
therein.  
Cap. 438.  
Cap. 400.  
Cap. 70.  
Cap. 122.

**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 and the Director of Public Lotto (Powers and Functions) Act, hereinafter collectively referred to as "the repealed legislation", are hereby repealed, without prejudice to anything done or omitted to be done thereunder.

(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, 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.

**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.

Detailing of public officers for duty with the Authority.

**59.** (1) Subject to the provisions of sub-article (2), 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.

Amendment and revocation of other enactments.

(2) Notwithstanding the provisions of sub-article (1) the amendment referred to in item 3 of Part A of the Fourth Schedule shall come into force on 1st January, 2019.

(3) Subject to the provisions of sub-article (4), the enactments referred to in Part B of the Fourth Schedule, hereinafter referred to as "the revoked enactments", shall be revoked.

(4) Notwithstanding the provisions of sub-article (3) the revocation of the Racecourse Betting (Use of Totalisator) Rules referred to in the sixth point of Part B of the Fourth Schedule shall come into force on 1st January, 2019.

S.L. 78.01.

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## 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;

(b) not less than four but not more than six 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; and

(c) The Chief Executive of the Authority, who shall be a member of the Board but shall not have the right to vote on the decisions to be made thereby.

(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;

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

(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 598

- (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



A 600

be afterwards discovered. No act or proceeding of the Board shall be questioned by a member 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.

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## 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.

A 602

(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.

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### 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 29, 30, 32 and 33 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.

A 604

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:

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".

A 606

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.".



A 608

The following subsidiary legislation is being revoked:

- the Betting on the Result of Football Matches Order - S.L. 9.02;
- the Importation of Mechanical 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.

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Passed by the House of Representatives at Sitting No. 109 of the 8th May, 2018.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



