

**A.L. 168 ta' l-2008****ATT TA' L-2003 DWAR L-UNJONI EWROPEA  
(ATT NRU. V TA' L-2003)****Ordni ta' l-2008 dwar l-Unjoni Ewropea  
(Emenda fl-Att dwar il-Lotteriji u Loghob iehor)**

BIS-SAHHA tas-setghat moghtija bis-subartikolu (2) ta' l-artikolu 4 ta' l-Att dwar l-Unjoni Ewropea, il-Prim Ministru ghamel dan l-Ordni li ġej:-

**1.** (1) It-titolu ta' dan l-Ordni hu Ordni ta' l-2008 dwar l-Unjoni Ewropea (Emenda tal-Att dwar Lotteriji u Loghob Iehor). Titolu u skop.

(2) L-ghan ta' dan l-Ordni huwa li jsiru l-emendi neċessarji fl-Att dwar Lotteriji u Loghob Iehor (hawn iżjed 'il quddiem imsejjah "l-Att prinċipali") sabiex jiġi in linja mat-Trattat.

**2.** L-artikolu 3 ta' l-Att prinċipali ghandu jiġi sostitwit b'dan li ġej: Sostituzzjoni ta' l-artikolu 3 ta' l-Att prinċipali.

“3. (1) Loghba li toriġina minn Malta jew li tiġi offruta minn Malta jew li tinvolvi transazzjoni li tiġi konkluża f'Malta, li ma tkunx loghba awtorizzata, jew li ma tkunx awtorizzata sabiex tiġi operata taht xi liġi f'Malta li ma jkunx dan l-Att u regolamenti li jsiru 'l quddiem taht l-istess Att, jew li ma tkunx awtorizzata taht xi liġi ta' xi stat membru ta' l-Unjoni Ewropea jew ta' xi stat membru taż-Żona Ekonomika Ewropea jew ta' xi ġurisdizzjoni ohra jew territorju iehor approvati mill-Awtorità, hija pprojbita milli tintlagħab minn xi persuna f'Malta.

(2) Id-disposizzjonijiet tas-subartikolu (1) japplikaw ukoll għal kull loghba offruta direttament jew indirettament minn barra l-pajjiż jew minn go Malta lil persuni f'Malta permezz ta' xi mezz ta' komunikazzjoni fil-bogħod.”.

**3.** L-artikolu 5 ta' l-Att prinċipali ghandu jiġi sostitwit b'dan li ġej: Sostituzzjoni ta' l-artikolu 5 ta' l-Att prinċipali.

“5. Kull loghba li ma tkunx loghba awtorizzata, jew li ma tkunx awtorizzata sabiex tiġi operata taht xi liġi f’ Malta li ma jkunx dan l-Att u regolamenti li jsiru ’l quddiem taht l-istess Att, jew li ma tkunx awtorizzata sabiex tiġi operata taht xi liġi ta’ xi stat membru ta’ l-Unjoni Ewropea jew ta’ xi stat membru taż-Żona Ekonomika Ewropea jew ta’ xi ġurisdizzjoni ohra jew territorju iehor approvati mill-Awtorità, jew li ma tkunx loghba li tkun operata mid-detentur ta’ permess moghti taht regolamenti magħmulin taht l-artikolu 78(3) skond dak il-permess, tkun projbita milli tiġi operata, promossa jew mibjugha minn xi persuna f’ Malta.

Izda l-Awtorità tista timponi dawk il-htigijiet u kundizzjonijiet proporzjonati, li jkunu konformi mal-liġijiet tal-Unjoni Ewropeja, li tqis neċessarji sabiex taqdi l-funzjonijiet tagħha taht dan l-Att, jew kif il-Ministru jista jordna lill-Awtorità bis-sahha tal-Artikolu 12, dwar loghob awtorizzat taht xi liġi ta’ xi stat membru ta’ l-Unjoni Ewropea jew ta’ xi stat membru taż-Żona Ekonomika Ewropea jew ta’ xi ġurisdizzjoni ohra jew territorju iehor approvat mill-Awtorità.

Izda wkoll tali htigijiet u kundizzjonijiet għandhom ikunu kompatibbli mal-obbligazzjonijiet internazzjonali”.

Emenda ta’ l-artikolu 7 ta’ l-Att prinċipali.

**4.** L-artikolu 7 ta’ l-Att prinċipali għandu jiġi sostitwit b’dan li ġej:

“7. (1) Hadd ma għandu jqiegħed fis-suq, jimmanifattura, jagħmel manutenzjoni, jew jipprovdi xi apparat rilevanti għal-logħob, jew xi parti jew partijiet minnu, jekk kemm-il darba dik il-persuna ma jkollhiex liċenza valida għal dan l-iskop mahruġa mill-Awtorità jew kemm-il darba dik il-persuna ma tkunx eżenti minn dik il-htieġa ta’ liċenza dwar dak l-apparat rilevanti għal-logħob skond regolamenti magħmulin taht dan l-Att.”.

(2) Applikazzjoni għal liċenza biex tqiegħed fis-suq, timmanifattura, tagħmel manutenzjoni jew tipprovdi apparat rilevanti għal-logħob, jew xi parti jew partijiet minnu, għandha ssir f’dik il-forma u b’dak il-mod meħtieġ mill-Awtorità jew kif ikunu preskritti b’regolamenti, u fl-ghoti ta’ tali liċenzja l-Awtorità tista’ tassoġġettaha għal dawk il-kundizzjonijiet hekk kif tista’ tqis li jkun adatt jew li jista’ jiġi preskritt b’regolamenti. L-Awtorità tista’ tordna t-thassir jew is-sospensjoni ta’ kull tali liċenza f’dawk iċ-ċirkostanzi li jista’ jiġi preskritt b’regolamenti jew f’dik il-liċenza nnifisha.

(3) Persuna li tqiegħed fis-suq, timmanifattura, tagħmel manutenzjoni jew tforni, jew b'xi mod li jkun tghin jew thajjar l-importazzjoni, il-manifattura, il-manutenzjoni jew il-forniment ta' xi apparat rilevanti għal-logħob bi ksur tas-subartikolu (1), tkun hatja ta' reat kontra dan l-Att."

**5.** L-artikolu 11, subartikolu (g), tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda ta' l-artikolu 11 ta' l-Att prinċipali.

(g) li tirregola permezz ta' liċenzja t-tqegħid fis-suq, il-manifattura, il-provvista u l-manutenzjoni ta' apparat rilevanti għal-logħbiet, u li jiżgura li dawn ikunu siguri u sodisfaċenti għall-użu li jkunu mahsuba għalih;

**6.** L-artikolu 78, subartikolu (2)(ċ), tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda ta' l-artikolu 78 tal-Att prinċipali.

(ċ) jirregola t-tqegħid fis-suq, il-manifattura, il-provvista u l-manutenzjoni ta' apparat rilevanti għal-logħbiet u l-użu, l-operat, il-kontroll u s-supervizjoni ta' apparat għal-logħbiet u dwar kull haġa oħra li għandha x'taqsam ma' apparat għal-logħbiet;

**7.** L-artikolu 78, subartikolu (5), tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

(5) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti biex jirregola t-tqegħid fis-suq, il-manifattura, il-provvista, il-manutenzjoni, l-użu, l-operazzjoni, il-kontroll u s-supervizjoni ta', u affarijiet oħra li jirrigwardaw, il-makni għal-logħob tad-divertiment jew kategoriji speċifikati ta' makni għal-logħob tad-divertiment jew makni għal-logħob tad-divertiment speċifikati u, mingħajr preġudizzju għall-ġeneralità tad-disposizzjonijiet ta' hawn qabel ta' dan is-subartikolu, huwa jista' b'dawk ir-regolamenti –

(a) jipprovdi li dawk il-makni għal-logħob tad-divertiment jistgħu biss jiġu mqegħda fis-suq, manifatturati, provvisti, issirilhom manutenzjoni u, jew jiġu operati minn persuna li jkollha liċenzja għaldaqshekk mahruġa mill-Awtorità u kif suġġetta għal dawk il-pattijiet u l-kundizzjonijiet li jistgħu jiġu imposti f'tali liċenzja mill-Awtorità;

(b) jirregola ż-żmien, il-hruġ, is-sospensjoni u t-thassir tad-drittijiet, dazju, taxxi u, jew kull ammont ieħor li għandu jingabar taht, u kull haġa oħra li għandha x'taqsam ma', xi

liċenzja msemmija fil-paragrafu (a): iżda dawk ir-regolamenti jistgħu jagħtu s-setgħa lill-Awtorità li tippreskrivi kull haġa jew xi haġa minn dawk li hemm hi nnifisha fil-liċenzja;

(ċ) jipprovdi li dawk il-makni għal-logħob tad-divertiment u, jew it-tqegħid fis-suq, il-manifattura, il-provvista, il-manutenzjoni, l-użu u, jew l-operazzjoni tagħhom tkun, jew isir, taħt is-supervizjoni ta' l-Awtorità u ta' l-ispetturi;

(d) jipprovdi dwar id-drittijiet, dazju, taxxi u, jew ammonti oħra li għandhom jingabru dwar it-tqegħid fis-suq, il-manifattura, il-provvista, il-manutenzjoni, l-użu u, jew l-operazzjoni ta' dawk il-makni għal-logħob tad-divertiment;

(e) jirregola l-bejgħ, xiri, tqegħid fis-suq, provvista u, jew manifattura ta' *tokens* ta' makni għal-logħob tad-divertiment;

(f) jippreskrivi l-ogħla u, jew l-inqas prezz li għandu jithallas biex tintlagħab loġħba tad-divertiment;

(g) jippreskrivi t-tip ta' postijiet fejn tali makni għal-logħob tad-divertiment ikunu jistgħu jinżammu, jiġu operati jew użati u kull haġa oħra li jkollha x'taqsam ma' dawk il-postijiet u l-ogħla u, jew l-inqas għadd ta' makni għal-logħob tad-divertiment li jistgħu jinżammu, ikunu operati jew użati f'kull tali post; u

(h) jagħmel kull provvediment iehor li jkun jiżgura li l-makni għal-logħob tad-divertiment ikunu operati minn persuni idonei u li jinżamm kont kif dovut ta' l-attivitajiet ta' dawk il-persuni għar-rigward ta' l-operazzjoni ta' makni għal-logħob tad-divertiment u li loġħbiet tad-divertiment jintlagħbu b'mod ġust.

**L.N. 168 of 2008**

**EUROPEAN UNION ACT, 2003  
(ACT NO. V OF 2003)**

**European Union  
(Amendment of Lotteries and Other Games Act) Order, 2008**

IN exercise of the powers conferred upon him by subarticle (2) of article 4 of the European Union Act, the Prime Minister has made the following Order:-

**1.** (1) The title of this Order is the European Union (Amendment of Lotteries and Other Games Act) Order, 2008. Citation and scope.

(2) The purpose of this Order is to make the necessary amendments to the Lotteries and Other Games Act (hereinafter referred to as the “principal act”) in order to bring it in line with the Treaty.

**2.** Article 3 of the principal Act shall be substituted with the following: Substitution of article 3 of the principal Act.

“3. (1) Any game which originates from Malta or which is offered from Malta or which involves a transaction that is concluded in Malta, which is not an authorised game, or which is not authorised to be operated under any law in Malta other than this Act and regulations made thereunder, or which is not authorised to be operated under any law enacted by a member state of the European Union or a member state of the European Economic Area or by any other jurisdiction or territory approved by the Authority, is prohibited from being played by any person in Malta.

(2) The provisions of subarticle (1) also apply to any game offered directly or indirectly from abroad or from Malta to persons in Malta through a means of distance communication”.

**3.** Article 5 of the principal Act shall be substituted with the following: Substitution of article 5 of the principal Act.

“5. Any game which is not an authorised game, or which is not authorised to be operated under any law in Malta other than this Act and regulations made thereunder, or which is not authorised to be operated under any law enacted by a member state of the European Union or a member state of the European Economic Area or by any other jurisdiction or territory approved by the

Authority, or which is not a game which is operated by the holder of a permit granted under regulations made under article 78(3) in terms of such permit, is prohibited from being operated, promoted or sold by any person in Malta.

Provided that the Authority may impose such proportionate requirements and conditions, in conformity with European Union law, as it may deem necessary in fulfillment of its functions under this Act, or as the Minister may direct the Authority by virtue of Article 12, in respect of games authorised under any law enacted by a member state of the European Union or a member state of the European Economic Area or any other jurisdiction or territory approved by the Authority.

Provided further that such requirements and conditions shall be compatible with international obligations.”

Amendment of  
article 7 of the  
principal Act.

**4.** Article 7 of the principal Act shall be substituted with the following:

“7. (1) No person shall place on the market, manufacture, maintain or supply any relevant gaming device, or any part or parts thereof, unless such person is in possession of a valid licence to this effect issued by the Authority or unless such person is exempted from such licensing requirement in respect of such relevant gaming device in terms of regulations made under this Act.

(2) An application for a licence to place on the market, manufacture, maintain or supply a relevant gaming device, or any part or parts thereof, shall be made in such form and manner required by the Authority or as prescribed by regulations, and in granting such licence the Authority may subject it to such conditions as it may deem appropriate or as may be prescribed by regulations. The Authority may order the cancellation or suspension of any such licence in such circumstances as may be prescribed by regulations or in the said licence.

(3) Any person who places on the market, manufactures, maintains or supplies, or in any way aids or abets the importation, manufacture, maintenance or supply of, a relevant gaming device in contravention of sub-article (1), shall be guilty of an offence against this Act.”

Amendment of  
article 11 of the  
principal Act.

**5.** Article 11, subarticle (g) of the principal Act shall be substituted with the following:

(g) to regulate by licence the placing on the market, manufacture, supply and maintenance of relevant gaming devices, and to ensure that they are secure and satisfactory for the use for which they are intended;

6. Article 78, subarticle (2) (c), of the principal Act shall be substituted with the following:

Amendment of article 78 of the principal Act.

(c) regulate the placing on the market, manufacture, supply and maintenance of relevant gaming devices and the use, operation, control and supervision of gaming devices and any other matter relating to gaming devices;

7. Article 78, subarticle (5), of the principal Act shall be substituted with the following:

(5) The Minister may, after consultation with the Authority, make regulations to regulate the placing on the market, manufacture, supply, maintenance, use, operation, control and supervision of, and other matters relating to, amusement machines or specified categories of amusement machines or specified amusement machines and, without prejudice to the generality of the foregoing provisions of this subarticle (5), he may by such regulations –

(a) provide that such amusement machines may only be placed on the market, manufactured, supplied, maintained and, or operated by a person who holds a licence to this effect issued by the Authority and subject to such terms and conditions as may be imposed in any such licence by the Authority;

(b) regulate the term, issue, suspension and cancellation of, the fees, duties taxes and, or other sums leviable under, and other matters connected to, any licence referred to in subarticle (5)(a): provided that such regulations may empower the Authority to prescribe all or any of such matters itself in the licence;

(c) provide that such amusement machines and, or the placing on the market, manufacture, supply, maintenance, use and, or operation thereof be, or be made, under the supervision of the Authority and of inspectors;

(d) provide for fees, duties, taxes and, or other sums leviable in respect of the placing on the market, manufacture,

supply, maintenance, use and, or operation of such amusement machines;

(e) regulate the sale, purchase, placing on the market, supply and, or manufacture of amusement machines tokens;

(f) prescribe the maximum and, or minimum price to be paid to play an amusement game;

(g) prescribe the type of premises where such amusement machines can be kept, operated or used and other matters relating to such premises and the maximum and, or minimum number of amusement machines which can be kept, operated or used in any such premises; and

(h) make any other provision which will ensure that amusement machines are operated by suitable persons and that a proper account be held of the activities of such persons in respect of the operation of amusement machines and that amusement games are played fairly.