

A.L. 74 tal-2011

ATT DWAR LOTTERIJI U LOGHOB IEHOR
(KAP. 438)

Regolamenti tal-2011 dwar Makni għal-Loghob tad-Divertiment

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 78(5) tal-Att dwar Lotteriji u Loghob ieħor, il-Ministru tal-Finanzi, l-Ekonomija u Investimenti, wara konsultazzjoni mal-Awtorità dwar il-Lotteriji u l-Loghob, għamel dawn ir-regolamenti li ġejjin:-

TAQSIMA I

Preliminari

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2011 dwar Makni għal-Loghob tad-Divertiment. Titolu u bidu
fis-sehh.

(2) Dawn ir-regolamenti għandhom jiġu fis-sehh fil-15 ta' Marzu, 2011.

(3) Dawn ir-regolamenti ġew notifikati skont il-proċedura għall-ghoti ta' informazzjoni fil-qasam ta' *standards* tekniċi u regolamenti u regoli li jirrigwardaw servizzi ta' soċjetajiet ta' informazzjoni fil-11 ta' Marzu, 2010, liema notifika ġiet segwita b'perjodu ta' żmien ta' waqfien temporanju kif stabbilit fid-Direttiva 98/34/KE tal-Parlament Ewropew u tal-Kunsill.

TAQSIMA II

Definizzjonijiet

2. (1) F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra: Tifsir.

"amministratur" tfisser persuna li timmaniġġa, tikkontrolla jew tamministra applikant jew detentur ta' liċenza, inkluż, iżda mhux limitat għal, direttur, *manager* jew *trustee*, u kull persuna li teżercita dawn il-funzjonijiet ukoll jekk taħt kariga differenti;

"applikant" tfisser persuna li tissottometti applikazzjoni għal liċenza taħt ir-regolament 3 jew 10 jew persuna li tissottometti applikazzjoni għal awtorizzazzjoni taħt ir-regolament 13;

"l-Att" tfisser l-Att dwar Lotteriji u Loghob Ieħor;

kap. 438.

"informazzjoni personali dwar l-ambjent ta' esperjenza" tfisser dik l-informazzjoni dwar sigurtà, dwar il-passat kriminali, storika jew finanzjarja, kif tista' tkun meħtieġa mill-Awtorità minn żmien għal żmien sabiex tiġi determinata l-adattabilità ta' applikant li jsir Detentur ta' Liċenza Klassi 1 jew ta' Detentur ta' Liċenza Klassi 2 biex iżomm liċenza;

"*kiddie-ride*" tfisser rikba ta' divertiment iddisinjata primarjament għall-użu mit-tfal li tiddeverti r-rikkieb biċ-ċaqliq, inklużi iżda mhux limitati għal rikbiet fuq binarji, rikbiet fuq minjaturi ta' *ferris wheels*, rikbiet fuq *carousel*, rikbiet *hydraulic*, rikbiet bazi u rikbiet ta' moviment hieles (bħal *bumper cars*);

"li jintlaqa' minn haddiehor" tfisser li wiehed iqiegħed jew iħalli jew b'kwalunkwe mod iehor jippermetti t-tqegħid, f'postijiet aċċessibbli għall-pubbliku; u l-kliem "jilqa' għandu" u "li jintlaqa minn haddiehor" għandhom jiġu mfissra skond hekk;

"liċenza" tfisser Liċenza Klassi 1 jew Liċenza Klassi 2 mogħtija mill-Awtorità skont dawn ir-regolamenti;

"Liċenza Klassi 1" tfisser liċenza mogħtija mill-Awtorità skont ir-regolament 3, u l-kliem "Detentur ta' Liċenza Klassi 1" għandhom jinftehimu skont hekk;

"Liċenza Klassi 2" tfisser liċenza mogħtija mill-Awtorità skont ir-regolament 10, u l-kliem "Detentur ta' Liċenza Klassi 2" għandhom jinftehimu skont hekk;

"makna għal-logħob tad-divertiment approvata" tfisser makna għal-logħob tad-divertiment li tkun ġiet eżaminata u approvata biex titħaddem mill-Awtorità wara li tkun ġiet sottomessa applikazzjoni skont ir-regolament 13;

"makna għal-logħob tad-divertiment ekwivalenti" tfisser makna għal-logħob tad-divertiment li tkun ġiet approvata u, jew mod iehor awtorizzata mill-awtorità kompetenti ta' Stat Membru iehor u li tissodisfa l-htigiet tekniċi stabbiliti f'dawn ir-regolamenti għal makni għal-logħob tad-divertiment approvati;

"makna oħra għal-logħob tad-divertiment" tfisser makna għal-logħob tad-divertiment elenkata fit-Tielet Skeda;

"il-Ministru" tfisser il-Ministru responsabbli għall-finanzi;

"persuna" tinkludi individwu jew entità tkun xi tkun il-forma legali tagħha;

"persuni assoċjati" tfisser detenturi kwalifikanti, uffiċjali, amministraturi, soċji jew assoċjati oħra ta' Detentur ta' Liċenza Klassi 1 jew ta' applikant għal Liċenza Klassi 1, kif ikun il-każ;

"post" tfisser kull lok jew infrastruttura oħra fiżika;

"post aċċessibbli għall-pubbliku" tfisser post aċċessibbli għall-pubbliku kemm b'xejn jew bil-ħlas, u tinkludi klabbs privati fejn jingħataw jew jinbiegħu shubijiet għall-privileġġ li wiehed jappartjeni għall-klabb privat u li jkun jista' jaċċedi għal għanijiet soċjali jew ta' negozju;

"post liċenzjat" tfisser post li dwaru nharġet Liċenza Klassi 2 mill-Awtorità lil Detentur ta' Liċenza Klassi 2 skont dawn ir-regolamenti;

"sehem kwalifikanti" tfisser:

(a) sehem dirett jew indirett f'entità liema sehem jilhaq għall-inqas għoxrin fil-mija tal-kapital maħruġ, iżda meta d-drittijiet miżmuma għar-rigward tal-perċentwali tal-voti, għall-profitti disponibbli għad-distribuzzjoni u għad-drittijiet għal assi disponibbli għad-distribuzzjoni wara stralċ fir-rigward ta' dak is-sehem mhumieq identiċi, l-oġġla cifra perċentwali titqies li tkun il-perċentwali ta' sehem ta' ekwità miżmuma; jew

(b) sehem ta' ekwità li jagħmilha possibbli għad-detentur tiegħu li jahtar il-maġġoranza tal-amministraturi tal-entità;

u l-kliem "detentur ta' sehem kwalifikanti" għandhom jinftiehem skont hekk;

"Stat Membru" tfisser Stat Membru tal-Unjoni Ewropea jew taż-Żona Ekonomika Ewropea;

"sussidjarja" għandha l-istess tifsira kif mogħtija lill-kliem "impriza sussidjarja" bl-Att dwar il-Kumpanniji;

Kap. 386.

"topera" tfisser l-għemil disponibbli għall-ilqugħ, u għall-finijiet ta' dawn ir-regolamenti ma tinkludix l-użu minn ġugatur ta' makna għal-logħob tad-divertiment sabiex tintlagħab logħba tad-divertiment;

"żona approvata" tfisser dik iż-żona, f'post liċenzjat, approvata mill-Awtorità għall-ilqugħ ta' makni għal-logħob tad-divertiment.

(2) Hlief fejn ikun espressament provdut f'dawn ir-

regolamenti, xejn f'dawn ir-regolamenti ma għandu jippreġudika t-tħaddim ta', jew jitqies li jissostitwixxi jew jidderoga minn, xi dispożizzjoni tal-Att jew xi liġi oħra jew regolament ieħor.

(3) F'dawn ir-regolamenti, jekk ikun hemm konflitt ta' interpretazzjoni bejn il-verżjoni Ingliża u dik Maltija, għandha tirbaħ il-verżjoni Ingliża.

(4) Il-kliem użati f'dawn ir-regolamenti u li mhumiex imfissra f'dawn ir-regolamenti għandu jkollhom, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra, it-tifsira mogħtija lilhom fl-Att.

TAQSIMA III

Licenzi - Ġenerali

Htieġa ta'
licenza rilevanti.

3. (1) Minkejja d-dispożizzjonijiet ta' xi liġi, regolament, jew awtorizzazzjoni oħra, l-ebda persuna ma tista':

(a) timmanifattura jew timmonta;

(b) tqiegħed fis-suq, tiddistribwixxi, tforni, tbigh, tikri jew tittrasferixxi;

(ċ) topera; jew

(d) tilqa, f'xi post aċċessibbli għall-pubbliku li hu manigġat, immexxi jew mod ieħor kontrollat minn dik il-persuna;

makna għal-logħob tad-divertiment, jekk dik il-persuna ma jkollhiex licenza valida maħruġa mill-Awtorità kif stabbilit fl-Ewwel Skeda.

(2) Minkejja d-dispożizzjonijiet tas-subregolament (1), meta persuna, diġà stabbilita fi Stat Membru ieħor u debitament licenzjata biex tipprovdi jew twettaq l-attivitajiet elenkati fis-subregolament (1)(a) sa (ċ) mill-awtorità kompetenti ta' Stat Membru ieħor (il-"Provditur tas-Servizz") tapplika għal licenza biex tipprovdi jew twettaq l-attivitajiet elenkati fis-subregolament (1)(a) sa (ċ) f'Malta:

Kap. 500.

(a) l-Awtorità għandha, skont id-dispożizzjonijiet applikabbli tal-Att dwar Servizzi li jingħataw fis-Suq Intern, ma tidduplikax l-htigiet u l-kontrolli li huma ekwivalenti jew essenzjalment komparabbli fir-rigward tal-għanijiet tagħhom li għalihom dak il-Provditur tas-Servizz jista' diġà jkun soġġett fl-Istat Membru li fih hu diġà jinsab stabbilit legalment; u

(b) l-Awtorità għandha tirrikonoxxi d-dritt ta' Provditur ta' Servizz li jeżerċita l-libertà tiegħu li jipprovdi jew iwettaq l-istess attivitajiet f'Malta fuq bażi temporanja u okkażjonali skont id-dispożizzjonijiet applikabbli tal-Att dwar Servizzi li jingħataw fis-Suq Intern. Kap. 500.

Provditur tas-Servizz ma għandux, minkejja d-dispożizzjonijiet tas-subregolament (1)(a) sa (ċ), ikun meħtieġ li jikseb liċenza fir-rigward tal-attivitajiet imsemmija, u r-regolamenti li ġejjin ma għandhomx japplikaw għal Provditur tas-Servizz -

- (i) ir-regolamenti 4 sa 7;
- (ii) is-subregolament (1) tar-regolament 8; u
- (iii) r-regolament 9,

(hawn iżjed 'il quddiem imsejja "ir-regolamenti esklużi").

Għal finijiet ta' dawn ir-regolamenti kull referenza għal Detentur ta' Liċenza Klassi 1 barra minn f'regolament eskluż għandha titqies li tinkludi referenza għal Provditur tas-Servizz.

(3) Id-determinazzjoni jekk il-provvista jew it-twertieq tal-attivitajiet elenkati fis-subregolament (1)(a) sa (ċ) qed jiġu provduti fuq bażi temporanja u okkażjonali f'Malta, għandha tiġi verifikata mill-Awtorità billi jitqiesu ċ-ċirkostanzi partikolari kollha, inklużi iżda mhux limitati għal, kemm iddum tingħata, il-frekwenza, ir-regolarità u l-kontinwità tal-provvista jew tat-twertieq tal-attivitajiet elenkati fis-subregolament (1)(a) sa (ċ).

(4) Meta l-Awtorità tiddetermina li l-provvista jew it-twertieq tal-attivitajiet elenkati fis-subregolament (1)(a) sa (ċ) mhux qegħdin isiru fuq bażi temporanja u okkażjonali minn Provditur tas-Servizz f'Malta, dak il-Provditur tas-Servizz għandu, meta jkun notifikat mill-Awtorità dwar dik id-determinazzjoni, ikun projbit milli jipprovdi jew iwettaq l-attivitajiet elenkati fis-subregolament (1)(a) sa (ċ) hlief jekk dik il-persuna jkollha liċenza valida maħruġa mill-Awtorità kif stabbilit fl-Ewwel Skeda.

(5) Hlief fejn dawn ir-regolamenti espressament jipprovdu mod ieħor, persuna tista' tikkwalifika għal aktar minn tip wieħed jew klassi waħda ta' awtorizzazzjoni, liċenza jew approvazzjoni taht dawn ir-regolamenti.

Liċenza Klassi 1

4. (1) Liċenza Klassi 1 tista' tingħata mill-Awtorità lil Liċenza Klassi 1.

persuna sabiex tawtorizza dik il-persuna biex twettaq xi waħda jew aktar mill-attivitajiet stabbiliti fir-regolament 3(1)(a) sa (ċ). Sabiex jikseb Liċenza Klassi 1 l-applikant għandu japplika bil-miktub lill-Awtorità, iżda l-Awtorità tista' tiddeċiedi li l-applikant jista' japplika wkoll b'mezzi elettronici.

(2) Applikazzjonijiet għal Liċenza Klassi 1 għandhom isiru fuq dawk il-formuli provduti mill-Awtorità minn żmien għal żmien u għandu jkollhom magħhom *inter alia*:

(a) informazzjoni personali dwar l-ambjent ta' esperjenza tal-applikant u ta' kull persuna assoċjata kif determinat mill-Awtorità;

(b) informazzjoni dwar ir-*record* kriminali tal-applikant u ta' kull persuna assoċjata kif determinat mill-Awtorità;

(ċ) fil-każ ta' applikant li jkun individwu, ritratt tad-daqs tal-passaport tal-applikant;

(d) referenza tal-bank jew prova oħra ta' kredibilità finanzjarja tal-applikant u ta' kull persuna assoċjata kif determinat mill-Awtorità;

(e) kopja tal-karta tal-identità jew tal-passport jew taċċertifikat ta' inkorporazzjoni, kif ikun il-każ, tal-applikant u ta' kull persuna assoċjata kif determinat mill-Awtorità;

(f) il-memorandum u l-Artikoli ta' Assoċjazzjoni jew dokumenti oħra kostituttivi tal-applikant, fejn applikabbli; u

(g) dik l-informazzjoni oħra kif tista' tkun meħtieġa fil-formula tal-applikazzjoni.

Liċenza Klassi 1, dritt għal applikazzjoni u dritt annwali għal liċenza.

5. (1) L-ġhoti ta' Liċenza Klassi 1 taħt dawn ir-regolamenti għandu f'kull każ ikun soġġett għall-ħlas ta' dritt għal applikazzjoni, li ma jingħatax lura, kif stabbilit fit-Tieni Skeda.

(2) L-Awtorità tista' b'żieda teħtieġ li applikanti għal Liċenza Klassi 1 iħallsu, b'żieda mad-dritt għal applikazzjoni msemmi fis-subregolament (1), l-ispejjeż attwali li jkunu ntnefqu mill-Awtorità sabiex twettaq investigazzjonijiet dwar l-ambjent ta' esperjenza, l-adattabilità u kwalifiki ta' dak l-applikant li ser jingħata Liċenza Klassi 1 u biex tivverifika l-informazzjoni sottomessa minn dak l-applikant skont dawn ir-regolamenti.

(3) Id-dritt għal applikazzjoni imsemmi fis-subregolament (1) għandu jithallas fl-istess hin mal-preżentata tal-applikazzjoni għal

Liċenza Klassi 1.

(4) Ma tiġi proċessata l-ebda applikazzjoni għal Liċenza Klassi 1 u ma tinhareġ jew tiġi imġedda l-ebda Liċenza Klassi 1 sakemm ma jsirx il-ħlas tal-ammonti kollha dovuti lill-Awtorità fir-rigward tal-ipproċessar tal-applikazzjoni, l-ghoti tal-Liċenza Klassi 1 u l-monitoraġġ u l-eżekuzzjoni tagħhom.

(5) Wara li tingħata Liċenza Klassi 1, Detentur ta' Liċenza Klassi 1 għandu jhallas id-dritt annwali għal Liċenza Klassi 1 kif stabbilit fit-Tieni Skeda, flimkien ma', meta meħtieġ mill-Awtorità, l-ispejjeż attwalment magħmula mill-Awtorità sabiex twettaq investigazzjonijiet dwar l-ambjent ta' esperjenza, adattibilità u kwalifiki tad-Detentur ta' Liċenza Klassi 1 sabiex iżomm Liċenza Klassi 1 u sabiex tivverifika l-informazzjoni sottomessa minn dak id-Detentur ta' Liċenza Klassi 1 skont dawn ir-regolamenti. Dak id-dritt annwali għal Liċenza Klassi 1 u, fejn applikabbli, l-ispejjeż li jintnefqu mill-Awtorità kif intqal qabel, għandhom jithallsu mid-Detentur tal-Liċenza Klassi 1 mhux aktar tard minn tletin gurnata qabel ma tiskadi kull sena kalendarja wara d-data tal-ħruġ tal-Liċenza Klassi 1.

(6) Jekk Detentur ta' Liċenza Klassi 1 jonqos milli jhallas id-dritt annwali għal liċenza kif stabbilit fit-Tiena Skeda u, jew kull somma oħra dovuta skont is-subregolament (5), fiż-żmien stabbilit fis-subregolament (5), il-Liċenza Klassi 1 għandha tiskadi awtomatikament.

6. Liċenza Klassi 1 mogħtija skont dawn ir-regolamenti għandha tibqa' valida għal sena waħda, u tkun awtomatikament imġedda għal perjodi oħra ta' sena kull darba, bla ħsara għall-osservanza kontinwa min-naħa tad-Detentur ta' Liċenza Klassi 1 tad-dispożizzjonijiet tal-Att u ta' dawn ir-regolamenti, mat-termini u l-kondizzjonijiet tal-Liċenza Klassi 1 u ma' kull direttiva jew kodiċi ta' kondotta maħruġ mill-Awtorità skont l-Att jew dawn ir-regolamenti kif applikabbli għal dik il-Liċenza Klassi 1.

Terminu ta' Liċenza Klassi 1.

7. (1) L-Awtorità ma għandhiex tagħti jew iġġedded Liċenza Klassi 1 li tkun saret applikazzjoni għaliha taht dawn ir-regolamenti jekk ma tkunx raġonevolment sodisfatta li l-applikant u kull persuna assoċjata huma persuni xierqa u idonei.

Għoti u tiġdid ta' Liċenza Klassi 1.

(2) Fid-determinazzjoni jekk applikant għall-ghoti jew tiġdid ta' Liċenza Klassi 1 u l-persuni assoċjati humiex persuni xierqa u idonei, l-Awtorità għandha tqis:

(a) il-karattru u r-reputazzjoni fin-negozju tal-applikant u ta' kull persuna assoċjata; u

(b) kull haġa oħra li tista' tiġi inkluża f'direttivi maħruġa mill-Awtorità minn żmien għal żmien.

(3) Liċenza Klassi 1 għandha tkun f'dik il-forma u għandu jkun fiha dawk id-dettalji kif l-Awtorità tista' tiddeċiedi.

Kondizzjonijiet
ta' Liċenza
Klassi 1.

8. (1) Fl-ġhoti ta' Liċenza Klassi 1 l-Awtorità tista' tassogġetta dik il-liċenza għal dawk it-termini, kondizzjonijiet jew htigiet li hi tista' tqis xierqa, u wara l-ġhoti ta' dik il-Liċenza Klassi 1 l-Awtorità tista' minn żmien għal żmien tvarja jew tirrevoka kull terminu, kondizzjoni, jew htieġa hekk imposti, jew timponi termini, kondizzjonijiet jew htigiet godda:

Iżda dawk it-termini, kondizzjonijiet u htigiet għandhom ikunu neċessarji u proporzjonati għat-twettiq tal-funzjonijiet tal-Awtorità taħt l-Att u jkunu konformi ma' ligijiet Komunitarji.

(2) Fl-ġhoti ta' Liċenza Klassi 1, l-Awtorità tista', jekk tkun raġonevolment ġustifikata b'raġunijiet ewlenien li jirrigwardaw interess pubbliku, timponi kondizzjonijiet fir-rigward tan-numru ta' loġġbiet tad-divertiment li jistgħu jkunu jappartjenti lil u, jew operati minn Detentur ta' Liċenza Klassi 1.

Kunsens tal-
Awtorità qabel
ma jsiru ċerti
atti.

9. (1) Minkejja kull haġa li tinsab f'xi liġi oħra jew regolament, tkun meħtieġa l-approvazzjoni bil-miktub tal-Awtorità qabel ma xi persuna tista' legalment:

(a) iżżid sehem kwalifikanti eżistenti f'Detentur ta' Liċenza Klassi 1 hekk illi dak is-sehem jiġi daqs jew ikun iżjed minn tletin fil-mija jew hamsin fil-mija jew hekk li d-detentur ta' Liċenza Klassi 1 isir kumpannija sussidjarja ta' dik il-persuna;

(b) tnaqqas sehem kwalifikanti eżistenti f'Detentur ta' Liċenza Klassi 1 hekk illi dak is-sehem jinżel għal inqas minn tletin fil-mija, jew hekk li d-Detentur ta' Liċenza Klassi 1 ma jibqax kumpannija sussidjarja ta' dik il-persuna;

(ċ) tnaqqas sehem kwalifikanti eżistenti f'Detentur ta' Liċenza Klassi 1 hekk illi s-sehem ma jibqax sehem kwalifikanti; jew

(d) tiżvesti ruħha minn sehem kwalifikanti f'Detentur ta' Liċenza Klassi 1.

(2) Detentur ta' Liċenza Klassi 1 għandu d-dmir li jinnotifika lill-Awtorità minnufih, u fi kwalunkwe każ malli jsir jaf li xi persuna bi hsiebha tiegħu xi wahda mill-azzjonijiet elenkati fis-subregolament

(1).

(3) L-Awtorità tista' titlob għal dik l-informazzjoni li jidhrilha neċessarja li għandha tingħata f'konnessjoni man-notifika msemija fis-subregolament (2).

(4) Fi żmien tmien gimgħat minn meta tirċievi n-notifika msemija fis-subregolament (2) jew minn meta tirċievi l-informazzjoni msemija fis-subregolament (3), liema minnhom issehh l-aktar tard, l-Awtorità għandha:

(a) tagħti l-kunsens tagħha mingħajr ebda kondizzjoni għat-tehid tal-azzjoni;

(b) tagħti l-kunsens tagħha għat-tehid tal-azzjoni kif soġġett għal dawk il-kondizzjonijiet li l-Awtorità jista' jidhrilha xierqa; jew

(ċ) tirrifjuta li tagħti l-kunsens għat-tehid tal-azzjoni:

Iżda meta l-Awtorità tonqos għal xi raġuni li tohroġ avvizz bħal dak fiż-żmien fuq imsemmi, dan il-fatt għandu jinftehem bħala li jfisser li jkun ingħata l-kunsens skont il-paragrafu (a).

Licenza Klassi 2

10. (1) L-ebda persuna ma tista' tilqa' għandha makna għal-logħob tad-divertiment f'post aċċessibbli għall-pubbliku li hu ^{Licenza Klassi 2.} manigġat, immexxi jew mod ieħor kontrollat minnha jekk dik il-persuna ma jkollhiex Licenza Klassi 2 maħruġa mill-Awtorità fir-rigward ta' dak il-post partikolari:

Iżda fejn aktar minn persuna waħda timmanigġa, tmexxi jew b'mod ieħor tikkontrolla l-istess post Licenza Klassi 2 waħda biss tkun meħtieġa fir-rigward ta' dak il-post partikolari u l-limitazzjoni stabbilita fir-regolament 3(1)(d) ma għandhiex tapplika għal dawk il-persuni l-oħra li ma jkunux detenturi ta' Licenza Klassi 2 fir-rigward ta' dak il-post lienzjat.

(2) Applikazzjonijiet għal Licenza Klassi 2 għandhom isiru fuq dawk il-formuli provduti mill-Awtorità minn żmien għal żmien u għandu jkun fihom dik l-informazzjoni kif l-Awtorità għandha tiddetermina inklużi *inter alia*:

(a) prova tat-titolu legali ta', jew il-permess biex jiġi stabbilit il-post;

(b) informazzjoni dwar *record* kriminali tal-applikant

kif determinat mill-Awtorità;

(ċ) deskrizzjoni tan-natura, fejn jinsab, u d-dimensjonijiet tal-post, li dwaru tiġi sottomessa applikazzjoni għal Liċenza Klassi 2;

(d) pjanta fuq skala tal-post li dwaru tiġi sottomessa applikazzjoni għal Liċenza Klassi 2;

(e) disinji li jindikaw b'mod ċar iż-żona approvata proposta fil-post li dwaru tiġi sottomessa applikazzjoni għal Liċenza Klassi 2;

(f) rabta, imnizzla fuq il-formula xierqa provduta mill-Awtorità li l-effett tagħha hu li l-post li għalih tiġi sottomessa applikazzjoni għal Liċenza Klassi 2 mhux ser jintuża sabiex jitqiegħdu fih apparati rilevanti għal-logħob; u

(g) kull informazzjoni oħra li tista' tkun meħtieġa fil-formula ta' applikazzjoni.

(3) L-Awtorità ma għandhiex tagħti Liċenza Klassi 2 li dwarha ssir applikazzjoni taħt dawn ir-regolamenti jekk ma tkunx raġonevolment sodisfatta li l-applikant huwa persuna xierqa u idonea.

(4) Fid-determinazzjoni jekk l-applikant għall-ġhoti ta' Liċenza Klassi 2 huwa persuna xierqa u idonea, l-Awtorità għandha tqis:

(a) il-karattru u r-reputazzjoni fin-negozju tal-applikant; u

(b) kull ħaġa oħra li tista' tiġi inkluża f'direttivi maħruġa mill-Awtorità minn żmien għal żmien

Validità u tiġdid
ta' Liċenza
Klassi 2.

11. (1) Liċenza Klassi 2 mogħtija taħt dawn ir-regolamenti għandha tibqa' valida għal sena waħda, u tkun awtomatikament imġedda għal perjodi oħra ta' sena kull darba, bla ħsara għall-osservanza kontinwa min-naħa tad-Detentur ta' Liċenza Klassi 2 tad-dispożizzjonijiet tal-Att u ta' dawn ir-regolamenti, tat-termeni u l-kondizzjonijiet tal-Liċenza Klassi 2 u ta' kull direttiva jew kodiċi ta' kondotta maħruġ mill-Awtorità skont l-Att jew dawn ir-regolamenti kif applikabbli għal dik il-Liċenza Klassi 2.

(2) L-ġhoti ta' Liċenza Klassi 2 taħt dawn ir-regolamenti għandu f'kull każ ikun soġġett għall-ħlas ta' dritt għal applikazzjoni, li ma jingħatax lura, kif stabbilit fit-Tieni Skeda.

(3) L-Awtorità tista' b'zieda teħtieg li applikanti għal Liċenza Klassi 2 iħallsu, b'zieda mad-dritt għal applikazzjoni msemmi fis-subregolament (2), l-ispejjeż attwali li jkunu ntnefqu mill-Awtorità sabiex twettaq investigazzjonijiet dwar l-ambjent ta' esperjenza, l-adattibilità u kwalifiki ta' dak l-applikant li ser jingħata Liċenza Klassi 2 u biex tivverifika l-informazzjoni sottomessa minn dak l-applikant skont dawn ir-regolamenti.

(4) Id-dritt għal applikazzjoni imsemmi fis-subregolament (2) għandu jithallas fl-istess hin mal-preżentata tal-applikazzjoni għal Liċenza Klassi 2.

(5) Ma tigi proċessata jew imġedda l-ebda applikazzjoni għal Liċenza Klassi 2 sakemm ma jsirx il-ħlas tal-ammonti kollha dovuti lill-Awtorità fir-rigward tal-ipproċessar tal-applikazzjoni, l-ġhoti tal-Liċenza Klassi 2 u l-monitoraġġ fuqhom u l-eżekuzzjoni tagħhom.

(6) Wara li tingħata Liċenza Klassi 2, Detentur ta' Liċenza Klassi 2 għandu jhallas id-dritt annwali għal Liċenza Klassi 2 kif stabbilit fit-Tieni Skeda, flimkien ma', meta meħtieg mill-Awtorità, l-ispejjeż attwalment magħmula mill-Awtorità sabiex twettaq investigazzjonijiet dwar l-ambjent ta' esperjenza, adattibilità u kwalifiki tad-Detentur ta' Liċenza Klassi 2 sabiex iżomm Liċenza Klassi 2 u sabiex tivverifika l-informazzjoni sottomessa minn dak id-Detentur ta' Liċenza Klassi 2 skont dawn ir-regolamenti. Dak id-dritt annwali għal Liċenza Klassi 2 u, fejn applikabbli, l-ispejjeż li jintnefuq mill-Awtorità kif intqal qabel, għandhom jithallsu mid-Detentur tal-Liċenza Klassi 2 mhux aktar tard minn tletin gurnata qabel ma tiskadi kull sena kalendarja wara d-data tal-ħruġ tal-Liċenza Klassi 2.

(7) Jekk Detentur ta' Liċenza Klassi 2 jonqos milli jhallas id-dritt annwali għal liċenza kif stabbilit fit-Tieni Skeda u, jew kull somma oħra dovuta skont is-subregolament (6), fiż-żmien stabbilit fis-subregolament (6), il-Liċenza Klassi 2 għandha tiskadi awtomatikament.

12. (1) Fl-ġhoti ta' Liċenza Klassi 2 l-Awtorità tista' tassogġetta dik il-liċenza għal dawk it-termini, kondizzjonijiet jew ħtieġiet li hi tista' tqis xierqa, u wara l-ġhoti ta' dik il-Liċenza Klassi 2 l-Awtorità tista' minn żmien għal żmien tvarja jew tirrevoka kull terminu, kondizzjoni, jew ħtieġa hekk imposti, jew timponi termini, kondizzjonijiet jew ħtieġiet godda:

Kondizzjonijiet
tal-Liċenza
Klassi 2.

Iżda dawk it-termini, kondizzjonijiet u ħtieġiet għandhom ikunu neċessarji u proporzjonati għat-twettieq tal-funzjonijiet tal-Awtorità taħt l-Att u jkunu konformi ma' liġijiet Komunitarji.

(2) Fl-ghoti ta' Liċenża Klassi 2, l-Awtorità tista', jekk tkun raġonevolment ġustifikata b'raġunijiet ewlenin li jirrigwardaw interess pubbliku, *inter alia*:

(a) timponi kondizzjonijiet fir-rigward tal-post liċenzjat jew taż-żona approvata, inkluż iżda mhux limitat għat-tip ta' makni għal-logħob tad-divertiment u logħbiet tad-divertiment li jistgħu jintlagħbu f'dak il-post jew f'dik iż-żona;

(b) timponi kondizzjonijiet dwar l-akbar numru jew it-tip ta' makni għal-logħob tad-divertiment li jistgħu jiġu milqugħa fil-post liċenzjat;

(ċ) tehtieg li Detentur ta' Liċenża Klassi 2 jinnotifika u, jew jikseb l-approvazzjoni tal-Awtorità qabel ma jwettaq xi waħda mill-attivitajiet speċifikati fil-Liċenża Klassi 2.

(3) L-ebda Detentur ta' Liċenża Klassi 2 ma jista' jilqa' għandu xi makna għal-logħob tad-divertiment f'post maniġġat, immexxi jew mod ieħor kontrollat minnu jekk dawk il-makni għal-logħob tad-divertiment ma jkunux makni għal-logħob tad-divertiment approvati jew makni għal-logħob tad-divertiment ekwivalenti.

Makni għal-logħob tad-divertiment u logħbiet tad-divertiment

Awtorizzazzjoni
għal makni
għal-logħob
tad-
divertiment.

13. (1) L-ebda persuna ma tista' twettaq xi attività elenkata fir-regolament 3(1)(b) u (ċ) hlief jekk u sakemm il-makna għal-logħob tad-divertiment, li fir-rigward tagħha dik l-attività titwettaq, tkun ġiet approvata u reġistrata mill-Awtorità wara s-sottomissjoni, minn dik il-persuna lill-Awtorità, ta' applikazzjoni għal dak il-għan:

Iżda ma jkunu mehtieġa l-ebda approvazzjoni u reġistrazzjoni fir-rigward ta' makni għal-logħob tad-divertiment ekwivalenti.

(2) Applikazzjonijiet magħmula taht is-subregolament (1) għandhom isiru minn persuni li jwettqu xi attività elenkata fir-regolament 3(1)(b) u (ċ) fuq dawk il-formuli kif jista' jiġi preskritt mill-Awtorità minn żmien għal żmien u għandu jkun hemm magħhom dan li ġej:

(a) iċ-ċertifikat tal-manifattur għall-makna għal-logħob tad-divertiment f'konformità mad-dritt u *standards* Komunitarji;

(b) manwali, inklużi manwali tas-*software*, u kull dokument ieħor mahruġ mill-manifattur tal-makna għal-logħob

tad-divertiment li jkun fihom:

- (i) deskrizzjoni shiħa tal-makna għal-logħob tad-divertiment;
- (ii) it-teġma tal-logħba tad-divertiment jew tal-logħbiet tad-divertiment li jistgħu jintlagħbu fuq il-makna għal-logħob tad-divertiment;
- (iii) istruzzjonijiet li għandhom jiġu segwiti minn ġugaturi tal-makna għal-logħob tad-divertiment; u
- (iv) ir-regoli kollha li għandhom x'jaqsmu mal-logħba tad-divertiment jew logħbiet tad-divertiment li jistgħu jintlagħbu fuq il-makna għal-logħob tad-divertiment;
- (è) id-dettalji tal-liċenza miżmuma mill-persuna li tissottometti l-applikazzjoni;
- (d) id-dettalji tal-post fejn ser tiġi milqugħa l-makna għal-logħob tad-divertiment u d-dettalji tad-detentur tal-Liċenza Klassi 2;
- (e) dikjarazzjoni ta' konformità mat-termini ta' dawn ir-regolamenti;
- (f) prova tat-titolu legali tal-applikant fuq il-makna għal-logħob tad-divertiment, jew il-fteħim rilevanti li jirregola jew jirregolaw ir-relazzjoni kummerċjali bejn is-sid, il-bejjieġħ jew id-distributur tal-makna għal-logħob tad-divertiment u l-persuna li twettaq l-attivitajiet elenkati fir-regolament 3(1)(a) sa (è);
- (g) id-dritt, li ma jingħatax lura, għar-registrazzjoni tal-makni għal-logħob tad-divertiment kif stabbilit fit-Tieni Skeda.

(3) Kull persuna li twettaq xi attività elenkata fir-regolament 3(1)(b) u (è) permezz tal-użu ta' makni għal-logħob tad-divertiment ekwivalenti, għandha, qabel id-data tal-bidu fis-seħħ ta' dawn l-attivitajiet, tissottometti lill-Awtorità, b'mezzi elettronici jew mod ieħor, f'dik il-forma li tista' tiġi determinata mill-Awtorità minn żmien għal żmien u li tkun disponibbli fuq is-sit uffiċjali tal-Awtorità, kopja tad-dokumenti msemmijin fis-subregolament (2)(a) sa (g) jew evidenza fil-forma ta' attestazzjoni, ċertifikat jew dokument maħruġa mill-awtorità kompetenti tal-Istat Membru li jkun awtorizza dik il-makna għal-logħob tad-divertiment ekwivalenti li daww id-

dokumenti ġew diġà sottomessi lill-awtorità kompetenti ta' dak l-Istat Membru.

Kap. 500.

(4) L-Awtorità tista', skont id-dispożizzjonijiet tal-Att u l-Att dwar Servizzi li jingħataw fis-Suq Intern, timponi htigijiet addizzjonali u tiegħu kull miżura li jidhrilha neċessarja fir-rigward ta' makni għal-logħob tad-divertiment ekwivalenti.

Registrazzjoni ta' makni għal-logħob tad-divertiment.

14. (1) Meta l-applikazzjoni sottomessa skont ir-regolament 13 tkun approvata mill-Awtorità, l-Awtorità għandha ttipproċedi biex:

(a) tirreġistra l-makna għal-logħob tad-divertiment f'isem l-applikant u għandha toħroġ ċertifikat għal dak il-għan lill-applikant;

(b) toħroġ marka ta' registrazzjoni li għandha tkun imwahnha b'mod permanenti fuq il-makna għal-logħob tad-divertiment, li tistabbilixxi:

(i) in-numru ta' registrazzjoni allokat mill-Awtorità lill-makna għal-logħob tad-divertiment;

(ii) in-numru ta' serje uniku tal-manifattur għall-makna għal-logħob tad-divertiment;

(iii) l-isem tal-manifattur tal-makna għal-logħob tad-divertiment;

(iv) l-isem tad-ditta tal-makna għal-logħob tad-divertiment;

(v) in-numru tal-mudell tal-makna għal-logħob tad-divertiment.

(2) Il-marka ta' registrazzjoni għandha tibqa' proprjetà tal-Awtorità u l-ebda persuna, hlief uffiċjali, impjegati jew agenti tal-Awtorità, ma għandhom iwahnha xi haġa ma', inehhu, ihassru jew b'mod ieħor ibagħbsu l-marka ta' registrazzjoni.

(3) L-Awtorità għandha żżomm reġistru li jkun fih ir-records tal-makni għal-logħob tad-divertiment registrati skont dan ir-regolament.

(4) L-Awtorità tista' tqiegħed sigilli fuq komponenti prinċipali fuq il-makni għal-logħob tad-divertiment.

(5) Fil-każ fejn il-marka ta' registrazzjoni msemija fis-

subregolament (1)(b) tkun għal xi raġuni maqlugħa mill-makna għal-logħob tad-divertiment jew mod ieħor issirilha xi ħsara, l-applikant u kull Detentur ta' Liċenza Klassi 2 li jilqa' għandu l-makna għal-logħob tad-divertiment għandhom minnufih jinnotifikaw lill-Awtorità u jiddiżattivaw u jwaqqfu milli tithaddem il-makna għal-logħob tad-divertiment sakemm uffiċjal tal-Awtorità jkun eżamina, iċċertifika, u waħhal mill-ġdid dik il-marka ta' registrazzjoni.

15. (1) Il-persuna li favur tagħha makna għal-logħob tad-divertiment hi registrata ma għandhiex teffettwa jew tippermetti li jiġu effettwati xi bidliet lill-makna makna għal-logħob tad-divertiment qabel ma tikseb l-approvazzjoni tal-Awtorità, liema approvazzjoni tkun murija bil-ħruġ ta' marka ta' registrazzjoni biex tibdel dik ta' qabel u li għandha tiġi mwahħla minn spettur fuq, jew minflok, il-marka ta' registrazzjoni eżistenti u, fejn ikun applikabbli, it-tibdil ta' sigilli imqiegħedin fuq komponenti prinċipali tal-makna għal-logħob tad-divertiment.

Bidliet lill-makni għal-logħob tad-divertiment jew loġbiet tad-divertiment.

(2) Il-persuna li favur tagħha il-makna għal-logħob tad-divertiment hi registrata u d-detenturi kwalifikanti u amministraturi ta' dik il-persuna għandhom minnufih jinnotifikaw lill-Awtorità, u f'kull każ mhux aktar tard minn tliet ijiem ta' xogħol, dwar kull bidla fid-dettalji sottomessi lill-Awtorità imsemmijin fir-regolament 13(2) u (3):

Iżda l-ebda bidla fis-sjieda, fl-operazzjoni, fl-immanniggar jew fil-pussess ta' makna għal-logħob tad-divertiment ma għandha ssir sakemm ma tiġix approvata mill-Awtorità.

(3) L-ebda persuna ma tista' tiddisponi minn, teqred jew mod ieħor permanentement tirtira mill-operazzjoni makna għal-logħob tad-divertiment hlief u meta l-Awtorità tkun tat l-approvazzjoni tagħha għal dan il-ghan u wara dan nehhiet il-marka ta' registrazzjoni tal-makna għal-logħob tad-divertiment u kkancellat il-makna għal-logħob tad-divertiment mir-registru.

16. (1) Kull persuna li twettaq attività msemmija fir-regolament 3(1)(b) u (ċ) għandha, il-hin kollu, tiżgura li kull makna għal-logħob tad-divertiment użata jew involuta fit-twettieq ta' dik l-attività:

Kondizzjonijiet li għandhom x'jqasmu ma' makna għal-logħob tad-divertiment.

(a) tkun milqugħa f'żona approvata;

(b) għandha marka ta' registrazzjoni imwahħla magħha;

(ċ) qed tiffunzjona tajjeb u, meta dan ma jkunx il-każ, minnufih tiġi disattivata sakemm tiġi msewwija u tkun tajba għall-operazzjoni;

(d) ma tintużax biex tiġi offruta jew tintlagħab logħba kif imfissra fl-Att;

(e) ma tiġix modifikata, imbagħbsa, programmata mill-ġdid jew mod ieħor mibdula, hlief bl-approvazzjoni tal-Awtorità.

(2) L-ebda persuna ma tista', direttament jew indirettament, toffri jew tirċievi premju, għotja jew benefiċċju ieħor ta' valur monetarju jew li jista' jiġi konvertit fi premju, għotja jew benefiċċju ieħor ta' valur monetarju, bħala riżultat ta', jew f'konnessjoni ma', l-użu minn xi persuna ta' makna għal-logħob tad-divertiment.

TAQSIMA IV

Htiġiet oħra applikabbli għal makni għal-logħob tad-divertiment

Htiġiet oħra
applikabbli għal
makni għal-
logħob tad-
divertiment

17. Makna approvata għal-logħob tad-divertiment u, jew reġistrata mill-Awtorità skont dawn ir-regolamenti għandha wkoll tkun konformi mal-htiġiet li ġejjin:

(a) il-makna għal-logħob tad-divertiment għandha tipprovdi lill-gugatur bi:

- (i) l-isem tal-logħba tad-divertiment;
- (ii) kemm jiswa li wiehed jingħata kreditu;
- (iii) ir-regoli tal-logħba tad-divertiment;
- (iv) twissijiet kontra logħob eċċessiv;

(b) l-oġġla prezz biex tintlagħab logħba waħda tad-divertiment ma għandux ikun aktar minn żewġ euro;

(ċ) il-makni għal-logħob tad-divertiment ma għandux ikollhom faċilitajiet biex jiġu aċċettati karti tal-flus jew xi apparat ieħor li jista' jaċċetta karti tal-flus jew hlasijiet permezz ta' karti tal-kreditu, karti ta' debitu jew karti tal-flus imħallsa minn qabel, iżda l-Awtorità tista' f'kull hin tordna li l-makni għal-logħob tad-divertiment jiġu modifikati jew programmati mill-ġdid b'tali mod li l-makna għal-logħob tad-divertiment taċċetta biss *tokens* approvati mill-Awtorità.

(d) il-makni għal-logħob tad-divertiment ma għandhomx jagħtu, jistampaw jew mod ieħor jipproduċu xi valuta reali jew fittizzja ta' xi karti tal-flus, *tokens*, *vouchers*, jew xi biljett ieħor ikun xi jkun.

TAQSIMA V

Makni oħra għal-logħob tad-divertiment

18. (1) Ir-regolamenti 3 sa 17, 22(1), 22(2) u 23 sa 30 ma għandhomx japplikaw għal makni oħra għal-logħob tad-divertiment jew għal xi persuna li twettaq xi attività stabbilita fir-regolament 3(1) fir-rigward ta' makni oħra għal-logħob tad-divertiment.

Makni oħra
għal-logħob tad-
divertiment

(2) Minkejja kull liġi, regolament jew awtorizzazzjoni oħra, l-ebda persuna ma tista' twettaq xi attività elenkata fir-regolament 3(1)(d) fir-rigward ta' makna oħra għal-logħob tad-divertiment hlief jekk dik il-persuna:

(a) tirreġistra l-makna oħra għal-logħob tad-divertiment mal-Awtorità billi tissottometti dik il-formula kif l-Awtorità tista' tippreskrivi;

(b) tħallas lill-Awtorità d-dritt ta' registrazzjoni u d-dritt annwali speċifikat fit-Tielet Skeda;

(ċ) twaħħal fuq il-makna l-oħra għal-logħob tad-divertiment il-marka ta' registrazzjoni maħruġa mill-Awtorità malli tiġi registrata l-makna oħra għal-logħob tad-divertiment skont dan ir-regolament.

(3) L-ogħla prezz biex tintlagħab logħba tad-divertiment fuq makna oħra għal-logħob tad-divertiment ma għandu qatt ikun aktar minn euro.

(4) L-Awtorità tista' minn żmien għal żmien toħroġ direttivi li bis-saħħa tagħhom tiġi emendata t-Tielet Skeda.

TAQSIMA VI

Infurzar

19. (1) Minghajr hsara għal kull ma jinsab fl-Att, spettur ikollu, sabiex jivverifika li dawn ir-regolamenti u l-kondizzjonijiet kollha ta' liċenza maħruġa mill-Awtorità taħt dawn ir-regolamenti qed jiġu osservati, u li l-ammont shiħ ta' drittijiet li għandhom jithallsu taħt dawn ir-regolamenti jkunu qegħdin jithallsu, is-setgħat li ġejjin:

Setgħat tal-
ispetturi.

(a) li jispezzjona l-makni għal-logħob tad-divertiment;

(b) li jneħhi makna għal-logħob tad-divertiment minn fejn tkun dak il-hin sabiex issir spezzjoni jew eżami f'post

approvat u magħżul mill-Awtorità, biex tiġi żgurata konformità ma' dawn ir-regolamenti;

(c) li jieħu dawk il-miżuri li jistgħu jkunu neċessarji, f'każ ta' dubju jew kontestazzjoni, biex jiddetermina b'mod konklużiv jekk apparat huwiex makna għal-logħob tad-divertiment jew mod ieħor;

(d) li jispezzjona l-post fejn jiġu milqugħa makni għal-logħob tad-divertiment; u

(e) li jitlob informazzjoni jew il-produzzjoni għall-ispezzjoni ta' xi dokument jew haġa oħra sabiex iwettaq l-ispezzjoni.

(2) Spettur li jaqbad makna għal-logħob tad-divertiment, minn xi post għandu jagħti riċevuta għal dik il-makna għal-logħob tad-divertiment lill-persuna li timmanniġġa, tmexxi jew mod ieħor tikkontrolla dak il-post u, bla ħsara għas-subregolament (3), għandu minnufih jieħu lura l-makna għal-logħob tad-divertiment, lejn l-istess post wara li jkun temm l-ispezzjoni u, jew l-eżami, kif ikun il-każ.

(3) Spettur jista' jżomm, għall-finijiet ta' evidenza, kull makna għal-logħob tad-divertiment, li l-ispettur jiskopri waqt li jkun qed jaġixxi skont dan ir-regolament u jemmin, fuq bażi raġonevoli, li tista' sservi bħala evidenza ta' ksur jew nuqqas ta' konformità ma xi haġa li tinsab f'dawn ir-regolamenti,

Għajjuna li għandha tingħata lil spetturi.

20. Il-persuna li timmanniġġa, tmexxi jew mod ieħor tikkontrolla l-post fejn ikunu milqugħa makni għal-logħob tad-divertiment, u kull impjegat jew aġent ta' persuna bħal dik, għandhom jagħtu kull assistenza neċessarja lill-ispettur li jkun qed iwettaq spezzjoni skont dawn ir-regolamenti sabiex l-ispettur jkun jista' jeżegwixxi s-setgħat mogħtija lill-Att u b'dawn ir-regolamenti, u għandhom jipprovdu lill-ispettur dik il-makna għal-logħob tad-divertiment, l-informazzjoni jew haġa oħra hekk kif l-ispettur jista' raġonevolment jitlob.

TAQSIMA VII

Reati u Pieni

Reati.

21. (1) Kull persuna li tikser xi dispożizzjoni ta' dawn ir-regolamenti għandha, meta tinsab ħatja, tehel multa ta' mhux inqas minn elf euro (€1,000) iżda mhux aktar minn mitejn u ħamsin elf euro (€250,000) fir-rigward ta' kull ksur, jew nuqqas ta' osservanza, tad-dispożizzjonijiet ta' dawn ir-regolamenti, u, jew it-teħid, tneħħija,

konfiska, qirda jew disattivazzjoni ta' makni għal-logħob tad-divertiment jew kull apparat jew *software* li għandu x'jaqsam jew hu mqabba magħhom.

(2) Id-dispożizzjonijiet tal-artikolu 68 tal-Att għandhom japplikaw *mutatis mutandis* u kull referenza fihom għal detentur ta' liċenza jew detentur ta' permess maħruġ skont l-artikolu 36 tal-Att għandha titqies bħala referenza għal "detentur ta' liċenza" kif imfisser f'dawn ir-regolamenti.

TAQSIMA VIII

Dispożizzjonijiet transitorji

22. (1) Kull persuna li, fid-data ta' dhul fis-seħh ta' dawn ir-regolamenti, diġà twettaq xi wahda mill-attivitajiet elenkati fir-regolament 3(1), hawn iżjed 'il quddiem ukoll imsejja "persuna li tkun qed tokkupa dik il-pożizzjoni", għandha, minkejja d-dispożizzjonijiet ta' kull liġi, regolament jew awtorizzazzjoni, fi żmien perentorju ta' xahrejn mid-data ta' dhul fis-seħh ta' dawn ir-regolamenti:

Dispożizzjonijiet transitorji

(a) tapplika mal-Awtorità għal-liċenza rilevanti skont dawn ir-regolamenti;

(b) fejn ikun applikabbli, tapplika mal-Awtorità għall-awtorizzazzjoni imsemmija fir-regolament 13; u

(ċ) thallas id-drittijiet ta' reġistrazzjoni preskritti f'dawn ir-regolamenti, iżda t-total ta' drittijiet bħal dawn li għandhom jiġihallu minn persuni li jkollhom awtorizzazzjoni valida bil-miktub mill-Kummissarju tal-Pulizija maħruġa skont ir-Regolamenti dwar ir-Restrizzjoni ta' l-Użu ta' Makni tad-Divertiment għandhom, meta tiġi preżentata dik l-awtorizzazzjoni bil-miktub lill-Awtorità, jiġu mnaqqsa *pro rata* bl-ammont imħallas minn dik il-persuna lill-Kummissarju tal-Pulizija sabiex tinhareġ dik l-awtorizzazzjoni.

L.S 10.36

(2) Minkejja kull haġa li tinsab f'dawn regolamenti, persuna li tkun qed tokkupa dik il-pożizzjoni ma titqiesx li tkun kisret id-dispożizzjonijiet ta' dawn ir-regolamenti sakemm ma jiġrix xi wiehed mill-avvenimenti li ġejjin, liema jiġi qabel:

(a) il-persuna li tkun qed tokkupa dik il-pożizzjoni tonqos milli tissottometti applikazzjoni skont is-subregolament (1) fil-perjodu ta' żmien stipulat f'dak is-subregolament;

(b) l-Awtorità tinforma lill-persuna li tkun qed tokkupa

dik il-pożizzjoni li l-applikazzjoni sottomessa minnha skont is-subregolament (1) għet miċhuda u li l-ebda liċenza u, jew awtorizzazzjoni ser tingħata:

Izda l-Awtorità tista' tikkonċedi lill-persuna li tkun qed tokkupa dik il-pożizzjoni perjodu ta' mhux aktar minn hmistax-il ġurnata biex din tipprowdi dik l-informazzjoni l-oħra jew dokumentazzjoni supplimentari jew biex twettaq daww l-atti li l-Awtorità jidhrilha li jkunu neċessarji sabiex tiddetermina jekk il-liċenza u, jew l-awtorizzazzjoni għandha tingħata skont dawn ir-regolamenti.

L.S 10.36.

(3) Id-dispożizzjonijiet tas-subregolamenti (1) u (2) ma għandhomx japplikaw għal makni oħra għal-logħob tad-divertiment. Kull persuna li fid-data ta' dħul fis-seħħ ta' dawn ir-regolamenti diġà tilqa' għandha, f'xi post aċċessibbli għall-pubbliku li hu manniġġat, immexxi jew mod ieħor kontrollat minnha, makna oħra għal-logħob tad-divertiment, għandha, minkejja d-dispożizzjonijiet ta' xi liġi, regolament jew awtorizzazzjoni oħra, fi żmien perentorju ta' xahrejn mid-data ta' dħul fis-seħħ ta' dawn ir-regolamenti, tikkonforma ruħha mal-htigiet stabbiliti fir-regolament 18(2), izda daww id-drittijiet għal applikazzjoni ta' liċenza u, jew drittijiet għal awtorizzazzjoni għal makna għal-logħob tad-divertiment kif jistgħu jiġu preskritti f'dawn ir-regolamenti, u izda ukoll it-total ta' daww id-drittijiet li għandhom jithallsu minn persuni li jkollhom awtorizzazzjoni valida bil-miktub mill-Kummissarju tal-Pulizija maħruġa skont ir-Regolamenti dwar ir-Restrizzjoni ta' l-Użu ta' Makni tad-Divertiment għandhom, meta tiġi preżentata dik l-awtorizzazzjoni bil-miktub lill-Awtorità, jitnaqqsu *pro rata* bl-ammont imħallas minn dik il-persuna lill-Kummissarju tal-Pulizija sabiex jinħarġu daww l-awtorizzazzjonijiet.

(4) Minkejja kull haġa li tinsab f'dawn regolamenti, kull persuna msemmiya fis-subregolament (3) ma titqiesx li tkun kisret id-dispożizzjonijiet ta' dawn ir-regolamenti sakemm jiskadi l-perjodu ta' żmien imsemmi f'dak is-subregolament basta li f'dak il-perjodu ta' żmien tkun osservat il-htigiet tar-regolament 18(2).

TAQSIMA IX

Ġenerali

Proċedura għal applikazzjoni.

23. (1) Kull persuna li tfittex li tikseb liċenza, awtorizzazzjoni jew approvazzjoni oħra mill-Awtorità skont dawn ir-regolamenti għandha tissottometti lill-Awtorità l-formula xierqa tal-applikazzjoni, flimkien ma' dik id-dokumentazzjoni anċillari kif tista' tkun meħtieġa skont dawn ir-regolamenti u skont il-formula ta'

applikazzjoni:

Izda b'zieda mal-htigiet stabbiliti f'dan is-subregolament, l-Awtorità tista', sabiex tiżgura jekk applikant jissodisfax il-htigiet ta' dawn regolamenti, titlob u tagħmel intervista ma' dak l-applikant.

(2) L-Awtorità ma għandhiex tibda' tipproċessa formula ta' applikazzjoni jekk dik il-formula ta' applikazzjoni ma tkunx imtliet kollha. Fil-każ fejn tirċievi formula ta' applikazzjoni li ma tkunx kompleta, l-Awtorità għandha tinforma lill-applikant dwar il-htieġa tal-għoti ta' informazzjoni jew dokumentazzjoni addizzjonali. Għall-finijiet ta' dan is-subregolament, formula ta' applikazzjoni għandha titqies li ma tkunx mimlija kollha sakemm il-formula ta' applikazzjoni ma tkunx mimlija b'mod korrett u sakemm l-Awtorità ma tkunx irċeviet id-dokumentazzjoni kollha meħtieġa li għandha tiġi sottomessa flimkien mal-formula ta' applikazzjoni kif stabbilit f'dik il-formula u f'dawn ir-regolamenti.

(3) L-Awtorità għandha tiddetermina jekk applikant għandux jingħata liċenza, awtorizzazzjoni jew approvazzjoni fi żmien mija u għoxrin għurnata wara d-data li tkun irċeviet formula ta' applikazzjoni li hi mimlija kollha skont il-htigiet tas-subregolament (2).

(4) Il-perjodu imsemmi fis-subregolament (3) jista', qabel ma jiskadi dak il-perjodu, jiġi estiż mill-Awtorità għal perjodu wiehed ta' mhux aktar minn tletin għurnata. Dik l-estensjoni u r-raġunijiet għaliha għandhom jiġu notifikati lill-applikant.

(5) L-Awtorità għandha tirrikonoxxi li tkun irċeviet formula ta' applikazzjoni mimlija kollha u, fejn ikun applikabbli, id-dritt għall-applikazzjoni, permezz ta' ittra lill-applikant, li għandha tispeċifika:

(a) il-perjodu li fih l-Awtorità ser tiddetermina l-applikazzjoni, kif stabbilit fir-subregolament (3) u fis-subregolament (4);

(b) il-proċedura li biha ċaħda mill-Awtorità li tagħti liċenza, awtorizzazzjoni jew approvazzjoni oħra tista' tiġi appellata skont ir-regolament 30; u

(ċ) dikjarazzjoni skont is-subregolament (6) li fin-nuqqas ta' risposta mill-Awtorità fil-perjodu ta' żmien speċifikat skont il-paragrafu (a), il-liċenza, awtorizzazzjoni jew l-approvazzjoni li dwarhom saret applikazzjoni għandhom jitqiesu li ngħataw.

(6) Meta l-Awtorità ma tiddeterminax jekk applikant għandux jingħata liċenza, awtorizzazzjoni jew approvazzjoni fil-perjodu ta' żmien imsemmi fis-subregolament (3), jew fil-perjodu ta' żmien estiż imsemmi fis-subregolamentt (4), dak l-applikant għandu, għall-finijiet u l-għanijiet kollha, jitmien li jkun ingħata l-liċenza, l-awtorizzazzjoni jew l-approvazzjoni.

(7) Meta liċenza, awtorizzazzjoni jew approvazzjoni jiġu miċhuda, l-Awtorità għandha tinforma lill-applikant b'dik id-deċiżjoni u tagħti raġunijiet għal dik id-deċiżjoni.

Assenjament
jew
trasferiment.

24. (1) Liċenza jew awtorizzazzjoni mogħtija mill-Awtorità skont dawn ir-regolamenti ma tistax tiġi assenjata jew trasferita b'xi mod ikun li jkun lil xi persuna oħra mingħajr l-approvazzjoni bil-miktub minn qabel tal-Awtorità.

(2) Fil-każ fejn detentur ta' liċenza jixtieq iċedi liċenza jew awtorizzazzjoni, hu għandu jawn lill-Awtorità bil-miktub u l-Awtorità għandha tipproċedi biex tikkancela l-liċenza jew l-awtorizzazzjoni skont hekk. Kancellament ta' liċenza jew ta' awtorizzazzjoni ma jaffettwax ir-responsabbiltà tad-detentur tal-liċenza għal kull haġa li tkun saret jew li giet omessa milli ssir qabel id-data tal-kancellament.

(3) Detentur ta' liċenza u d-detenturi kwalifikanti u l-amministraturi ta' dak id-detentur ta' liċenza għandhom jawn lill-Awtorità dwar is-sehħ ta' xi wiehed mill-avvenimenti li ġejjin:

(a) kull bidla materjali fl-amministraturi ta' detentur ta' liċenza;

(b) kull bidla materjali fi:

(i) l-informazzjoni u d-dokumentazzjoni mogħtija lill-Awtorità skont dawn ir-regolamenti, u kull informazzjoni jew dokumentazzjoni oħra provduta mid-detentur ta' liċenza lill-Awtorità skont xi dispożizzjoni oħra tal-Att, jew skont il-kondizzjonijiet meħmuża mal-liċenza; jew

(ii) kull bidla materjali fiċ-ċirkostanzi li jistgħu raġonevolment jitmien li jaffettwaw il-kapaċitajiet tad-detentur ta' liċenza li josserva l-Att, dawn ir-regolamenti u l-liċenza;

(ċ) kull riżoluzzjoni jew riżoluzzjoni intiża jew kull rikors jew rikors intiż lil xi Qorti jew istituzzjoni jew awtorità oħra, jew kull azzjoni oħra, għax-xoljiment u stralc tad-detentur

ta' liċenza jew id-dikjarazzjoni ta' falliment tad-detentur ta' liċenza hekk kif dawn isiru jafu b'dawn il-bidliet, riżoluzzjonijiet jew riżoluzzjonijiet intiżi, rikorsi jew rikorsi intiżi jew azzjonijiet.

(4) In-notifika msemmija fis-subregolament (3) għandha ssir fuq dawk il-formuli hekk preskritti mill-Awtorità mhux aktar tard minn hamest ijiem minn meta jiġri xi wieħed mill-avvenimenti msemmija fis-subregolament (3).

(5) Meta, bħala riżultat ta' bidla msemmija fis-subregolament (3), kemm jekk dik il-bidla giet notifikata lill-Awtorità u kemm jekk le, tinholoq sitwazzjoni li, kieku kienet teżisti fiż-żmien ta' meta saret l-applikazzjoni għal liċenza jew għal awtorizzazzjoni skont dawn ir-regolamenti, din kienet tipprekludi l-ġħoti tal-liċenza jew tal-awtorizzazzjoni, l-Awtorità għandha permezz ta' avviż tinforma lid-detentur tal-liċenza dwar din is-sitwazzjoni. Jekk dik is-sitwazzjoni ma tiġix rimedjata għas-sodisfazzjon tal-Awtorità fi żmien xahar mill-avviż għal dak il-ġħan, l-Awtorità tista' tirrevoka jew tissospendi l-liċenza jew l-awtorizzazzjoni.

25. (1) Kull detentur ta' liċenza għandu l-hin kollu josserva d-dispożizzjonijiet tal-Att, dawn ir-regolamenti, kull direttiva maħruġa mill-Awtorità minn żmien għal żmien u kull-kondizzjoni tal-liċenza jew liċenzi li jkollu. Barra minn dan, kull detentur ta' liċenza għandu jwettaq l-attivitajiet speċifikati fil-liċenza maħruġa lilu skont il-proċeduri, kodiċijiet ta' kondotta u kontrolli interni li jistgħu jiġu preskritti mill-Awtorità minn żmien għal żmien, u dawn il-proċeduri, kodiċijiet ta' kondotta u kontrolli interni kollha għandhom, għall-finijiet u għanijiet kollha, jitqiesu li huma kondizzjonijiet tal-liċenza, kemm jekk ikunu inklużi fiha u kemm jekk ma jkunux.

Konformità mal-Att, mar-regolamenti, mad-direttivi maħruġa mill-Awtorità u mal-kondizzjonijiet tal-liċenza.

(2) Kull detentur ta' liċenza għandu jżomm r-records kollha ta' ikkontjar u dawk tekniċi tal-operazzjonijiet tiegħu, u għandu jgħaddihom lill-Awtorità, f'dik il-forma, f'dak id-dettall u f'dik il-frekwenza kif jista' jiġi preskritta mill-Awtorità f'kodiċijiet ta' kondotta li jistgħu jiġu preskritti għal dan il-ġħan mill-Awtorità minn żmien għal żmien.

(3) Kull detentur ta' liċenza għandu minnufih jirrapporta lill-Awtorità kull haġa jew ċirkostanza li għandha x'taqsam mat-thaddim ta' makni għal-logħob tad-divertiment li hu raġonevolment jissuspetta li tikkostitwixxi reat skont dawn ir-regolamenti jew skont l-Att.

(4) L-ġħoti min-naħa tal-Awtorità ta' liċenza jew awtorizzazzjoni skont dawn ir-regolamenti lil xi persuna ma jeżentax

lil dik il-persuna milli tikseb kull permess, approvazzjoni jew liċenza oħra meħtieġa minn jew taħt xi liġi jew regolamenti oħra.

Revoka jew
sospensjoni ta'
liċenza jew
awtorizzazzjoni.

26. L-Awtorità tista' tirrevoka jew tissospendi liċenza jew awtorizzazzjoni mogħtija skont dawn ir-regolamenti għal xi waħda mir-raġunijiet li ġejjin:

(a) id-detentur ta' liċenza jikser xi dispożizzjoni tal-Att jew ta' dawn ir-regolamenti, jew jinstab mill-Awtorità li jkun kiser xi kondizzjoni tal-liċenza jew ta' xi direttiva maħruġa mill-Awtorità skont l-Att jew regolamenti magħmulin taħt l-Att;

(b) id-detentur ta' liċenza xjentement jew b'negligenza jagħti lill-Awtorità informazzjoni li tkun falza jew qarrieqa;

(ċ) id-detentur ta' liċenza qiegħed fil-proċess li jiġi stralċjat jew ikun mod ieħor f'proċeduri ta' xoljiment;

(d) l-Awtorità hi raġonevolment sodisfatta li d-detentur ta' liċenza mhuwiex, jew ma għadux, persuna adatta biex jkollu l-liċenza.

Proċedura ta'
reviżjoni.

27. (1) Meta tinholoq raġuni għar-revoka, sospensjoni jew nuqqas ta' tiġdid ta' liċenza skont dawn ir-regolamenti, l-Awtorità għandha, permezz ta' avviż raġunat bil-miktub, titlob lid-detentur ta' liċenza biex jagħti r-raġunijiet tiegħu għaliex il-liċenza ma għandhiex tiġi sospiza jew revokata jew għaliex il-liċenza għandha tiġi mġedda għal dik ir-raġuni jew raġunijiet kif dikjarata fl-avviż. Dak l-avviż għandu jispeċifika dak il-perjodu ta' żmien, li ma jkunx inqas minn wiehed u għoxrin gurnata, li fih id-detentur ta' liċenza jew persuna interessata għandhom jipprezentaw risposta lill-Awtorità.

(2) L-Awtorità għandha tikkunsidra kull risposta mogħtija taħt is-subregolament (1) hekk li:

(a) meta l-kwistjoni tiġi solvuta għas-sodisfazzjon tagħha, ma tiegħu l-ebda azzjoni oħra u għandha tinforma lid-detentur ta' liċenza bil-miktub dwar dan;

(b) meta, għalkemm il-kwistjoni ma tiġix solvuta għas-sodisfazzjon tagħha, tikkonsidra li ma hemmx bżonn ta' iżjed azzjoni, hi għandha toħroġ twiddiba bil-miktub lid-detentur ta' liċenza; u

(ċ) meta l-kwistjoni ma tiġix solvuta għas-sodisfazzjon tagħha u tkun sodisfatta li tenhtiegħ aktar azzjoni, hi tista:

(i) b'avviż bil-miktub tagħti dik id-direttiva lid-

detentur ta' liċenza li tikkonsidra xierqa;

(ii) tissospendi l-liċenza għal dak il-perjodu li tqis xieraq; jew

(iii) tirrevoka jew ma ggeddidx il-liċenza.

(3) Meta direttiva mogħtija mill-Awtorità skont is-subregolament (2)(c)(i) ma tiġix osservata fiż-żmien speċifikat fl-avviż, l-Awtorità tista' tirrevoka, tissospendi jew ma ggeddidx il-liċenza.

(4) L-Awtorità għandha, fil-każ ta' kull azzjoni meħuda skont is-subregolament (2)(b) u (c), tagħti lid-detentur ta' liċenza r-raġunijiet għad-deċiżjoni tagħha.

(5) Is-sospensjoni, revoka jew nuqqas ta' tiġdid ta' liċenza ma jaffettwawx ir-responsabbiltà tad-detentur ta' liċenza għal kull haġa li tkun saret jew li giet omessa milli ssir qabel id-data tas-sospensjoni, revoka jew nuqqas ta' tiġdid.

(6) Ir-responsabbiltà tad-detentur ta' liċenza li jhallas kull dritt tibqa' fis-seħh matul kull perjodu li fih il-liċenza tkun sospiża.

28. L-Awtorità tista' toħroġ Kodiċijiet ta' Kondotta li jirregolaw il-kondotta u l-operat tad-Detenturi ta' Liċenza Klassi 1 u tad-Detenturi ta' Liċenza Klassi 2. Kodiċijiet ta' kondotta.

29. Fil-każ li jkun hemm dubju raġonevoli jekk tkunx meħtieġa liċenza jew awtorizzazzjoni skont dawn ir-regolamenti, il-kwistjoni għandha tiġi determinata mill-Awtorità. Dubju jekk tkunx meħtieġa liċenza.

30. (1) Kull persuna li thoss ruħha aggravata b'deċiżjoni tal-Awtorità meħuda skont dawn ir-regolamenti tista' tappella lit-Tribunal ta' Reviżjoni Amministrattiva kostitwit taħt l-Att dwar il-Ġustizzja Amministrattiva skont id-dispożizzjonijiet ta' dawn ir-regolament: Appell.
Kap. 490.

Iżda f'kull każ, persuna li tippreżenta appell fit-Tribunal ta' Reviżjoni Amministrattiva għandha tispjega u għib xiehda tal-interess ġuridiku tagħha biex tikkontesta d-deċiżjoni li dwarha qed isir l-appell.

(2) Appell minn deċiżjoni tal-Awtorità għandu jsir permezz ta' rikors u għandu jiġi preżentat lis-segretarju tat-Tribunal ta' Reviżjoni Amministrattiva fi żmien għoxrin gurnata mid-data li fiha dik id-deċiżjoni giet notifikata lill-parti li tkun qed tappella.

(3) Ir-rikors tal-appell għandu jiġi notifikat lill-Awtorità li għandha tippreżenta r-risposta għal dak ir-rikors mas-segretarju tat-Tribunal ta' Reviżjoni Amministrattiva fil-perjodu ta' żmien mogħti għal dak il-għan mit-Tribunal ta' Reviżjoni Amministrattiva.

Id-deċiżjoni tal-Awtorità għandha tibqa' fis-sehh sakemm ma jinqatax l-appell.

31. (1) Id-deċiżjoni tal-Awtorità taht appell għandha tibqa' ssehh sakemm jinqata' l-appell, kemm jekk l-appell jinstema' quddiem it-Tribunal ta' Reviżjoni Amministrattiva jew il-Qorti tal-Appell (Ġurisdiżjoni Inferjuri), sakemm ma jkunx deċiż mod ieħor mit-Tribunal ta' Reviżjoni Amministrattiva.

(2) It-Tribunal ta' Reviżjoni Amministrattiva jew il-Qorti tal-Appell, kif ikun il-każ, meta jqisu li dan ikun xieraq, jistgħu meta jsir rikors minn parti fl-appell, jissospendu d-deċiżjoni tal-Awtorità, sakemm ma jinqatax l-appell b'mod konkluziv. It-Tribunal ta' Reviżjoni Amministrattiva jew il-Qorti tal-Appell meta jiddeċiedu li jissospendu d-deċiżjoni għandhom jagħtu d-deċiżjonijiet tagħhom għaliex jagħmlu hekk.

L-EWWEL SKEDA

(Regolament 3)

LICENZI

KLASSIJET TA' LICENZI

L-applikanti jistghu japplikaw għal xi wahda mill-licenzi li ġejjin jew għat-tnejn -

1. Licenza Klassi 1 għandha tkopri l-attivitajiet li ġejjin:

(a) il-manifattura u l-immuntar ta' makna għal-logħob tad-divertiment;

(b) it-tqeghid fis-suq, id-distribuzzjoni, il-provvista, il-bejgħ, il-kiri jew it-trasferiment ta' makna għal-logħob tad-divertiment; u

(ċ) it-thaddim tal-makna għal-logħob tad-divertiment.

2. Licenza Klassi 2 għandha tkopri s-sitwazzjoni fejn persuna tilqa' għandha, f'xi post aċċessibbli għall-pubbliku li hu mannigġat, immexxi jew mod ieħor kontrollat minnha, makni għal-logħob tad-divertiment.

IT-TIENI SKEDA

(Regolamenti 5, 11 u 13)

DRITTIJET

APPLIKAZZJONI GĦAL LICENZA KLASSE 1 U DRITTIJET ANNWALI

1. Ma' kull applikazzjoni għal Licenza Klassi 1, l-applikant għandu jhallas lill-Awtorità, skont ir-regolament 5, dritt li jithallas darba u li ma jinghatax lura ta' €2,000.

2. Id-dritt annwali li jithallas minn Detentur ta' Licenza Klassi 1 għandu jkun ta' €1,000 għal kull makna għal-logħob tad-divertiment registrata f'ismu.

APPLIKAZZJONI GĦAL LICENZA KLASSE 2 U DRITTIJET ANNWALI

3. Ma' kull applikazzjoni għal Licenza Klassi 2, l-applikant għandu jhallas lill-Awtorità, skont ir-regolament 11, dritt li jithallas darba u li ma jinghatax lura ta' €1,000.

4. Id-dritt annwali li jithallas minn Detentur ta' Licenza Klassi 2 għandu jkun ta' €1,000 għal kull post mannigġat, immexxi jew mod ieħor ikkontrollat minnu.

DRITT TA' REĠISTRAZZJONI GĦAL MAKNA GĦAL-LOGHOB TAD-DIVERTIMENT

5. Ma' kull applikazzjoni għar-reġistrazzjoni ta' makna għal-logħob tad-divertiment, l-applikant għandu jhallas lill-Awtorità, skont ir-regolament 13(2)(g), dritt li jithallas darba u li ma jinghatax lura ta' €80 għal kull makna għal-logħob tad-divertiment.

IT-TIELET SKEDA

(Regolament 18)

MAKNI OHRA GĦAL-LOGHOB TAD-DIVERTIMENT

1. Dawn li ġejjin huma makni ohra għal-logħob tad-divertiment skont dawn ir-regolamenti:

(a) *billiards, pool* u, jew *snooker tables* hliet jekk jithaddmu b'mod elettroniku permezz ta' wiri fuq video;

(b) mwejjed *tat-table-soccer* hliet jekk jithaddmu b'mod elettroniku permezz ta' wiri fuq video; u

(c) '*kiddie-rides*'.

2. Ma' kull applikazzjoni għar-reġistrazzjoni ta' makna ohra għal-logħob tad-divertiment, l-applikant għandu jhallas lill-Awtorità, skont ir-regolament 18(2)(b), dritt li jithallas darba u li ma jinghatax lura ta' €70 għal kull makna għal-logħob tad-divertiment.

3. Id-dritt annwali li jithallas minn persuna li twettaq attività elenkata fir-regolament 3(1)(d) fir-rigward ta' makna ohra għal-logħob tad-divertiment huwa €100 għal kull makna ohra għal-logħob tad-divertiment milqugħa f'dak il-post li fih jitwettqu dawk l-attivitàjiet.

L.N. 74 of 2011

**LOTTERIES AND OTHER GAMES ACT
(CAP. 438)**

Amusement Machines Regulations, 2011

IN exercise of the powers conferred upon him by article 78(5) of the Lotteries and other Games Act, the Minister of Finance, the Economy and Investment, after consultation with the Lotteries and Gaming Authority, has made the following regulations:-

PART I

Preliminary

1. (1) The title of these regulations is the Amusement Machines Regulations, 2011. Citation and commencement.

(2) These regulations shall come into force on the 15th day of March, 2011.

(3) These regulations have been notified in terms of the procedure for the provision of information in the field of technical standards and regulations and rules pertaining to information society services on the 11th day of March, 2010, which was followed by a standstill period, as laid down in Directive 98/34/EC of the European Parliament and of the Council.

PART II

Definitions

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

"the Act" means the Lotteries and Other Games Act; Cap. 438.

"administrator" means a person who manages, controls or administers an applicant or a licensee, including but not limited to a director, a manager or a trustee, and any person who carries out such functions even if under another title;

"applicant" means a person that files an application for a licence in terms of regulation 3 or 10 or a person that files an application for an authorisation in terms of regulation 13;

"approved amusement machine" means an amusement machine that has been examined and approved for operation by the Authority following an application submitted in terms of regulation 13;

"approved area" means that area, within a licensed premises, approved by the Authority for the hosting of amusement machines;

"associated persons" means qualifying holders, officers, administrators, partners or other associates of a Class 1 licensee or of an applicant for a Class 1 Licence, as the case may be;

"Class 1 Licence" means a licence granted by the Authority in terms of regulation 3, and the term "Class 1 licensee" shall be construed accordingly;

"Class 2 Licence" means a licence granted by the Authority in terms of regulation 10, and the term "Class 2 licensee" shall be construed accordingly;

"equivalent amusement machine" means an amusement machine which has been approved and, or otherwise authorised by the competent authority of another Member State and which satisfies the technical requirements laid down in these regulations for approved amusement machines;

"hosting" means the placing of, or the allowing, suffering or otherwise permitting the placing of, in a premises or any part thereof, which is accessible to the public; and the term "host" shall be construed accordingly;

"kiddie-ride" means an amusement ride designed primarily for use by children which entertains the rider with motion, including but not be limited to, track rides, miniature ferris wheel rides, carousel rides, hydraulic rides, base rides and free movement (bumper car-like) rides;

"licence" means a Class 1 Licence or a Class 2 Licence granted by the Authority in terms of these regulations;

"licensed premises" means a premises in respect of which a Class 2 licence has been issued by the Authority to a Class 2 licensee in terms of these regulations;

"Member State" means a Member State of the European Union or the European Economic Area;

"the Minister" means the Minister responsible for finance;

"other amusement machine" shall mean an amusement machine listed in the Third Schedule;

"operate" means the making available for hosting, and for the purposes of these regulations shall not include the use by a player of an amusement machine for the purpose of playing an amusement game;

"person" includes an individual or an entity regardless of the legal form thereof;

"personal background information" means such security, criminal, historical and financial information as may be required by the Authority from time to time for the purpose of determining the suitability of an applicant to become a Class 1 licensee or of a Class 1 licensee to retain a licence;

"premises" means any venue or other physical infrastructure;

"premises accessible to the public" means premises accessible to the public whether for free or for a charge and includes private clubs where memberships are given or sold for the privilege of belonging to the private club and accessing premises for social or business purposes;

"qualifying holding" means:

(a) a direct or indirect holding in an entity of at least twenty per centum of the capital in issue, provided that where the rights held as to the percentage of votes, to profits available for distribution and to rights to assets available for distribution on a winding up in respect of such holding are not identical, the highest percentage figure shall be deemed to be the percentage of equity holding held; or

(b) an equity holding which makes it possible for the holder thereof to appoint the majority of the administrators of the entity,

and the term "qualifying holder" shall be construed accordingly;

"subsidiary" has the same meaning as is assigned to the term "subsidiary undertaking" by the Companies Act. Cap. 386.

(2) Except as otherwise expressly provided in these regulations, nothing in these regulations shall prejudice the operation of, or shall be deemed to substitute or to derogate from any provision of the Act or any other law or regulation.

(3) In these regulations, in case of any conflict of interpretation between the English and the Maltese texts, the English text shall prevail.

(4) Terms used in these regulations and not defined shall, unless the context otherwise requires, have the same meaning assigned to them in the Act.

PART III

Licences - General

Requirement of
relevant licence.

3. (1) Notwithstanding the provisions of any other law, regulation, or authorisation, no person shall:

- (a) manufacture or assemble;
- (b) place on the market, distribute, supply, sell, grant on lease or transfer;
- (c) operate; or
- (d) in any premises accessible to the public which is managed, run or otherwise controlled by him, host;

an amusement machine, unless such person is in possession of a valid licence issued by the Authority as set out in the First Schedule.

(2) Notwithstanding the provisions of sub-regulation (1), where a person, already legally established in another Member State and duly licensed to provide or to carry out the activities listed in sub-regulation (1)(a) to (c) by the competent authority of another Member State (the "Service Provider") applies for a licence to provide or carry out the activities listed in sub-regulation (1)(a) to (c) in Malta:

Cap. 500.

(a) the Authority shall, in terms of the applicable provisions of the Services (Internal Market) Act, not duplicate requirements or controls which are equivalent or essentially comparable as regards their purpose to which such Service Provider may already be subject to in the Member State in which he is already legally established; and

Cap. 500.

(b) the Authority shall recognise the right of a Service Provider to exercise his freedom to provide or carry out the same activities in Malta on a temporary and occasional basis in terms of the applicable provisions of the Services (Internal Market) Act.

A Service Provider shall, notwithstanding the provisions of sub-

regulation (1)(a) to (c), not be required to obtain a licence in respect of the said activities, and the following regulations shall not apply to a Service Provider -

- (i) regulations 4 to 7;
- (ii) sub-regulation (1) of regulation 8; and
- (iii) regulation 9,

(hereinafter referred to as the "excluded regulations").

For the purposes of these regulations any references to a Class 1 licensee other than in an excluded regulation shall be deemed to include a reference to a Service Provider.

(3) The determination of whether the provision or the carrying out of the activities listed in sub-regulation (1)(a) to (c) are being provided on a temporary and occasional basis in Malta, shall be assessed by the Authority by reference to all the particular circumstances, including but not limited to, the duration, frequency, regularity and continuity of the provision or the carrying out of the activities listed in sub-regulation (1)(a) to (c).

(4) Where the Authority determines that the provision or the carrying out of the activities listed in sub-regulation (1)(a) to (c) are not being provided on a temporary and occasional basis by a Service Provider in Malta, such Service Provider shall, upon notification by the Authority of such a determination, be prohibited from providing or carrying out the activities listed in sub-regulation (1)(a) to (c) unless such person is in possession of a valid licence issued by the Authority as set out in the First Schedule.

(5) Except where these regulations expressly provide otherwise, a person may qualify for more than one type or class of authorisation, licence or approval under these regulations.

Class 1 Licence

4. (1) A Class 1 licence may be granted by the Authority to a person for the purpose of authorising such person to carry out one or more of the activities set out in regulation 3(1)(a) to (c). In order to obtain a Class 1 licence the applicant shall apply in writing to the Authority, provided that the Authority may designate that the applicant may also apply by electronic means. Class 1 Licence.

(2) Applications for a Class 1 licence shall be made on such forms provided by the Authority from time to time and shall be

accompanied by *inter alia*:

- (a) personal background information of the applicant and of any associated person as determined by the Authority;
- (b) criminal record information of the applicant and of any associated person as determined by the Authority;
- (c) in the case of an applicant who is an individual, a passport size photo of the applicant;
- (d) a bank reference or other proof of credit-worthiness of the applicant and of any associated person as determined by the Authority;
- (e) a copy of the identity card or passport or certificate of incorporation, as the case may be, of the applicant and of any associated person as determined by the Authority;
- (f) the memorandum and Articles of Association or other constitutional documents of the applicant, where applicable; and
- (g) such other information as may be required in the application form.

Class 1 Licence
Application Fee
and Annual
Licence Fee.

5. (1) The granting of a Class 1 licence under these regulations shall in all cases be subject to the payment of a non-refundable application fee as set forth in the Second Schedule.

(2) The Authority may further require applicants for a Class 1 licence to pay, in addition to the application fee referred to in sub-regulation (1), the actual costs incurred by the Authority for the purpose of conducting investigations into such applicant's background, suitability and qualifications to be granted a Class 1 licence and of verifying the information submitted by such applicant in terms of these regulations.

(3) The application fee referred to in sub-regulation (1) shall be paid contemporaneously with the filing of the application for a Class 1 licence.

(4) No application for a Class 1 licence shall be processed, and no Class 1 licence shall be issued or renewed, until payment of all amounts due to the Authority in connection with the processing of the application, the grant of the Class 1 licence and the monitoring and enforcement thereof has been effected.

(5) Following the granting of a Class 1 licence, a Class 1

licensee shall pay an annual Class 1 licence fee as set out in the Second Schedule, together with, where required by the Authority, the actual costs incurred by the Authority for the purpose of conducting investigations into such Class 1 licensee's background, suitability and qualifications to retain a Class 1 licence and of verifying the information submitted by such Class 1 licensee in terms of these regulations. Such annual Class 1 licence fee and, where applicable, the costs incurred by the Authority as aforesaid, shall be payable by the Class 1 licensee by not later than thirty days prior to the lapse of every calendar year following the date of issue of the Class 1 licence.

(6) If a Class 1 licensee fails to pay the annual licence fee as set out in the Second Schedule and, or any other amount due pursuant to sub-regulation (5), within the time period set out in sub-regulation (5), the Class 1 licence shall lapse automatically.

6. A Class 1 licence granted under these regulations shall be for a term of one year, automatically renewable for further periods of one year each, subject to continued compliance by the Class 1 licensee with the provisions of the Act and of these regulations, with the terms and conditions of the Class 1 licence and with any directive or code of conduct issued by the Authority in terms of the Act or of these regulations applicable to such Class 1 licence.

Term of Class 1 Licence.

7. (1) The Authority shall not grant or renew a Class 1 licence applied for under these regulations unless it is reasonably satisfied that the applicant and any associated persons are fit and proper persons.

Grant and renewal of Class 1 Licence.

(2) In determining whether the applicant for the granting or renewal of a Class 1 licence and the associated persons are fit and proper persons, the Authority shall have regard to:

(a) the character and business reputation of the applicant and any associated person; and

(b) such other matters as may be included in directives issued by the Authority from time to time.

(3) A Class 1 licence shall be in such form and shall contain such particulars as the Authority may determine.

8. (1) In granting a Class 1 licence the Authority may subject such licence to such terms, conditions or requirements as it may deem appropriate, and after the grant of such Class 1 licence the Authority may from time to time vary or revoke any term, condition or requirement so imposed, or impose new terms, conditions or requirements:

Conditions of Class 1 Licence.

Provided that such terms, conditions and requirements are necessary and proportionate, in fulfilment of the Authority's functions under the Act and in conformity with Community laws.

(2) In granting a Class 1 licence, the Authority may, if reasonably justified by overriding reasons relating to public interest, impose conditions related to the number of amusement machines that can be owned and, or operated by a Class 1 licensee.

Consent of
Authority before
certain acts.

9. (1) Notwithstanding anything contained in any other law or regulation, the approval in writing of the Authority shall be required before any person may lawfully -

(a) increase an existing qualifying holding in a Class 1 licensee to cause it to equal or exceed thirty per centum or fifty per centum or to cause the Class 1 licensee to become that person's subsidiary;

(b) reduce an existing qualifying holding in a Class 1 licensee so as to cause it to fall below thirty per centum, or to cause the Class 1 licensee to cease to be that person's subsidiary;

(c) reduce a qualifying holding in a Class 1 licensee so as to cause it to cease to be a qualifying holding; or

(d) divest himself of a qualifying holding in a Class 1 licensee.

(2) It shall be the duty of the Class 1 licensee to notify the Authority forthwith upon becoming aware that any person intends to take any of the actions listed in sub-regulation (1).

(3) The Authority may request such information as it deems necessary to be furnished to it in connection with the notification referred to in sub-regulation (2).

(4) Within eight weeks of receipt of the notification referred to in sub-regulation (2) or of the information referred to in sub-regulation (3), whichever is later, the Authority shall:

(a) grant unconditional consent to the taking of the action;

(b) grant consent to the taking of the action subject to such conditions as the Authority may deem appropriate; or

(c) refuse consent to the taking of the action:

Provided that where the Authority fails for any reason to issue such a notice within the aforesaid period, this fact shall be construed as if the consent has been granted in terms of paragraph (a).

Class 2 Licence

10. (1) It shall not be lawful for any person to host an amusement machine in a premises accessible to the public which is managed, run or otherwise controlled by him unless such person is in possession of a Class 2 licence issued by the Authority in respect of that particular premises: Class 2 Licence.

Provided that where more than one person manages, runs or otherwise controls the same premises, only one Class 2 licence shall be required in respect of that particular premises and the limitation set out in regulation 3(1)(d) shall not apply to such other persons not holding a Class 2 licence in respect of that licensed premises.

(2) Applications for a Class 2 licence shall be made on such forms provided by the Authority from time to time and shall be accompanied by such information as the Authority shall determine, including *inter alia*:

- (a) proof of title on, or permit to set up, the premises;
- (b) criminal record information of the applicant as determined by the Authority;
- (c) description of the nature, location, and dimensions of the premises in respect of which an application for a Class 2 licence is submitted;
- (d) a plan to scale of the premises in respect of which an application for a Class 2 licence is submitted;
- (e) diagrams that indicate clearly the proposed approved area within the premises in respect of which an application for a Class 2 licence is submitted;
- (f) an undertaking completed on the appropriate form provided by the Authority to the effect that the premises in respect of which an application for a Class 2 licence is submitted shall not be used for the purpose of placing relevant gaming devices therein; and
- (g) such other information as may be required in the application form.

(3) The Authority shall not grant a Class 2 licence applied for under these regulations unless it is reasonably satisfied that the applicant is a fit and proper person.

(4) In determining whether the applicant for the granting of a Class 2 licence is a fit and proper person, the Authority shall have regard to:

(a) the character and business reputation of the applicant; and

(b) such other matters as may be included in directives issued by the Authority from time to time.

Term and
renewal of a
Class 2 Licence.

11. (1) A Class 2 licence granted under these regulations shall be for a term of one year, automatically renewable for further periods of one year each, subject to continued compliance by the Class 2 licensee with the provisions of the Act and of these regulations, with the terms and conditions of the Class 2 licence and with any directive or code of conduct issued by the Authority in terms of the Act or of these regulations applicable to such Class 2 licence.

(2) The granting of a Class 2 licence under these regulations shall in all cases be subject to the payment of a non-refundable application fee as set forth in the Second Schedule.

(3) The Authority may further require applicants for a Class 2 licence to pay, in addition to the application fee referred to in sub-regulation (2), the actual costs incurred by the Authority for the purpose of conducting investigations into such applicant's background, suitability and qualifications to be granted a Class 2 licence and verifying the information submitted by such applicant in terms of these regulations.

(4) The application fee referred to in sub-regulation (2) shall be paid contemporaneously with the filing of the application for a Class 2 licence.

(5) No application for a Class 2 licence shall be processed, and no Class 2 licence shall be issued or renewed, until payment of all amounts due to the Authority in connection with the processing of the application, the grant of the Class 2 licence and the monitoring and enforcement thereof has been effected.

(6) Following the granting of a Class 2 licence, a Class 2 licensee shall pay an annual Class 2 licence fee as set out in the Second Schedule, together with, where required by the Authority, the actual costs incurred by the Authority for the purpose of conducting

investigations into such Class 2 licensee's background, suitability and qualifications to retain a Class 2 licence and of verifying the information submitted by such Class 2 licensee in terms of these regulations. Such annual Class 2 licence fee and, where applicable, the costs incurred by the Authority as aforesaid, shall be payable by the Class 2 licensee by not later than thirty days prior to the lapse of every calendar year following the date of issue of the Class 2 licence.

(7) If a Class 2 licensee fails to pay the annual licence fee as set out in the Second Schedule and, or any other amount due pursuant to sub-regulation (6), within the time period set out in sub-regulation (6), the Class 2 licence shall lapse automatically.

12. (1) In granting a Class 2 licence the Authority may subject it to such terms, conditions or requirements as it may deem appropriate, and after the grant of such Class 2 licence the Authority may from time to time vary or revoke any term, condition or requirement so imposed, or impose new terms, conditions or requirements:

Class 2 licence conditions.

Provided that such terms, conditions and requirements are necessary and proportionate, in fulfilment of the Authority's functions under the Act and in conformity with Community laws.

(2) In granting a Class 2 licence, the Authority may, if reasonably justified by overriding reasons relating to public interest, *inter alia*:

(a) impose conditions in relation to the licensed premises or the approved area, including but not limited to the type of amusement machines and amusement games which can be hosted therein;

(b) impose conditions on the maximum number or the type of amusement machines which can be hosted at the licensed premises;

(c) require the Class 2 licensee to notify and, or obtain the approval of the Authority prior to carrying out any of the activities specified in the Class 2 licence.

(3) It shall not be lawful for a Class 2 licensee to host any amusement machines in any premises managed, run or otherwise controlled by him unless such amusement machines are approved amusement machines or equivalent amusement machines.

Amusement Machines and Amusement Games

13. (1) No person shall carry out any of the activities listed in regulation 3(1)(b) and (c) unless and until the amusement machine in respect of which such activity is carried out has been approved and registered by the Authority following the submission, by such person to the Authority, of an application for that purpose:

Provided that no such approval and registration shall be required with respect to equivalent amusement machines.

(2) Applications made under sub-regulation (1) shall be made by persons carrying out any of the activities listed in regulation 3(1)(b) and (c) on such forms as may be prescribed by the Authority from time to time and shall be accompanied by the following:

(a) a manufacturer's certificate for the amusement machine in conformity with Community law and standards;

(b) manuals, including software manuals, and any other documents issued by the manufacturer of the amusement machine containing:

(i) a full description of the amusement machine;

(ii) the theme of the amusement game or amusement games that can be played on the amusement machine;

(iii) instructions to be followed by players of the amusement machine; and

(iv) all the rules pertaining to the amusement game or amusement games that can be played on the amusement machine;

(c) the details of the licence held by the person submitting the application;

(d) the details of the premises where such amusement machine will be hosted and the details of the relative Class 2 licensee;

(e) a statement of compliance with the terms of these regulations;

(f) proof of the legal title of the applicant over the amusement machine, or the relevant agreement or agreements governing the commercial relationship between the owner, seller or distributor of the amusement machine and the person

carrying out the activities listed in regulation 3(1)(a) to (c);

(g) the non-refundable fee for registration of the amusement machines as set out in the Second Schedule.

(3) Any person carrying out any of the activities listed in regulation 3(1)(b) and (c) through the use of equivalent amusement machines shall, prior to the date of commencement of such activities, submit to the Authority, by electronic means or otherwise, in such form as may be determined by the Authority from time to time and made available on the official website of the Authority, a copy of the documents referred to in sub-regulation (2)(a) to (g) or evidence in the form of an attestation, certificate or document issued by the competent authority of the Member State which authorised such equivalent amusement machine that such documents have already been submitted to the competent authority of that Member State.

(4) The Authority may in accordance with the provisions of the Act and the Services (Internal Market) Act impose additional requirements and take any measure which it deems necessary with respect of equivalent amusement machines. Cap. 500.

14. (1) Where the application submitted pursuant to regulation 13 is approved by the Authority, the Authority shall proceed to: Registration of amusement machines.

(a) register the amusement machine in the name of the applicant and shall issue a certificate to that effect to the applicant;

(b) issue a registration tag to be permanently affixed to the amusement machine, setting out:

(i) the registration number allocated by the Authority to the amusement machine;

(ii) the unique manufacturer's amusement machine serial number;

(iii) the name of the manufacturer of the amusement machine;

(iv) the brand name of the amusement machine;

(v) the amusement machine model number.

(2) The registration tag shall remain the property of the Authority and no person, other than officials, employees or agents of

the Authority, shall affix, remove, erase or otherwise tamper with the registration tag.

(3) The Authority shall maintain a register containing the records of the amusement machines registered in accordance with this regulation.

(4) The Authority may place seals on key components of the amusement machines.

(5) In the event that the registration tag mentioned in sub-regulation (1)(b) is for any reason detached from the amusement machine or otherwise damaged, it shall be the duty of the applicant and any Class 2 Licensee hosting the amusement machine to immediately notify the Authority and disconnect and render inoperable the amusement machine until an official of the Authority has checked, certified and re-affixed such registration tag.

Changes to
amusement
machines or
amusement
games.

15. (1) The person in whose favour an amusement machine is registered shall not effect or suffer to be effected any changes to the amusement machine before obtaining the approval of the Authority, which approval shall be manifested by the issue of a replacement registration tag to be affixed by an inspector over, or in replacement of, the existing registration tag and, where applicable, by the replacement of seals placed on key components of the amusement machine.

(2) It shall be the duty of the person in whose favour a amusement machine is registered and of the qualifying holders and administrators thereof to notify the Authority forthwith, and in any case within no later than three working days, of any change in the details submitted to the Authority referred to in regulation 13(2) and (3):

Provided that no change in the ownership, operation, management or possession of an amusement machine shall take place until approved by the Authority.

(3) No person may dispose of, destroy or otherwise permanently withdraw from operation an amusement machine unless and until the Authority shall have granted its approval for such purpose and thereafter removed the amusement machine's registration tag and struck the amusement machine off the register.

Conditions
related to
amusement
machine.

16. (1) Any person carrying out an activity referred to in regulation 3(1)(b) and (c) shall, at all times, ensure that any amusement machine used or involved in carrying out any such activity:

- (a) is hosted in an approved area;
- (b) has a registration tag affixed thereto;
- (c) is functioning properly and, when that is not the case, is immediately shut down until repaired and fit for operation;
- (d) is not used to offer or play a game as defined in the Act;
- (e) is not modified, tampered with, re-programmed or otherwise altered, save with the approval of the Authority.

(2) It shall be unlawful for any person to, directly or indirectly, offer or receive a prize, reward or other benefit of a monetary value or capable of being converted into a prize, reward or other benefit of a monetary value, as a result of, or in connection with, the use by any person of an amusement machine.

PART IV

Further requirements applicable to amusement machines

17. An amusement machine approved and, or registered by the Authority in terms of these regulations shall also meet the following requirements:

Further requirements to be met by amusement machines.

- (a) the amusement machine shall provide the player with:
 - (i) the name of the amusement game;
 - (ii) the cost of a credit;
 - (iii) the rules of the amusement game;
 - (iv) warnings against excessive playing;
- (b) the maximum price to play one amusement game shall in no case exceed two euro;
- (c) amusement machines shall not have bill acceptors or any other device which is capable of accepting bank notes or payments through credit cards, debit cards or prepaid cards, provided that the Authority may at any time direct that amusement machines be modified or re-programmed in such a way as to accept only amusement machine tokens approved by the Authority;

(d) amusement machines shall not give out, print or otherwise produce any real or fictitious currency or any bills, tokens, vouchers or any other ticket whatsoever.

PART V

Other Amusement Machines

Other
amusement
machines.

18. (1) Regulations 3 to 17, 22(1), 22(2) and 23 to 30 shall not apply to other amusement machines or any person carrying out any of the activities set out in regulation 3(1) in respect of other amusement machines.

(2) Notwithstanding any other law, regulation or authorisation, no person shall carry out any activity listed in regulation 3(1)(d) in respect of an other amusement machine unless such person:

(a) registers the other amusement machine with the Authority by submitting such form as the Authority may prescribe;

(b) pays to the Authority the registration fee and the annual fee specified in the Third Schedule;

(c) affixes on the other amusement machine the registration tag issued by the Authority upon registration of the other amusement machine in terms of this regulation.

(3) The maximum price to play one amusement game on an other amusement machine shall in no case exceed one euro.

(4) The Authority may from time to time issue directives by virtue of which the Third Schedule shall be amended.

PART VI

Enforcement

Powers of
inspectors.

19. (1) Without prejudice to anything contained in the Act, an inspector shall, for the purpose of ascertaining that these regulations and that all the conditions of a licence issued by the Authority under these regulations are being complied with, and that the full amount of fees payable under these regulations are being paid, have the following powers:

(a) to inspect amusement machines;

(b) to remove an amusement machine from its present location in order for an inspection or examination to be carried

out at a site approved and designated by the Authority, for the purpose of ensuring compliance with these regulations;

(c) to take such measures as may be necessary, in case of doubt or contestation, to conclusively determine whether a device is an amusement machine or otherwise;

(d) to inspect the premises where amusement machines are hosted; and

(e) to request information or the production for inspection of any document or other thing for the purposes of conducting an inspection.

(2) An inspector removing an amusement machine from any premises shall provide a receipt for it to the person who manages, runs or otherwise controls such premises and, subject to sub-regulation (3), shall promptly return the amusement machine to the same premises after completion of the inspection and, or examination as the case may be.

(3) An inspector may detain for the purposes of evidence any amusement machine that the inspector discovers while acting under this regulation and believes, on reasonable grounds, may afford evidence of a violation of, or non-compliance with, anything contained in these regulations.

20. The person who manages, runs or otherwise controls a premises wherein amusement machines are hosted, and any employee or agent of such person, shall give all reasonable assistance to the inspector conducting an inspection in terms of these regulations to enable the inspector to exercise the powers granted to him by the Act and these regulations and shall furnish the inspector with such amusement machine, information or other thing as the inspector may reasonably request.

Assistance to be given to inspectors.

PART VII

Offences and Penalties

21. (1) Any person who contravenes any provision of these regulations shall on conviction be liable to a fine (*multa*) of not less than one thousand euro (€1,000) and not exceeding two hundred and fifty thousand euro (€250,000) in respect of any contravention of, or failure to comply with, the provisions of these regulations and, or the seizure, removal, confiscation, destruction or disabling of amusement machines or any equipment or software related or connected thereto.

Offences.

(2) The provisions of article 68 of the Act shall apply *mutatis mutandis* and any reference contained therein to a licensee or holder of a permit issued in terms of article 36 of the Act shall be deemed to be a reference to a "licensee" as defined in these regulations.

PART VIII

Transitory Provisions

Transitory provisions.

22. (1) Any person who, on the date of the coming into force of these regulations, already carries out any of the activities listed in regulation 3(1), hereinafter also called an "incumbent", shall, notwithstanding the provisions of any other law, regulation or authorisation, within a peremptory period of two months from the date of entry into force of these regulations:

(a) apply with the Authority for the relevant licence in terms of these regulations;

(b) where applicable, apply with the Authority for the authorisation referred to in regulation 13; and

S.L. 10.36.

(c) pay the registration fees prescribed in these regulations, provided that the aggregate of such fees payable by persons holding a valid authorization in writing from the Commissioner of Police issued in terms of the Use of Amusement Machines (Restriction) Regulations, shall, upon presentation of such authorization in writing to the Authority, be reduced *pro rata* by the amount paid by such person to the Commissioner of Police for the purpose of the issue thereof.

(2) Notwithstanding anything contained in these regulations, an incumbent shall not be deemed to be in breach of the provisions of these regulations until the happening of one of the following events, whichever is earlier:

(a) the incumbent fails to submit an application in accordance with sub-regulation (1) within the time period stipulated therein;

(b) the Authority informs the incumbent that the application submitted by him in terms of sub-regulation (1) has been refused and that no licence and, or authorisation shall be granted:

Provided that the Authority may grant such incumbent a period of not more than fifteen days to provide such other information or supplemental documentation or to carry out such acts as the Authority

may deem necessary for the purpose of determining whether the licence and, or authorisation is to be granted in accordance with these regulations.

(3) The provisions of sub-regulations (1) and (2) shall not apply to other amusement machines. Any person who on the date of the coming into force of these regulations already hosts, in any premises accessible to the public which is managed, run or otherwise controlled by him, an other amusement machine, shall, notwithstanding the provisions of any other law, regulation or authorisation, within a peremptory period of two months from the date of entry into force of these regulations, comply with the requirements set out in regulation 18(2), provided that such licence application fees and, or amusement machine authorisation fees as may be prescribed in these regulations, and provided that the aggregate of such fees payable by persons holding a valid authorization in writing from the Commissioner of Police issued in terms of the Amusement Machines (Restriction) Regulations, 1988 shall, upon presentation of such authorization in writing to the Authority, be reduced *pro rata* by the amount paid by such person to the Commissioner of Police for the purpose of the issue thereof. S.L. 10.36.

(4) Notwithstanding anything contained in these regulations, any person referred to in sub-regulation (3) shall not be deemed to be in breach of the provisions of these regulations until the lapse of the time period referred to therein as long as within such time period the requirements of regulation 18(2) shall have been complied with.

PART IX

General

23. (1) Every person seeking to obtain a licence, authorization or other approval from the Authority in terms of these regulations shall submit to the Authority the appropriate application form, together with such ancillary documentation as may be required in terms of these regulations and in terms of the application form: Application procedure.

Provided that in addition to the requirements set out in this sub-regulation, the Authority may, in ensuring whether an applicant satisfies the requirements in these regulations, request and conduct an interview with such applicant.

(2) The Authority shall not commence processing an application form unless the application form is complete. In the event that it receives an incomplete application form, the Authority shall inform the applicant of the need to supply any additional information or documentation. For the purposes of this sub-regulation, an

application form shall not be deemed to be complete unless the application form is correctly filled in and unless the Authority is in receipt of all the documentation required to be submitted together with the application form as set out therein and as set out in these regulations.

(3) The Authority shall determine whether an applicant shall be granted a licence, authorization or approval within no more than one hundred and twenty days after the date of receipt of an application form which is complete in accordance with the requirements of sub-regulation (2).

(4) The period mentioned in sub-regulation (3) may, prior to the expiry of such period, be extended by the Authority for one period of not more than thirty days. Such extension and the reasons thereof shall be notified to the applicant.

(5) The Authority shall acknowledge receipt of a complete application form and, where applicable, the application fee, by letter to the applicant, which shall specify:

(a) the period within which the Authority shall determine the application, as set out in sub-regulation (3) and sub-regulation (4);

(b) the procedure in terms of which a refusal by the Authority to grant a licence, authorization or other approval may be appealed from in accordance with regulation 30; and

(c) a statement in accordance with sub-regulation (6) that in the absence of a response by the Authority within the period specified in accordance with paragraph (a), the licence, authorization or approval applied for shall be deemed to have been granted.

(6) Where the Authority does not determine whether an applicant shall be granted a licence, authorization or approval within the period mentioned in sub-regulation (3), or within the extended period mentioned in sub-regulation (4), such applicant shall, for all intents and purposes, be deemed to have been granted the licence, authorization or approval.

(7) Where a licence, authorization or approval is refused, the Authority shall inform the applicant of such decision and state the reasons for such refusal.

Assignment or
transfer.

24. (1) A licence or authorisation granted by the Authority in terms of these regulations may not be assigned or transferred in any

way whatsoever to any other person without the prior written approval of the Authority.

(2) In the event that a licensee wishes to surrender a licence or an authorisation, he shall notify the Authority in writing and the Authority shall proceed to cancel the licence or authorisation accordingly. A cancellation of a licence or of an authorisation shall not affect any liability of the licensee for anything done or omitted to be done before the date of cancellation.

(3) It shall be the duty of a licensee and of the qualifying holders and administrators thereof to notify the Authority of the happening of any of the following:

(a) any change in the administrators of the licensee;

(b) any material changes in:

(i) the information and documentation provided to the Authority in terms of these regulations, or any other information or documentation provided by the licensee to the Authority in terms of any other provision of the Act, or in terms of conditions attached to the licence; or

(ii) any material change in the circumstances that may be reasonably expected to affect the abilities of the licensee to comply with the Act, these regulations and the licence;

(c) any resolution or intended resolution, or any application or intended application to any Court or other institution or authority, or any other action, for the dissolution and winding up of the licensee or the declaration of bankruptcy of the licensee as soon as they become aware of such changes, resolutions or intended resolutions, applications or intended applications or actions.

(4) The notification referred to in sub-regulation (3) shall be made on such forms as prescribed by the Authority by not later than five days from the happening of any of the events referred to in sub-regulation (3).

(5) Where as a result of a change referred to in sub-regulation (3), irrespective of whether such change has been notified to the Authority, a situation is brought about that, had it existed at the time of the application for a licence or authorisation under these regulations, it would have precluded the grant of the licence or

authorisation, the Authority shall by notice inform the licensee accordingly. In the event that such situation is not remedied to the satisfaction of the Authority within one month from the notice, the Authority may revoke or suspend the licence or the authorisation.

Compliance with Act, regulations, directives issued by the Authority and licence conditions.

25. (1) Every licensee shall at all times comply with the provisions of the Act, these regulations, the directives issued by the Authority from time to time and the conditions of the licence or licences held. Furthermore every licensee shall carry out the activities specified in the licence in accordance with the procedures, codes of conduct and internal controls which may be prescribed by the Authority from time to time, and all such procedures, codes of conduct and internal controls shall, for all intents and purposes, be deemed to be conditions of the licence, whether or not expressly included therein.

(2) Every licensee shall maintain accounting and technical records of its operations and shall forward same to the Authority in such form, detail and at such frequency as may be prescribed by the Authority in codes of conduct which may be prescribed for this purpose by the Authority from time to time.

(3) Every licensee shall promptly report to the Authority any fact or circumstance relating to the operation of amusement machines which he reasonably suspects to constitute an offence under these regulations or the Act.

(4) The granting by the Authority of a licence or authorisation under these regulations to any person shall not relieve such person from obtaining any other permit, approval or licence required by or under any other law or regulations.

Revocation or suspension of a licence or authorisation.

26. The Authority may revoke or suspend a licence or authorisation granted in terms of these regulations on any of the following grounds:

(a) the licensee contravenes any provision of the Act or these regulations, or is found by the Authority to be in breach of any condition of the licence or any directive issued by the Authority in terms of the Act or regulations made thereunder;

(b) the licensee knowingly or negligently supplies to the Authority information that is false or misleading;

(c) the licensee is being wound up or otherwise dissolved; or

(d) the Authority is reasonably satisfied that the licensee

is not, or has ceased to be, a suitable person to hold the licence.

27. (1) Where a ground for revocation, suspension or non-renewal of a licence arises under these regulations, the Authority shall, by means of a duly reasoned notice in writing, request the licensee to show cause why the licence should not be suspended or revoked or why the licence should be renewed on the ground or grounds set out in the notice. Such notice shall specify the time, not being less than twenty-one days, within which the licensee or interested person is to file a response with the Authority.

Review
procedure.

(2) The Authority shall consider any response made under sub-regulation (1) in such manner that:

(a) where the matter is resolved to its satisfaction, it shall take no further action and shall inform the licensee in writing accordingly;

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

(c) where the matter is not resolved to its satisfaction and it considers that further action is warranted, it may:

(i) by notice in writing give such direction to the licensee as it considers appropriate;

(ii) suspend the licence for such period as it thinks fit; or

(iii) revoke or not renew the licence.

(3) Where a direction given by the Authority under sub-regulation (2)(c)(i) is not complied with within the time specified in the notice, the Authority may revoke, suspend or not renew the licence.

(4) The Authority shall in the case of any action taken in terms of sub-regulation (2)(b) and (c), provide the licensee with reasons for its decision.

(5) The suspension, revocation or non-renewal of a licence shall not affect any liability of the licensee for anything done or omitted to be done before the date of suspension, revocation or non-renewal.

(6) The liability of the licensee to pay any fee shall continue

throughout any period during which the licence is suspended.

Codes of
Conduct.

28. The Authority may issue Codes of Conduct regulating the conduct and operations of Class 1 licensees and Class 2 licensees.

Doubt as to
requirement of
licence.

29. In the event of reasonable doubt as to whether a licence or authorization is required in terms of these regulations, the matter shall be determined by the Authority.

Appeal.

30. (1) Any person who feels aggrieved by a decision of the Authority taken in terms of these regulations may appeal to the Administrative Review Tribunal constituted in terms of the Administrative Justice Act, in accordance with the provisions of this regulation:

Cap. 490.

Provided that in any case, a person filing an appeal with the Administrative Review Tribunal shall explain and bring evidence of his juridical interest in impugning the decision being appealed from.

(2) An appeal from a decision of the Authority shall be made by application and shall be filed with the secretary of the Administrative Review Tribunal within twenty days from the date on which the said decision was notified to the party appealing.

(3) The application of appeal shall be notified to the Authority which shall file its reply thereto with the secretary of the Administrative Review Tribunal within the time granted for such purpose by the Administrative Review Tribunal.

Decision of
Authority to
remain in force
pending appeal.

31. (1) The decision of the Authority under appeal shall remain in force pending an appeal, whether before the Administrative Review Tribunal or the Court of Appeal (Inferior Jurisdiction), unless otherwise determined by the Administrative Review Tribunal.

(2) The Administrative Review Tribunal or the Court of Appeal, as the case may be, where it considers it to be appropriate, may on the application of a party to the appeal, suspend the decision of the Authority, pending the final determination of the appeal. The Administrative Review Tribunal or the Court of Appeal in deciding to suspend the decision shall state their reasons for doing so.

FIRST SCHEDULE

(Regulation 3)

LICENCES

CLASSES OF LICENCES

Applicants may apply for either or both of the following licences -

1. Class 1 Licence shall cover the following activities:

- (a) the manufacture or assembling of an amusement machine;
- (b) the placing on the market, distribution, supply, sale, granting on lease or transfer of an amusement machine; and
- (c) the operation of an amusement machine.

2. Class 2 Licence shall cover the hosting by any person, in any premises accessible to the public which is managed, run or otherwise controlled by him, of amusement machines.

SECOND SCHEDULE

(Regulations 5, 11 and 13)

FEES

CLASS 1 LICENCE APPLICATION AND ANNUAL FEES

1. With every application for a Class 1 licence, the applicant shall pay to the Authority, in terms of regulation 5, a one-time non-refundable fee of €2,000.

2. The annual fee payable by a Class 1 licensee shall be €1,000 per amusement machine registered in his name.

CLASS 2 LICENCE APPLICATION AND ANNUAL FEES

3. With every application for a Class 2 licence, the applicant shall pay to the Authority, in terms of regulation 11, a one-time non-refundable fee of €1,000.

4. The annual fee payable by a Class 2 licensee is €1,000 per premises managed, run or otherwise controlled by him.

AMUSEMENT MACHINE REGISTRATION FEE

5. With every application for registration of an amusement machine, the applicant shall pay to the Authority, in terms of regulation 13(2)(g), a one-time non-refundable fee of €80 per amusement machine.

THIRD SCHEDULE

(Regulation 18)

OTHER AMUSEMENT MACHINES

1. The following are other amusement machines in terms of these regulations:

- (a) billiards, pool and, or snooker tables unless operated electronically through video display;
- (b) table-soccer tables unless operated electronically through video display; and
- (c) 'kiddie-rides'.

2. With every application for registration of an other amusement machine, the applicant must pay to the Authority, in terms of regulation 18(2)(b), a one-time non-refundable fee of €70 per other amusement machine.

3. The annual fee payable by a person carrying out an activity listed in regulation 3(1)(d) in respect of an other amusement machine is €100 per other amusement machine hosted in such premises in which the said activities are carried out.
