

A.L. 75 tal-2011**ATT DWAR LOTTERIJI U LOGHOB IEHOR
(KAP. 438)****Regolamenti tal-2011 dwar Apparati għal-Logħob**

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

TAQSIMA I**Preliminari**

1. (1) It-titolu ta' dawn ir-Regolamenti hu r-Regolamenti tal-2011 dwar Apparati għal-Logħob. Titolu u bidu
fis-sehħ.

(2) Dawn ir-regolamenti għandhom jiġu fis-sehħ fis-16 ta' Mejju, 2011.

(3) Dawn ir-regolamenti ġew notifikati skont il-proċedura għall-ġħoti 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'ohra: 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 teżerċita dawn il-funzjonijiet ukoll jekk taħt kariga differenti;

"apparat rilevanti għal-logħob eżentat" tfisser apparat rilevanti għal-logħob elenkat fir-Raba' Skeda u kull apparat rilevanti għal-logħob ieħor kif jista' jiġi speċifikat permezz ta' direttivi maħruġa mill-Awtorità minn żmien għal żmien;

"Apparat Rilevanti għal-Logħob tal-Lotterija Nazzjonali"

tfisser apparat rilevanti għal-logħob li jintuża jew li għandu jintuża biss u esklużivament għall-finijiet ta', u f'konnessjoni ma', it-thaddim tal-Lotterija Nazzjonali u, jew kull attività oħra awtorizzata skont il-liċenza għal-Lotterija Nazzjonali mahruġa fiż-żmien rilevanti;

"applikant" tfisser persuna li tissottometti applikazzjoni għal liċenza;

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"l-Att" tfisser l-Att dwar Lotteriji u Logħob Iehor;

"detentur ta' liċenza" tfisser Detentur ta' Liċenza Klassi 1, Detentur ta' Liċenza Klassi 2, Detentur ta' Liċenza Klassi 3 jew Detentur ta' Liċenza Klassi 4, kif ikun il-każ;

"gugatur" tfisser persuna li tilgħab logħba provduta permezz ta' apparat rilevanti għal-logħob;

"impjegat" tinkludi kull persuna ingaġġata biex tipprovdi servizzi fir-rigward tal-logħob ta' xi logħba u l-kelma "jimpjega" għandha tinftiehem skont hekk;

"impjegat approvat" tfisser persuna li dwarha nħareġ ċertifikat ta' approvazzjoni mill-Awtorità skont it-Taqsima IX;

"*jackpot* misterjuż" tfisser ghotja varjabbli li hi addizzjonali għall-ogħla premju li jista' jintrebaħ f'logħba provduta permezz ta' apparat rilevanti għal-logħob, u li jingħata kif ġie ġie lil gugatur;

"*jackpot* progressiv" tfisser ghotja varjabbli li hi addizzjonali għall-ogħla premju li jista' jintrebaħ f'logħba provduta permezz ta' apparat rilevanti għal-logħob, u li tista' tintrebaħ minn gugatur bħala riżultat li jiġri avveniment fuq apparat wiehed jew aktar minn apparat wiehed rilevanti għal-logħob magħqudin flimkien għall-finijiet li jiġi offert dak it-tip ta' ghotja varjabbli;

"kompjuter domestiku" tfisser sistema elettronika jew ta' kompjuter li:

- (a) tista' tintuża għal għan li ma għandux x'jaqsam mal-logħob ta' xi logħba;
- (b) tinsab f'residenza privata; u
- (ċ) jekk tintuża, tintuża f'okkażjoni domestika;

"kompjuter personali" tfisser sistema elettronika jew ta' kompjuter li:

(a) tista' tintuża għal għan li ma għandux x'jaqsam mal-logħob ta' xi logħba; u

(b) mhijiex adattata jew ppreżentata b'tali mod li tiffaċilita l-użu tagħha, jew tigbed l-attenzjoni għall-possibiltà li tintuża, għal-logħob ta' xi logħba;

"kontrolli għal aċċess ristrett" tfisser regoli, miżuri u proċeduri biex jirrestringu l-aċċess fiżiku għal post approvat kif stabbilit fir-regolament 34;

"kreditu finanzjarju" tfisser li tippermetti li persuna tingħata xi tul ta' żmien biex tħallas jew mod iehor tosserva obbligu finanzjarju, kemm jekk espress jew impliċitu, u tinkludi s-self ta' flus kontanti jew l-ekwivalenti ta' flus kontanti iżda ma tinkludix l-użu ta' karti ta' kreditu/debitu mhallsin minn qabel li jintużaw minflok flus kontanti;

"kumpannija minn grupp" u "grupp" għandu jkollha l-istess tifsira kif għandha fl-Att dwar il-Kumpanniji;

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"liċenza" tfisser Liċenza Klassi 1, Liċenza Klassi 2, Liċenza Klassi 3 jew Liċenza Klassi 4;

"Liċenza Klassi 1" tfisser liċenza mogħtija mill-Awtorità skont ir-regolament 5(1), u l-kliem "Detentur ta' Liċenza Klassi 1" għandhom jinftiehem skont hekk;

"Liċenza Klassi 2" tfisser liċenza mogħtija mill-Awtorità skont ir-regolament 5(2), u l-kliem "Detentur ta' Liċenza Klassi 2" għandhom jinftiehem skont hekk;

"Liċenza Klassi 3" tfisser liċenza mogħtija mill-Awtorità skont ir-regolament 11, u l-kliem "Detentur ta' Liċenza Klassi 3" għandhom jinftiehem skont hekk;

"Liċenza Klassi 4" tfisser liċenza mogħtija mill-Awtorità skont ir-regolament 18, u l-kliem "Detentur ta' Liċenza Klassi 4" għandhom jinftiehem skont hekk;

"logħba misterjuża" tfisser logħba provduta permezz ta' apparat rilevanti għal-logħob li toffri lil ġugatur il-possibbiltà li jirbaħ *jackpot* misterjuż;

"logħba progressiva" tfisser logħba provduta permezz ta' apparat rilevanti għal-logħob li toffri lil ġugatur il-possibbiltà li jirbaħ *jackpot* progressiv;

"logħba provduta permezz ta' apparat rilevanti għal-logħob"

tfisser logħba li tintlagħab permezz ta' apparat rilevanti għal-logħob;

"logħba wahda":

(a) tfisser sekwenza ta' azzjonijiet u stati f'apparat rilevanti għal-logħob li huma:

(i) attivati minn ġugatur permezz ta' logħob tal-imhatri abbażi ta' krediti; u

(ii) li tintemm meta:

- il-krediti kollha milgħuba mill-ġugatur rigward dawk l-azzjonijiet jew stati jkunu ntilfu; jew

- ir-rebħiet kollha li jirrigwardaw dawk l-azzjonijiet jew stati jkunu tħallsu lill-ġugatur jew ġew trasferiti għall-*meter* tal-kreditu tal-ġugatur u ma jistgħux isiru aktar imhatri fuqhom f'dik is-sekwenza; u

(b) tinkludi kull għażla tal-apparat rilevanti għal-logħob li jiġi attivat billi ssir imhatra fuq il-krediti, sakemm il-krediti kollha mirbuha ma jkunux ġew trasferiti għall-kreditu tal-ġugatur qabel ma tiġi attivata l-għażla;

"persuni assoċjati" tfisser detenturi ta' sehem kwalifikanti, uffiċjali, amministraturi, soċji, uffiċjali prinċipali jew assoċjati oħra ta' detentur ta' liċenza jew ta' applikant għal liċenza, kif ikun il-każ;

"post" tfisser kull sit jew infrastruttura fiżika oħra;

"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 wieħed jappartjeni għall-klabb privat u li jkun jista' jaċċedi għal għanijiet soċjali jew ta' negozju;

"post approvat" tfisser post approvat mill-Awtorità u li dwaru nhareġ ċertifikat ta' approvazzjoni skont it-Taqsima VIII;

"reklamar" tfisser kull forma ta' tħabbir, avviż jew xandir, li l-għan apparenti tiegħu huwa biex tingħata informazzjoni lill-pubbliku fi jew permezz ta' gazzetta jew xi pubblikazzjoni oħra mitbugħa, *poster*, avviż ċirkolari, radju, televiżjoni jew xi forma oħra jew *medium* ieħor ta' komunikazzjoni pubblika;

"sehem kwalifikanti" tfisser:

(a) sehem dirett jew indirett f'entità liema sehem jilhaq għall-inqas għoxrin fil-mija tal-kapital mahruġ, 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 mhumie x identici, l-ogħla cifra perċentwali titqies li tkun il-perċentwali ta' sehem ta' ekwità miżmum; 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;

"sistema ċentrali" tfisser sistema elettronika jew sistema ta' kompjuter li magħha jistgħu jiġu konnessi apparati rilevanti għal-logħob, kemm direttament kif ukoll indirettament, u li hija ddisinjata jew adattata sabiex tintuża biex:

(a) tirreġistra l-logħob kollu jew parti minnu li jkun qed isir permezz ta' dak l-apparat rilevanti għal-logħob; u, jew

(b) tissorvelja fuq l-operazzjonijiet kollha jew parti minnhom li jkunu qed isiru permezz ta' dak l-apparat rilevanti għal-logħob; u, jew

(ċ) taħzen u tipprovdi rapporti u informazzjoni dwar l-affarijiet fuq imsemmija;

"sistema ċentrali ta' monitoraġġ" tfisser sistema elettronika, sistema ta' kompjuter jew sistema ta' komunikazzjoni li hi ddisinjata jew adattata sabiex tintuża: biex tirċievi *data* minn jew tibgħat *data* lil apparat rilevanti għal-logħob jew sistema ċentrali meta dik id-*data* tirreferi għas-sigurtà, ir-rendikont jew t-tħaddim tal-apparat rilevanti għal-logħob, is-sistema ċentrali jew xi logħbiet jew għazliet li jintlagħbu fuq, jew huma assoċjati ma', l-apparat rilevanti għal-logħob; u li teżegwixxi dawk il-funzjonijiet l-oħra kif jista' jiġi deċiż mill-Awtorità minn żmien għal żmien;

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

Kap. 386.

"tagħmir assoċjat" tfisser kull *hardware*, hlief l-apparat rilevanti għal-logħob jew is-sistema ċentrali, li hu mqabba mal-apparat rilevanti għal-logħob jew mas-sistema ċentrali sabiex

iwettaq funzjonijiet ta' komunikazzjoni, validazzjoni jew funzjonijiet oħra, iżda ma jinkludix it-tagħmir u l-faċilitajiet ta' komunikazzjoni li jiffurmaw parti mis-servizzi u *networks* ta' komunikazzjoni disponibbli pubblikament; u

"uffiċjal prinċipali" tfisser individwu mahtur skont ir-regolament 60.

(2) Għall-finijiet ta' dawn ir-regolamenti, il-kelma "thaddem" ma tinkludix l-użu minn ġugatur ta' apparat rilevanti għal-logħob għall-finijiet li tintlagħab logħba.

(3) Sakemm ir-rabta tal-kliem ma teħtieġx mod ieħor, il-kliem użati f'dawn ir-regolamenti u li mhumix imfissra f'dawn ir-regolamenti għandu jkollhom it-tifsira mogħtija lilhom fl-Att.

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

TAQSIMA III

Liċenzi - Ġenerali

Htieġa ta' liċenza.

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

(a) timmanifattura, timmonta, issewwi, jew twettaq manutenzjoni;

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

(ċ) tagħmel disponibbli għall-użu, tilqa' għandha jew topera;

xi apparat rilevanti għal-logħob, jekk dik il-persuna ma jkollhiex liċenza valida mahruġa mill-Awtorità kif stabbilit fl-Ewwel Skeda.

(2) Id-dispożizzjonijiet ta' dan ir-regolament ma japplikawx għal apparati rilevanti għal-logħob eżentati.

Awtorizzazzjoni, liċenza jew approvazzjoni multipli.

4. Hlief fejn dawn ir-regolamenti espressament jipprovdu mod ieħor, persuna tista' tikkwalifika għal aktar minn tip wiehed jew klassi waħda ta' awtorizzazzjoni, liċenza, approvazzjoni jew ċertifikazzjoni skont dawn ir-regolamenti.

TAQSIMA IV

Liċenzi - Liċenza Klassi 1 u Liċenza Klassi 2

5. (1) Liċenza Klassi 1 tista' tinghata mill-Awtorità lil persuna sabiex tawtorizza lil dik il-persuna timmanifattura, timmonta, issewwi, jew twettaq manutenzjoni fuq apparat rilevanti għal-logħob.

Liċenza Klassi 1 u Liċenza Klassi 2.

(2) Liċenza Klassi 2 tista' tinghata mill-Awtorità lil persuna sabiex tawtorizza lil dik il-persuna tqiegħed fis-suq, tiddistribwixxi, tforni, tbigh, tikri jew tittrasferixxi apparat rilevanti għal-logħob.

(3) L-applikazzjonijiet għal Liċenza Klassi 1 jew Liċenza Klassi 2 (hawnhekk aktar 'il quddiem f'din it-Taqsima msejjha "Liċenza") għandhom isiru fuq daww il-formuli stabbiliti mill-Awtorità minn żmien għal żmien.

(4) Il-formula ta' applikazzjoni msemmija fis-subregolament (3) għandu jkollha magħha dik l-informazzjoni u, jew dokumentazzjoni kif stabbilit fit-Tieni Skeda flimkien ma' kull informazzjoni jew dokumentazzjoni oħra mitluba mill-Awtorità.

6. (1) L-ghoti ta' Liċenza skont dawn ir-regolamenti għandu f'kull każ ikun soġġett għall-ħlas ta' dritt li jithallas darba għall-applikazzjoni u li ma jigix mogħti lura kif stabbilit fit-Tielet Skeda. Id-dritt għall-applikazzjoni jithallas darba biss u ma jithallasx għall-finijiet ta' tiġdid tal-Liċenza skont ir-regolament 7.

Drittijiet għall-applikazzjoni u għal-liċenza.

(2) L-Awtorità tista' ukoll teħtieġ li l-applikanti għal Liċenza jhallsu, b'żjeda mad-dritt għall-applikazzjoni msemmi fis-subregolament (1), l-ispejjeż attwali li jithallsu mill-Awtorità sabiex:

(a) isiru investigazzjonijiet dwar l-ambjent ta' esperjenza, l-idoneità u l-kwalifiki ta' applikant biex dak l-applikant jingħata jew iżomm Liċenza; u

(b) tivverifika l-informazzjoni sottomessa minn dak l-applikant skont dawn ir-regolamenti.

(3) Id-dritt għall-applikazzjoni msemmi fis-subregolament (1) għandu jithallas fl-istess hin meta tiġi preżentata l-applikazzjoni għal Liċenza.

(4) Wara li tinghata Liċenza, Detentur ta' Liċenza Klassi 1 jew Detentur ta' Liċenza Klassi 2 (hawn iżjed 'il quddiem f'din it-Taqsima msejjha "Detentur ta' Liċenza") għandu jhallas id-dritt għal-liċenza annwali kif stabbilit fit-Tielet Skeda flimkien ma', meta

mehtieg mill-Awtorità, l-ispejjeż attwali li jithallsu mill-Awtorità sabiex twettaq investigazzjonijiet dwar l-ambjent ta' esperjenza, l-idoneità u l-kwalifiki ta' dak id-Detentur ta' Liċenza biex ikun jista' jzomm Liċenza u sabiex tivverifika l-informazzjoni sottomessa minn Detentur ta' Liċenza skont dawn ir-regolamenti. Dak id-dritt għal liċenza annwali u, fejn ikun applikabbli, l-ispejjeż li jithallsu mill-Awtorità kif intqal qabel, għandhom jithallsu mid-Detentur ta' Liċenza mhux aktar tard minn għimghatejn qabel ma tiskadi kull sena kalendarja wara d-data tal-hruġ tal-Liċenza.

(5) Ma tiġi proċessata l-ebda Liċenza, u l-ebda Liċenza ma tinhareġ jew tiġġedded, sakemm l-Awtorità ma tkunx giet imhallsa l-ammonti kollha li għandhom jithallsu lilha għar-rigward ta':

- (a) l-ipproċessar tal-applikazzjoni;
- (b) l-ġhoti tal-Liċenza;
- (ċ) il-Liċenza;
- (d) il-monitoraġġ fuq u l-infurzar tal-Liċenza.

(6) Jekk Detentur ta' Liċenza ma jhallasx id-dritt għal-liċenza annwali kif stabbilit fit-Tielet Skeda fiż-żmien stipulat fis-subregolament (4), il-Liċenza tiskadi awtomatikament.

Perjodu ta' validità u tiġdid ta' Liċenza Klassi 1 u Liċenza Klassi 2.

7. (1) Liċenza mogħtija mill-Awtorità tkun valida għal perjodu li ma jeċċedix sena.

(2) Wara li l-Awtorità tirċievi applikazzjoni għat-tiġdid ta' Liċenza, l-Awtorità għandha gġedded il-Liċenza għal perjodi oħra ta' mhux aktar minn sena kull perjodu jekk l-Awtorità tkun sodisfatta li d-Detentur ta' Liċenza li jkun qed japplika għat-tiġdid:

(a) osserva, matul il-żmien kollu tal-perjodu originali jew imġedded preċedenti tal-Liċenza:

(i) id-dispożizzjonijiet tal-Att u ta' dawn ir-regolamenti;

(ii) it-termini u l-kondizzjonijiet tal-Liċenza; u

(iii) kull direttiva maħruġa mill-Awtorità skont l-Att jew dawn ir-regolamenti, liema direttiva hija applikabbli għal dik il-Liċenza; u

(b) jissodisfa l-kondizzjonijiet imsemmija fir-regolament 8.

(3) L-applikazzjonijiet għat-tigdid ta' Liċenza għandhom isiru fuq il-formula stabbilita mill-Awtorità u għandhom jiġu sottomessi lill-Awtorità mill-inqas sittin ġurnata qabel ma jiskadi l-perjodu ta' validità tal-Liċenza kurrenti. Id-dritt għall-applikazzjoni msemmi fir-regolament 6(1) ma jkunx meħtieġ li jithallas għat-tigdid ta' Liċenza.

8. (1) L-Awtorità ma għandhiex tagħti jew iġġedded Liċenza li għaliha ssir applikazzjoni skont dawn ir-regolamenti sakemm ma tkunx sodisfatta li l-applikant u kull persuna assoċjata huma persuni xierqa u idonei.

Għoti u Tigdid ta' Liċenza Klassi 1 u Liċenza Klassi 2.

(2) Meta tiġi biex tiddeċiedi jekk l-applikant għall-għoti u tigdid ta' Liċenza u kull persuna assoċjata humiex persuni xierqa u idonei, l-Awtorità tista' tqis dawk l-affarijiet li jistgħu jkunu inklużi f'direttivi maħruġa mill-Awtorità minn żmien għal żmien.

(3) Meta tiġi biex tiddeċiedi jekk għandhiex tagħti jew iġġedded Liċenza li għaliha ssir applikazzjoni skont dawn ir-regolamenti, l-Awtorità tista', b'zieda, tqis kull haġa jew linja politika li l-Awtorità raġonevolment tikkonsidra rilevanti fiċ-ċirkostanzi partikolari.

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

9. Fl-għoti ta' Liċenza, l-Awtorità tista' tassogġetta dik il-Liċenza għal dawk it-termini, kondizzjonijiet jew htigiet li tista' tqis xierqa, u f'kull żmien wara l-għoti tal-Liċenza l-Awtorità tista' minn żmien għal żmien tvarja jew tirrevoka kull terminu, kondizzjoni jew htieġa hekk imposti, jew tista' timponi termini, kondizzjonijiet jew htigiet godda.

Kondizzjonijiet ta' Liċenza Klassi 1 u Liċenza Klassi 2.

10. Detentur ta' Liċenza għandu josserva:

(a) kull kodiċi jew kodiċijiet ta' kondotta applikabbli li jistgħu jinħarġu mill-Awtorità fir-rigward ta' apparati rilevanti għal-logħob u, jew logħbiet provduti permezz ta' apparati rilevanti għal-logħob; u

Obbligi ta' Detentur ta' Liċenza Klassi 1 u Detentur ta' Liċenza Klassi 2.

(b) kull kondizzjoni speċifikata fil-Liċenza.

TAQSIMA V

Liċenzi - Liċenza Klassi 3

11. (1) Liċenza Klassi 3 tista' tingħata mill-Awtorità lil persuna biex tawtorizza lil dik il-persuna tagħmel disponibbli għall-

Liċenza Klassi 3.

użu, tilqa' għandha jew topera apparat rilevanti għal-logħob, iżda d-dispożizzjonijiet ta' din it-Taqsima ma għandhomx japplikaw għat-thaddim ta' sistema ċentrali.

(2) L-applikazzjonijiet għal Liċenza Klassi 3 għandhom isiru fuq dik il-formula stabbilita mill-Awtorità minn żmien għal żmien.

(3) Il-formula ta' applikazzjoni msemmija fis-subregolament (2) għandu jkollha magħha dik l-informazzjoni u, jew dokumentazzjoni kif stabbilit fit-Tieni Skeda flimkien ma' kull informazzjoni jew dokumentazzjoni oħra mitluba mill-Awtorità.

Drittijiet għall-applikazzjoni, drittijiet għal-liċenza u taxxa għat-tqegħid fil-post.

12. (1) L-ghoti ta' Liċenza Klassi 3 skont dawn ir-regolamenti għandu f'kull każ ikun soġġett għall-ħlas ta' dritt li jithallas darba għall-applikazzjoni u li ma jigix mogħti lura kif stabbilit fit-Tielet Skeda. Id-dritt għall-applikazzjoni jithallas darba biss u ma jithallasx għall-finijiet ta' tiġdid tal-Liċenza Klassi 3 skont ir-regolament 13.

(2) L-Awtorità tista' ukoll teħtieġ li l-applikanti għal Liċenza Klassi 3 jhallsu, b'żjieda mad-dritt għall-applikazzjoni msemmi fis-subregolament (1), l-ispejjeż attwali li jithallsu mill-Awtorità sabiex:

(a) isiru investigazzjonijiet dwar l-ambjent ta' esperjenza, l-idoneità u l-kwalifiki ta' applikant biex dak l-applikant jingħata jew iżomm Liċenza Klassi 3; u

(b) tivverifika l-informazzjoni sottomessa minn dak l-applikant skont dawn ir-regolamenti.

(3) Id-dritt għall-applikazzjoni msemmi fis-subregolament (1) għandu jithallas fl-istess ħin meta tiġi preżentata l-applikazzjoni għal Liċenza Klassi 3.

(4) Wara li tingħata Liċenza Klassi 3, Detentur ta' Liċenza Klassi 3 għandu, fir-rigward ta' kull post approvat li dwaru dak id-Detentur ta' Liċenza Klassi 3 għandu ċertifikat ta' approvazzjoni, iħallas mhux aktar tard minn għoxrin gurnata mill-aħħar ta' kull xahar:

(a) dritt għal-liċenza ta' kull xahar kif stabbilit fit-Tielet Skeda fir-rigward ta' kull apparat rilevanti għal-logħob f'kull post approvat; u

(b) taxxa ta' kull xahar għat-tqegħid fil-post għal kull apparat rilevanti għal-logħob li tkun tikkonsisti fl-oġġa minn:

(i) erba' mitt euro (€400.00) għal kull apparat

rilevanti għal-logħob; jew

(ii) għoxrin fil-mija tar-rikavat gross ta' kull xahar iġġenerat mill-apparat rilevanti għal-logħob; u

(c) meta mehtieg mill-Awtorità, l-ispejjeż attwali li jithallsu mill-Awtorità sabiex twettaq investigazzjonijiet dwar l-ambjent ta' esperjenza, l-idoneità u l-kwalifiki ta' dak id-Detentur ta' Liċenza biex ikun jista' jzomm Liċenza u sabiex tivverifika l-informazzjoni sottomessa minn Detentur ta' Liċenza skont dawn ir-regolamenti.

(5) Ma tiġi proċessata l-ebda Liċenza Klassi 3, u l-ebda Liċenza Klassi 3 ma tinhareġ jew tiġġedded, sakemm l-Awtorità ma tkunx giet imħallsa l-ammonti kollha li għandhom jithallsu lilha għar-rigward ta':

- (a) l-ipproċessar tal-applikazzjoni;
- (b) l-ġhoti tal-Liċenza Klassi 3;
- (c) il-Liċenza Klassi 3; u
- (d) il-monitoraġġ fuq u l-infurzar tal-Liċenza Klassi 3.

(6) Jekk Detentur ta' Liċenza Klassi 3 ma jhallasx l-ammonti dovuti kif stabbilit fit-Tielet Skeda fiż-żmien stipulat fis-subregolament (4), il-Liċenza Klassi 3 tiskadi awtomatikament.

(7) Detentur ta' Liċenza Klassi 3 għandu, flimkien mal-ħlas tat-taxxa għat-tqeghid fil-post imsemmija fis-subregolament (4)(b), jibgħat lill-Awtorità prospett li juri d-dhul gross ta' kull xahar ġenerat minn kull apparat rilevanti għal-logħob. Il-prospett għandu jkun f'dik il-forma li tista' tiġi stabbilita mill-Awtorità minn żmien għal żmien.

(8) Jekk id-Detentur ta' Liċenza Klassi 3 jonqos milli jissottometti il-prospett imsemmi fis-subregolament (7) jew jekk il-prospett ikun fih informazzjoni falza jew mhux preċiża, l-Awtorità jkollha d-dritt, b'żjieda ma' kull rimedju ieħor stabbilit fl-Att jew f'dawn ir-regolamenti, li tissospendi jew tirrevoka l-Liċenza Klassi 3 tad-Detentur ta' Liċenza Klassi 3 jew timponi daww il-kondizzjonijiet fuq il-Liċenza Klassi 3 kif jidhrilha li jkun neċessarju.

13. (1) Liċenza Klassi 3 mogħtija mill-Awtorità tkun valida għal perjodu li ma jeċċedix sena.

Perjodu ta' validità u Tiġdid ta' Liċenza Klassi 3.

(2) Wara li l-Awtorità tirċievi applikazzjoni għat-tiġdid ta'

Liċenza Klassi 3, l-Awtorità għandha iġġedded il-Liċenza Klassi 3 għal perjodi oħra ta' mhux aktar minn sena kull perjodu jekk l-Awtorità tkun sodisfatta li d-Detentur ta' Liċenza li jkun qed japplika għat-tiġdid:

(a) osserva, matul il-żmien kollu tal-perjodu originali jew iġġedded preċedenti tal-Liċenza Klassi 3:

(i) id-dispożizzjonijiet tal-Att u ta' dawn ir-regolamenti;

(ii) it-termini u l-kondizzjonijiet tal-Liċenza Klassi 3; u

(iii) kull direttiva mahruġa mill-Awtorità skont l-Att jew dawn ir-regolamenti, liema direttiva hija applikabbli għal dik il-Liċenza; u

(b) jissodisfa l-kondizzjonijiet imsemmija fir-regolament 14.

(3) L-applikazzjonijiet għat-tiġdid ta' Liċenza Klassi 3 għandhom isiru fuq il-formula stabbilita mill-Awtorità u għandhom jiġu sottomessi lill-Awtorità mill-inqas sittin ġurnata qabel ma jiskadi il-perjodu ta' validità tal-Liċenza Klassi 3 kurrenti. Id-dritt għall-applikazzjoni msemmi fir-regolament 12(1) ma jkunx meħtieġ li jithallas għat-tiġdid ta' Liċenza Klassi 3.

Għoti u Tiġdid
ta' Liċenza
Klassi 3.

14. (1) L-Awtorità ma għandhiex tagħti jew iġġedded Liċenza Klassi 3 li għaliha ssir applikazzjoni skont dawn ir-regolamenti sakemm ma tkunx sodisfatta li l-applikant u kull persuna assoċjata huma persuni xierqa u idonei.

(2) Meta tiġi biex tiddeċiedi jekk l-applikant għall-għoti u tiġdid ta' Liċenza Klassi 3 u kull persuna assoċjata humiex persuni xierqa u idonei, għandhom japplikaw id-dispożizzjonijiet tar-regolament 8(2) *mutatis mutandis*.

(3) Meta tiġi biex tiddeċiedi jekk għandhiex tagħti jew iġġedded Liċenza Klassi 3 li għaliha ssir applikazzjoni skont dawn ir-regolamenti, l-Awtorità tista', b'zjieda, tqis kull haġa jew linja politika li l-Awtorità raġonevolment tikkonsidra rilevanti fiċ-ċirkostanzi partikolari.

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

15. Fl-ghoti ta' Liċenza Klassi 3, l-Awtorità tista' tassoggetta dik il-Liċenza Klassi 3 għal dawk it-termini, kondizzjonijiet jew htigijiet ohra li tista' tqis xierqa, u f'kull żmien wara l-ghoti tal-Liċenza Klassi 3, l-Awtorità tista' minn żmien għal żmien tvarja jew tirrevoka kull terminu, kondizzjoni jew htieġa hekk imposti, jew tista' timponi termini, kondizzjonijiet jew htigijiet godda.

Kondizzjonijiet ta' Liċenza Klassi 3.

16. (1) Detentur ta' Liċenza Klassi 3 għandu josserva l-kondizzjonijiet li ġejjin:

Obbligi ta' Detentur ta' Liċenza Klassi 3.

(a) ma jwettaqx xi waħda mill-attivitajiet speċifikati fil-Liċenza Klassi 3 f'xi post jekk dak il-post ma jkunx post approvat u ma jkunx inħareġ iċ-ċertifikat ta' approvazzjoni għal dak il-post f'isem id-Detentur ta' Liċenza Klassi 3;

(b) ma jippermettix, jew jipprovdi faċilitajiet għal, fidi jew skambju ta' xi *voucher* jew *token* mahruġ minn apparati rilevanti għal-logħob f'xi post jekk dak il-post ma jkunx post approvat u ma jkunx inħareġ iċ-ċertifikat ta' approvazzjoni għal dak il-post f'isem id-Detentur ta' Liċenza Klassi 3 u jekk l-apparati rilevanti għal-logħob li minnhom dawk il-*vouchers* jew *tokens* jinħargu ma jintgħamlux disponibbli għall-użu, ma jilqgħux għandhom jew ma joperawx fl-istess post approvat li fih jiġi effettwat il-fidi jew l-iskambju ta' dawk il-*vouchers* jew *tokens*;

(ċ) ma jimpjegax, jew jippermetti li taħdem fir-rigward tal-logħob ta' xi logħba, xi persuna jekk dik il-persuna ma tkunx impjegat approvat;

(d) ma jagħmilx disponibbli għall-użu, ma jilqax għandu jew ma joperax xi apparat rilevanti għal-logħob u, jew tagħmir assoċjat jekk dak l-apparat rilevanti għal-logħob u tagħmir assoċjat ma jkunx approvat u registrat mill-Awtorità skont it-Taqsima VII qabel ma tinbeda dik l-attività;

(e) ma jimmodifikax, ma jbagħbasx jew ma jipprogrammax mill-ġdid, jew jippermetti li xi persuna ohra tommodifika, tbagħbas jew tipprogramma mill-ġdid, apparat rilevanti għal-logħob li jkun ġie approvat u registrat mill-Awtorità skont it-Taqsima VII, hlief bil-kunsens tal-Awtorità;

(f) ma jkissirx xi sigill mwahħal minn spetturi fuq apparat rilevanti għal-logħob li jkun ġie approvat u registrat mill-Awtorità skont it-Taqsima VII, jew jippermetti li xi persuna tkisser dawk is-sigilli, hlief bil-kunsens tal-Awtorità u fil-preżenza ta' spettur jew xi uffiċjal iehor tal-Awtorità;

(g) fejn ikun applikabbli, jiżgura li l-mezzi ta' komunikazzjoni mill-bogħod li permezz tagħhom apparat rilevanti għal-logħob u, jew sistema ċentrali jistgħu jingħaqdu ma' apparati oħra rilevanti għal-logħob, sistemi ċentrali u, jew is-sistema ċentrali ta' monitoraġġ, ikunu mqegħdin fil-post approvat u jkunu f'kull hin imgħaqdin, u ma jimmodifikax, ma jbagħbasx jew ma jipprogrammax mill-ġdid, jew ma jippermettix li xi persuna oħra timmodifika, tbagħbas jew tipprogramma mill-ġdid, it-thaddim ta' daww il-mezzi ta' komunikazzjoni mill-bogħod;

(h) jiżgura li l-apparati rilevanti għal-logħob li jkunu ġew approvati u reġistrati mill-Awtorità skont it-Taqsima VII jitqegħdu u jibqgħu mqegħda fil-post approvat u li jinżammu kontrolli adegwati għal aċċess ristrett;

(i) ma jippermettix li ġugatur jipparteċipa f'loġħba provduta permezz ta' apparat rilevanti għal-logħob jekk dik il-persuna ma tipproduċix karta valida ta' identifikazzjoni jew passaport;

(j) jiżgura li l-hin kollu li l-għemil disponibbli għall-użu, li jintlaqa' jew li jiġi operat apparat rilevanti għal-logħob f'post approvat jitwettagħ b'mod sigur, mingħajr periklu u xieraq;

(k) jiżgura li waqt il-hinijiet ta' ftuħ tal-post approvat, iż-żona li fiha hu ddisinjat li jsir il-logħob permezz ta' apparati rilevanti għal-logħob tkun il-hin kollu sorveljata minn impjegati approvati;

(l) fejn ikun meħtieġ mill-Awtorità, bi spiża tad-Detentur ta' Liċenza Klassi 3, jistalla, jgħaqqad, jagħmel u iżomm operattivi l-mezzi ta' komunikazzjoni approvati mill-Awtorità biex jiżgura li jkun hemm konnessjoni ta' komunikazzjoni diretta u li tiffunzjona b'mod xieraq u tajjeb bejn l-apparati rilevanti għal-logħob li jkunu ġew approvati u reġistrati mill-Awtorità skont it-Taqsima VII;

(m) jassumi r-responsabbiltà finanzjarja għall-hlasijiet xierqa u fil-hin tal-premjijiet kollha mirbuha minn ġugaturi permezz tal-fidi jew skambju ta' *vouchers* jew *tokens* maħruġa mill-apparati rilevanti għal-logħob;

(n) jingāġġa jew jimpjega Detenturi ta' Liċenza Klassi 1 biss għall-finijiet tat-tiswija jew manutenzjoni ta' apparati rilevanti għal-logħob u, jew tagħmir assoċjat li jkunu ġew

approvati u registrati mill-Awtorità skont it-Taqsima VII;

(o) iquieghed għall-wiri fuq kull apparat rilevanti għal-logħob li jkun gie approvat u registrat mill-Awtorità skont it-Taqsima VII, kull informazzjoni u jara li jibqgħu mwahhlin iċ-ċertifikati, sigilli jew marki kollha kif mehtieg mill-Awtorità u ma għandhux inehhi jew jippermetti li xi persuna tneħhi dik l-informazzjoni jew dawk iċ-ċertifikati, sigilli jew marki hlief jekk jikseb il-kunsens minn qabel tal-Awtorità biex jagħmel dan;

(p) jiżgura li fil-post approvat jew fil-madwar tiegħu jkun hemm installat u muri b'mod prominenti:

(i) avvizi dwar ir-riskji assoċjati mal-logħob;

(ii) avvizi li jirrakkomandaw logħob responsabbli;

(iii) informazzjoni dwar assoċjazzjonijiet jew organizzazzjonijiet oħra li jistgħu jassistu persuni li għandhom problemi assoċjati mal-logħob tal-ażżard;

(iv) informazzjoni li għandha x'taqsam mal-fidi jew skambju ta' *vouchers* jew *tokens* mahruġa mill-apparati rilevanti għal-logħob; u

(v) kull materjal ieħor li jista' jkun mehtieg u, jew provdut mill-Awtorità;

(q) minnufih jinforma lill-Awtorità bil-miktub dwar xi ksur jew xi tip ieħor ta' tbaġħbis fuq xi apparat rilevanti għal-logħob li jkun gie approvat u registrat mill-Awtorità skont it-Taqsima VII, jew sigilli mwahhlin ma' dak l-apparat rilevanti għal-logħob;

(r) iżomm, il-ħin kollu u għal perjodu ta' mhux inqas minn għaxar snin, *audit trails* u informazzjoni statistika oħra kif jista' jkun mehtieg minn żmien għal żmien mill-Awtorità, u jipprovdi dik l-informazzjoni lill-Awtorità wara talba mill-Awtorità f'dak il-perjodu ta' żmien kif ikun speċifikat għal dan il-għan;

(s) f'reġistru li għandu jinżamm għal dan il-għan, iżomm *record* tal-identità, rebhiet u transazzjonijiet mwettqa minn xi ġugatur individwali li, f'post approvat mid-Detentur ta' Liċenza Klassi 3, f'xi ġurnata waħda jilgħab, jirċievi jew iħallas ammonti ta' flus li b'kollox jeċċedu elfejn euro (€2,000.00).

Dak ir-registru jkun, fuq talba għal dan il-għan, disponibbli għar-reviżjoni tal-ispetturi;

(t) jiftaħ il-post approvat għan-negozju bejn il-11:00 a.m. u l-11:00 p.m. biss;

(u) josserva d-dispożizzjonijiet rilevanti kollha ta' dawn ir-regolamenti u d-dispożizzjonijiet ta' kull kodiċi jew kodiċijiet ta' kondotta li jistgħu jkunu nhargu mill-Awtorità fir-rigward ta' apparati rilevanti għal-logħob u, jew logħbiet provduti permezz ta' apparati rilevanti għal-logħob; u

(v) josserva kull kondizzjoni speċifikata fil-Liċenza Klassi 3.

(2) Detentur ta' Liċenza Klassi 3 li bi hsiebu joffri *jackpot* progressiv jew *jackpot* misterjuż (hawn iżjed 'il quddiem f'dan ir-regolament imsejjha "*jackpots*") permezz ta' apparati rilevanti għal-logħob f'post approvat għandu japplika lill-Awtorità għall-approvazzjoni bil-miktub minn qabel tal-Awtorità wara li ssir talba bil-miktub mid-Detentur ta' Liċenza Klassi 3.

(3) Detentur ta' Liċenza Klassi 3 li jkun kiseb l-approvazzjoni meħtieġa skont is-subregolament (2) għandu:

(a) jiżgura li kull logħba misterjuża u logħba progressiva li toffri *jackpot* għandha l-istess probabbiltà li tippermetti li jintrebaħ *jackpot*;

(b) jiżgura li kull apparat rilevanti għal-logħob li permezz tiegħu hi provduta l-logħba misterjuża jew il-logħba progressiva jkun mqiegħed fl-istess post approvat;

(ċ) jiżgura li meta jiġi offrut *jackpot*, dak il-*jackpot* jibqa' offrut sakemm jintrebaħ minn ġugatur;

(d) jiżgura li l-apparat rilevanti għal-logħob li permezz tiegħu hi provduta l-logħba progressiva jew misterjuża juri b'mod ċar il-valur tal-*jackpot* li jkun offrut;

(e) iżomm il-hin kollu *record* tal-varjazzjonijiet fil-valur tal-*jackpot* li jkun offrut, u jgħaddi dan ir-*record* lill-Awtorità fuq talba tal-Awtorità f'dak il-perjodu ta' żmien li jkun speċifikat għal dan il-għan; u

(f) iżomm riżerva ta' flus minima li tkun biżżejjed biex tiżgura li d-Detentur ta' Liċenza Klassi 3 ikollu l-hin kollu l-ammont ta' flus disponibbli biex iħallas il-*jackpots* kollha

offruti minn żmien għal żmien.

(4) *Jackpot* jista' jiġi trasferit minn logħba waħda progressiva jew logħba waħda misterjuża għal logħba oħra progressiva jew logħba oħra misterjuża jekk jiġu osservati dawn il-kondizzjonijiet biss:

(a) tkun ingħatat l-approvazzjoni minn qabel għal dan it-trasferiment mill-Awtorità wara talba bil-miktub mid-Detentur ta' Liċenza Klassi 3; u

(b) it-trasferiment tal-*jackpot* isir fost logħbiet progressivi jew logħbiet misterjużi provduti permezz ta' apparati rilevanti għal-logħob li jinsabu fl-istess post approvat.

17. (1) Detentur ta' Liċenza Klassi 3 għandu joħroġ, qabel ma jinbnew l-attivitajiet speċifikati fil-Liċenza Klassi 3, u għandu jżomm fis-seħh f'kull hin wara li tkun inharget, garanzija bankarja maħruġa minn bank jew minn istituzzjoni ta' kreditu jew istituzzjoni finanzjarja li jkunu aċċettabbli mill-Awtorità, favur l-Awtorità f'isimha u f'isem il-Gvern, fl-ammont imsemmi fis-subartikolu (2), biex jiġu żgurati:

Htieġa ta' garanzija mill-Bank.

(a) il-ħlas u d-distribuzzjoni ta' premjijiet mid-Detentur ta' Liċenza Klassi 3 lir-rebbieha ta' logħba provduta permezz ta' apparat rilevanti għal-logħob li jkun ġie magħmul disponibbli għall-użu, milqugh għandu jew operat taħt il-Liċenza Klassi 3;

(b) il-ħlas ta' mizati, drittijiet jew somom ta' flus oħra li għandhom jihallsu mid-Detentur ta' Liċenza Klassi 3 lill-Awtorità skont dawn ir-regolamenti; u

(ċ) il-ħlas mid-Detentur ta' Liċenza Klassi 3 ta' kull multa jew penali amministrattiva imposta bl-Att jew b'dawn ir-regolamenti.

(2) Il-garanzija bankarja msemmija fis-subregolament (1) għandha tkun għal mhux inqas mill-ammont li jintlaħaq billi wiehed jimmultiplika hames mitt euro (€500.00) bin-numru ta' apparati rilevanti għal-logħob li jinsabu fil-post approvat li fir-rigward tagħhom id-Detentur ta' Liċenza Klassi 3 għandu ċertifikat ta' approvazzjoni.

(3) Il-garanzija bankarja issir pagabbli lill-Awtorità malli titlobha l-Awtorità, u l-bank, l-istituzzjoni ta' kreditu jew l-istituzzjoni finanzjarja li jkunu hargu l-garanzija bankarja ma għandhomx jivverifikaw jekk dik it-talba hijiex ġustifikata.

(4) Il-garanzija bankarja għandha tibqa' valida għal sena wara li tkun skadiet, giet kanċellata, sospiża jew ma gietx imġedda l-Liċenza Klassi 3 jew sa dak iż-żmien li l-Awtorità tikkonsidra u tinnotifika lid-Detentur ta' Liċenza Klassi 3 bil-miktub li dik il-garanzija bankarja mhijiex aktar meħtieġa, liema minnhom isseħħ l-ewwel.

(5) Il-garanzija bankarja għandha tkun soġġetta għal dawk it-termini u kondizzjonijiet oħra li jistgħu jiġu speċifikati fil-Liċenza Klassi 3 jew kif jista' mod iehor jiġi preskritt mill-Awtorità.

TAQSIMA VI

Liċenzi - Liċenza Klassi 4

Liċenza Klassi 4.

18. (1) L-ebda persuna ma tista' thaddem sistema ċentrali u tgħaqqad dik is-sistema ċentrali ma' apparat rilevanti għal-logħob jew tippermetti li dak l-apparat rilevanti għal-logħob jiġi hekk mgħaqqad, jekk dak is-sistema ċentrali ma jkunx approvat mill-Awtorità u dik il-persuna ma jkollhiex Liċenza Klassi 4 maħruġa mill-Awtorità.

(2) L-applikazzjonijiet għal Liċenza Klassi 4 għandhom isiru fuq dawk il-formuli stabbiliti mill-Awtorità minn żmien għal żmien u għandu jkollhom magħhom dik l-informazzjoni u dokumenti kif stabbilit fit-Tieni Skeda flimkien ma' kull informazzjoni jew dokumentazzjoni oħra mitluba mill-Awtorità.

Drittijiet għall-applikazzjoni u drittijiet għal liċenza.

19. (1) L-ghoti ta' Liċenza Klassi 4 skont dawn ir-regolamenti għandu f'kull każ ikun soġġett għall-ħlas ta' dritt li jithallas darba għall-applikazzjoni u li ma jiġix mogħti lura kif stabbilit fit-Tielet Skeda.

(2) L-Awtorità tista' ukoll teħtieġ li l-applikanti għal Liċenza Klassi 4 jhallsu, b'żjieda mad-dritt għall-applikazzjoni msemmi fis-subregolament (1), l-ispejjeż attwali li jithallsu mill-Awtorità sabiex:

(a) isiru investigazzjonijiet dwar l-ambjent ta' esperjenza, l-idoneità u l-kwalifiki ta' applikant biex dak l-applikant jingħata jew iżomm Liċenza Klassi 4; u

(b) tivverifika l-informazzjoni sottomessa minn dak l-applikant skont dawn ir-regolamenti.

(3) Id-dritt għall-applikazzjoni msemmi fis-subregolament (1) għandu jithallas fl-istess ħin meta tiġi preżentata l-applikazzjoni għal Liċenza Klassi 4.

(4) Ma tiġi proċessata l-ebda Liċenza Klassi 4, u l-ebda Liċenza Klassi 4 ma tinhareġ jew tiġġedded, sakemm l-Awtorità ma tkunx giet imħallsa l-ammonti kollha li għandhom jiġthallsu lilha għar-rigward ta':

- (a) l-ipproċessar tal-applikazzjoni;
- (b) l-ghoti tal-Liċenza Klassi 4;
- (c) il-Liċenza Klassi 4; u
- (d) il-monitoraġġ fuq u l-infurzar tal-Liċenza Klassi 4.

20. (1) Liċenza Klassi 4 mogħtija mill-Awtorità tkun valida għal perjodu li ma jeċċedix sena.

Perjodu ta' validità u Tiġdid ta' Liċenza Klassi 4.

(2) Wara li l-Awtorità tirċievi applikazzjoni għat-tiġdid ta' Liċenza Klassi 4, l-Awtorità għandha ġġedded il-Liċenza Klassi 4 għal perjodi oħra ta' mhux aktar minn sena kull perjodu jekk l-Awtorità tkun sodisfatta li d-Detentur ta' Liċenza Klassi 4 li jkun qed japplika għat-tiġdid:

(a) osserva, matul il-żmien kollu tal-perjodu oriġinali jew imġedded preċedenti tal-Liċenza Klassi 4:

(i) id-dispożizzjonijiet tal-Att u ta' dawn ir-regolamenti;

(ii) it-termini u l-kondizzjonijiet tal-Liċenza Klassi 4; u

(iii) kull direttiva maħruġa mill-Awtorità skont l-Att jew dawn ir-regolamenti, liema direttiva hija applikabbli għal dik il-Liċenza Klassi 4; u

(b) jissodisfa l-kondizzjonijiet imsemmija fir-regolament 21.

(3) L-applikazzjonijiet għat-tiġdid ta' Liċenza Klassi 4 għandhom isiru fuq il-formula stabbilita mill-Awtorità u għandhom jiġu sottomessi lill-Awtorità mill-inqas sittin ġurnata qabel ma jiskadi l-perjodu ta' validità tal-Liċenza kurrenti. Id-dritt għall-applikazzjoni msemmi fir-regolament 19(1) ma jkunx meħtieġ li jiġthallas għat-tiġdid ta' Liċenza Klassi 4.

21. (1) L-Awtorità ma għandhiex tagħti jew iġġedded Liċenza Klassi 4 li għaliha ssir applikazzjoni skont dawn ir-regolamenti sakemm ma tkunx sodisfatta li l-applikant:

Għoti u tiġdid ta' Liċenza Klassi 4.

(a) u kull persuna assoċjata huma persuni xierqa u idonei;

(b) għandu mezzi finanzjarji u tekniċi adegwati, il-ħila u l-esperjenza neċessarja biex iħaddem b'mod tajjeb is-sistema ċentrali;

(c) żvela lill-Awtorità, għas-sodisfazzjon tal-Awtorità, l-arrangamenti finanzjarji u ta' finanzjar mill-ġdid għax-xiri jew ksib b'xi titolu ieħor tas-sistema ċentrali, u wera' li l-applikant għandu titolu validu ta' sjieda fuq dik is-sistema ċentrali; u

(d) għamel l-arrangamenti kollha meħtieġa biex jiżgura li għat-tul ta' żmien kollu li l-Liċenza Klassi 4 tibqa' fis-seħh, il-livelli ta' sigurtà adegwata, ta' ħarsien mill-periklu, ta' konnettività, ta' servizz u *standards* oħra kif jistgħu jiġu preskritti mill-Awtorità ser jiġu osservati.

(2) Meta tiġi biex tiddeċiedi jekk l-applikant għall-ġhoti u tiġdid ta' Liċenza Klassi 4 u kull persuna assoċjata humiex persuni xierqa u idonei, għandhom japplikaw id-dispożizzjonijiet tar-regolament 8(2) *mutatis mutandis*.

Kondizzjonijiet ta' Liċenza Klassi 4.

22. Fl-ġhoti ta' Liċenza Klassi 4, l-Awtorità tista' tassoġġetta dik il-Liċenza Klassi 4 għal dawk it-termini, kondizzjonijiet jew htigiet oħra li tista' tqis xierqa, u f'kull żmien wara l-ġhoti tal-Liċenza Klassi 4, l-Awtorità tista' minn żmien għal żmien tvarja jew tirrevoka kull terminu, kondizzjoni jew htieġa hekk imposti, jew tista' timponi termini, kondizzjonijiet jew htigiet ġodda.

Obbligi ta' Detentur ta' Liċenza Klassi 4.

23. Detentur ta' Liċenza Klassi 4 għandu josserva l-kondizzjonijiet li ġejjin:

(a) iquieghed it-tagħmir kollu li jiffirma parti mis-sistema ċentrali ġewwa faċilità sikura konformement mar-regolament 24;

(b) il-ħin kollu jkollu aċċess għat-tagħmir kollu użat bħala parti mis-sistema ċentrali, kif ukoll għal kull *software* u *data* installati fl-imsemmi tagħmir;

(ċ) jinstalla, jistabbilixxi u jzomm fi stat funzjonali s-sistema ċentrali skont dawk il-htigiet li jistgħu minn żmien għal żmien jiġu preskritti mill-Awtorità;

(d) jara li s-sistema ċentrali jerga jissettja ruħu kull darba li jiġi aġġornat;

(e) iżomm is-sistema ċentrali fi stat tajjeb ta' funzjonalità l-hin kollu u jagħti garanzija ta' servizz fuq livell li jkun aċċettabbli għall-Awtorità;

(f) ma jimmodifikax, ma jbagħbasx, ma jipprogrammax mill-ġdid jew mod ieħor jibdel, jew jippermetti li xi persuna oħra timmodifika, tbagħbas, tipprogramma mill-ġdid jew mod ieħor tibdel, is-sistema ċentrali;

(g) jekk u meta mitlub mill-Awtorità, jiżgura li s-sistema ċentrali jkun mqabbad mas-sistema ċentrali ta' monitoraġġ il-hin kollu; u

(h) jgħaddi lill-Awtorità r-rapporti, is-sommarji, il-prospetti, fatturi kollha u dik l-informazzjoni l-oħra li jistgħu jiġu mitluba mill-Awtorità.

24. (1) L-ebda Detentur ta' Liċenza Klassi 4 ma għandu jqiegħed u jzomm xi tagħmir li jiffirma parti mis-sistema ċentrali f'xi post hlief jekk dak il-post jissodisfa l-kriterji msemmija fis-subregolament (2) u l-faċilitajiet ikunu ġew ċertifikati mill-Awtorità bħala faċilitajiet sikuri. Faċilitajiet sikuri.

(2) Faċilita sikura għandha:

(a) tkun imdawwra minn haġt protettiv tul il-perimetru tagħha;

(b) ikollha sistema ta' kontroll tal-aċċess mill-bieb li jirreġistra l-fluss ta' persuni lejn iż-żona jew 'il barra miż-żona u li jaħżen id-data, il-hin u d-dettalji ta' identifikazzjoni ta' dawk il-persuni għal perjodu ta' tliet xhur;

(ċ) ikollha *cameras* ta' ċirkuwitu magħluq televiżiv li jkunu jaħdmu erbgħa u għoxrin siegħa kuljum, kull gurnata tal-ġimgħa, u li fuqhom ikun viżibbli b'mod ċar it-tagħmir kollu li jiffirma parti mis-sistema ċentrali;

(d) ikun hemm preżenti fiha impjegati tagħha l-hin kollu;

(e) jekk ikun meħtieġ mill-Awtorità, jkollha tagħmir ta' monitoraġġ permezz ta' *network* li jkollu aċċess remot għalih mill-ispetturi kemm permezz tat-tħaddim tas-sistema ċentrali ta' monitoraġġ jew b'xi mezzi oħra; u

(f) josserva kull speċifikazzjoni teknika, *standard* u htieġa oħra kif jista' jiġi stipulat mill-Awtorità.

(3) Kull filmat reġistrat mill-*cameras* ta' ċirkuwitu magħluq televiżiv imsemmi fis-subregolament (2) għandu jinżamm għal perjodu minimu ta' sittin ġurnata u għandu jkun aċċessibbli għal jew mogħti lill-ispetturi jekk u meta jkun hekk meħtieġ.

(4) Ċertifikat ta' approvazzjoni fir-rigward ta' faċilità sikura għandu jibqa' validu sakemm ma jiġix revokat mill-Awtorità.

(5) L-Awtorità għandha l-hin kollu jkollha d-dritt li tispezzjona l-faċilità sikura sabiex tiddeċiedi jekk tohroġx jew le jew jekk tirrevokax jew le ċ-ċertifikat ta' approvazzjoni.

(6) L-ispetturi jkollhom id-dritt li jidhlu fil-faċilità sikura u josservaw l-operazzjonijiet f'kull hin.

(7) Il-ħruġ ta' ċertifikat ta' approvazzjoni jista' jkun soġġett għal kondizzjonijiet li jistgħu jitqiesu xierqa mill-Awtorità.

TAQSIMA VII

Approvazzjoni ta' Apparati Rilevanti għal-Logħob

Approvazzjoni u reġistrazzjoni ta' apparati rilevanti għal-logħob.

25. (1) L-ebda persuna ma tista' twettaq xi waħda mill-attivitajiet elenkati fir-regolament 3(1)(b) u (ċ) jekk u sakemm l-apparat rilevanti għal-logħob li fir-rigward tiegħu l-attivitajiet hawn qabel imsemmija jitwettqu u, jew it-tagħmir assoċjat, ma jkunx ġie approvat u reġistrat mill-Awtorità wara s-sottomissjoni minn dik il-persuna ta' applikazzjoni għal dak il-għan lill-Awtorità.

(2) L-applikazzjonijiet magħmula skont is-subregolament (1) għandhom isiru minn Detentur ta' Liċenza Klassi 2 jew Detentur ta' Liċenza Klassi 3 fuq dawk il-formuli stabbiliti mill-Awtorità minn żmien għal żmien u għandu jkollhom magħhom dan li ġej:

(a) ċertifikat maħruġ minn manifattur u minn laboratorju indipendenti ta' testjar akkreditat fi Stat Membru tal-Unjoni Ewropea jew Stat Membru taż-Żona Ekonomika Ewropea jew xi ġurisdizzjoni oħra jew territorju iehor approvati mill-Awtorità u rikonoxxuti mill-Awtorità bħala li għandhom l-akkreditazzjoni meħtieġa biex joħorġu ċertifikat bħal dak (hawn iżjed 'il quddiem imsejjah il-"Laboratorju ta' Testjar"), li jiċċertifika li l-apparat rilevanti għal-logħob hu konformi mad-dritt Komunitarju u ma' *standards* li jistgħu jkun applikabbli minn żmien għal żmien u ma' dawn ir-regolamenti;

(b) ċertifikat maħruġ minn Laboratorju ta' Testjar li jiċċertifika li l-istatistika ta' drabi li jiġru kif ġie tan-numru li jitla kif ġie u tas-simbolu tal-ġeneratur relata mal-apparat

rilevanti għal-logħob hu konformi mad-dritt Komunitarju u ma' *standards* li jistgħu jkunu applikabbli minn żmien għal żmien u ma' dawn ir-regolamenti;

(ċ) fil-każ fejn iċ-ċertifikat imsemmi fil-paragrafu (a) ma jkoprix il-logħbiet provduti permezz tal-apparat rilevanti għal-logħob, ċertifikat mahruġ minn Laboratorju ta' Testjar li jiċċertifika li l-logħba provduta permezz tal-apparat rilevanti għal-logħob hi konformi mad-dritt Komunitarju u ma' *standards* li jistgħu jkunu applikabbli minn żmien għal żmien u ma' dawn ir-regolamenti;

(d) xhieda li kull logħba li ser tiġi provduta permezz ta' apparat rilevanti għal-logħob hija logħba awtorizzata u tosserva d-dispożizzjonijiet tal-Att u ta' dawn ir-regolamenti;

(e) manwali, inklużi manwali tas-*software*, u kull dokument ieħor mahruġ mill-manifattur tal-apparat rilevanti għal-logħob li jkun fihom:

(i) deskrizzjoni shiha tal-apparat rilevanti għal-logħob;

(ii) it-teġma tal-logħbiet li jistgħu jintlagħbu permezz tal-apparat rilevanti għal-logħob;

(iii) iġstruzzjonijiet li għandhom jiġu segwiti minn utenti tal-apparat rilevanti għal-logħob; u

(iv) ir-regoli kollha li għandhom x'jaqsmu mal-logħba provduta permezz tal-apparat rilevanti għal-logħob;

(f) id-dettalji tal-post approvat fejn ser jinżamm l-apparat rilevanti għal-logħob;

(g) dikjarazzjoni ta' konformità mat-termini ta' dawn ir-regolamenti ffirmata mill-uffiċjal prinċipali u d-Detentur ta' Liċenza Klassi 2 jew id-Detentur ta' Liċenza Klassi 3 kif ikun il-każ;

(h) prova tat-titolu legali tal-applikant fuq l-apparat rilevanti għal-logħob;

(i) in-numru tas-serje, it-tip u l-ispeċifikazzjonijiet tal-apparat rilevanti għal-logħob u, jew tagħmir assoċjat li għar-rigward tagħhom l-attivitajiet elenkati fir-regolament 3(1)(b) u (ċ) ser jitwettqu mid-Detentur ta' Liċenza Klassi 2 jew mid-

Detentur ta' Liċenza Klassi 3, kif ikun il-każ;

(j) jekk u meta mehtieg mill-Awtorità, ċertifikat li jikkonferma li l-apparat rilevanti għal-logħob huwa kompatibbli mas-sistema ċentrali ta' monitoraġġ; u

(k) id-drittijiet għall-approvazzjoni li jithallsu darba, u li ma jinghatawx lura, għar-reġistrazzjoni tal-apparat rilevanti għal-logħob kif stabbilit fit-Tielet Skeda.

(3) Meta applikazzjoni sottomessa lill-Awtorità skont is-subregolament (2) tiġi approvata mill-Awtorità, l-Awtorità għandha:

(a) tirreġistra l-apparat rilevanti għal-logħob u l-logħbiet provduti permezz ta' dak l-apparat rilevanti għal-logħob f'isem l-applikant, u għandha tohroġ ċertifikat għal dak il-għan lill-applikant;

(b) tohroġ marka ta' reġistrazzjoni li għandha titwahhal b'mod permanenti mal-apparat rilevanti għal-logħob, liema marka, *inter alia*, tistabbilixxi:

(i) in-numru ta' reġistrazzjoni allokat mill-Awtorità lill-apparat rilevanti għal-logħob;

(ii) in-numru uniku tas-serje tal-manifattur tal-apparat rilevanti għal-logħob;

(iii) isem il-manifattur tal-apparat rilevanti għal-logħob;

(iv) in-numru tad-ditta tal-apparat rilevanti għal-logħob; u

(v) in-numru tal-mudell tal-apparat rilevanti għal-logħob.

(4) Il-marka ta' reġistrazzjoni msemmija fis-subregolament (3)(b) għandha tibqa' proprjetà tal-Awtorità u l-ebda persuna, hliief ufficjali, impjegati jew aġenti tal-Awtorità, ma għandha twahhal xi haġa ma', tnehhi, tikkancella jew mod ieħor tbaġħbas dik il-marka ta' reġistrazzjoni.

(5) Fil-każ fejn il-marka ta' reġistrazzjoni msemmija fis-subregolament (3)(b) tkun, għal xi raġuni tkun li tkun, inqalat mill-apparat rilevanti għal-logħob jew tithassar jew mod ieħor jiġrilha xi hsara, kull persuna li f'isimha l-apparat rilevanti għal-logħob hu reġistrat tkun fid-dmir li minnufih:

(a) tavża lill-Awtorità u

(b) tneħhi l-konnessjoni u tirrendi inoperattiv l-apparat rilevanti għal-logħob sakemm spettur jew uffiċjal iehor tal-Awtorità ma jkunx eżamina, iċċertifika u waħhal mill-ġdid dik il-marka ta' registrazzjoni.

(6) L-Awtorità għandha żżomm reġistru li jkun fih ir-*records* tal-apparati rilevanti għal-logħob registrati skont dan ir-regolament.

(7) Ma tista' tiġi provduta l-ebda logħba permezz ta' apparat rilevanti għal-logħob jekk dik il-logħba ma tkunx logħba awtorizzata u l-Awtorità ma tkunx ġiet provduta bix-xiedha neċessarja li turi li dik il-logħba hi logħba awtorizzata kif meħtieġ skont is-subregolament (2)(d). Skont l-artikolu 5 tal-Att, ma jkun hemm bżonn ta' ebda awtorizzazzjoni oħra mill-Awtorità jekk il-logħba tosserva d-dispożizzjonijiet tal-Att u ta' dawn ir-regolamenti u hi diġà awtorizzata li tithaddem skont xi liġi promulgata minn xi Stat Membru tal-Unjoni Ewropea jew Stat Membru taż-Żona Ekonomika Ewropea jew minn xi ġurisdizzjoni oħra jew territorju iehor approvati mill-Awtorità.

(8) Detentur ta' Liċenza Klassi 3 jista' japplika bil-miktub lill-Awtorità fuq il-formula preskritta għal dak il-ghan, sabiex l-Awtorità tawtorizza li logħba partikolari tkun provduta permezz ta' apparat rilevanti għal-logħob.

(9) Il-formula ta' applikazzjoni msemmija fis-subregolament (8) għandu jkollha magħha dritt ta' applikazzjoni li jithallas darba, u li ma jinghatax lura, kif stabbilit fit-Tielet Skeda, flimkien ma' kull informazzjoni jew dokumentazzjoni oħra mitluba mill-Awtorità, inkluż *inter alia*, il-ġugata proposta jew il-medda ta' ġugati għal kull logħba li ser tkun provduta permezz ta' apparat rilevanti għal-logħob.

(10) Wara li tinghata l-awtorizzazzjoni għal logħba skont is-subregolament (8), id-Detentur ta' Liċenza Klassi 3 li jagħmel disponibbli għall-użu, jilqa' għandu jew jopera l-apparat rilevanti għal-logħob li permezz tiegħu hi provduta dik il-logħba għandu, fir-rigward ta' kull apparat rilevanti għal-logħob li permezz tiegħu hi provduta dik il-logħba, iħallas lill-Awtorità d-dritt annwali stabbilit fit-Tielet Skeda. Dan id-dritt annwali għandu jithallas mid-Detentur ta' Liċenza Klassi 3 mhux aktar tard minn ġimghatejn qabel ma tiskadi kull sena kalendarja wara d-data tal-awtorizzazzjoni msemmija fis-subregolament (8).

Bidliet għal, jew trasferimenti ta', apparati rilevanti għal-logħob.

26. (1) Detentur ta' liċenza li favur tiegħu gie registrat apparat rilevanti għal-logħob ma għandux jeffettwa, jew jippermetti li jiġu effettwati, xi bidliet għal dak l-apparat rilevanti għal-logħob jew għal-logħbiet provduti permezz ta' dak l-apparat rilevanti għal-logħob mingħajr ma jitlob l-approvazzjoni minn qabel tal-Awtorità, liema approvazzjoni tintwera bil-hruġ ta' marka mibdula ta' registrazzjoni li għandha titwaħħal minn spettur fuq, jew minflok, il-marka ta' registrazzjoni eżistenti.

(2) Id-detentur ta' liċenza li f'ismu jkun registrarat apparat rilevanti għal-logħob u l-amministraturi u l-uffiċjali prinċipali ta' dak l-apparat rilevanti għal-logħob ikunu fid-dmir li javżaw lill-Awtorità minnufih, u f'kull każ mhux aktar tard minn tliet ijiem tax-xogħol, dwar kull tibdil fid-dettalji msemmija fir-regolament 25(2)(a) sa (i) sottomessi lill-Awtorità .

(3) L-ebda detentur ta' liċenza ma jista' jittrasferixxi jew mod ieħor jiddisponi minn apparat rilevanti għal-logħob registrat f'ismu qabel ma jikseb l-approvazzjoni minn qabel tal-Awtorità billi jissottometti l-formula ta' applikazzjoni preskritta mill-Awtorità għal dak il-għan.

(4) L-Awtorità tista' titlob li dik l-informazzjoni li tista' tqis neċessarja tingħata lilha f'konnessjoni mal-applikazzjoni msemmija fis-subregolament (3).

(5) L-ebda persuna ma tista' teqred jew mod ieħor permanentement tirtira mit-thaddim ta' apparat rilevanti għal-logħob li jkun gie approvat u registrat mill-Awtorità skont it-Taqsima VII qabel ma l-Awtorità tkun qalat il-marka ta' registrazzjoni tal-apparat rilevanti għal-logħob u kkanċellat l-apparat rilevanti għal-logħob mir-registru.

Kondizzjonijiet relatati ma' apparati rilevanti għal-logħob.

27. Kull persuna li twettaq attività msemmija fir-regolament 3(1)(b) jew (ċ) għandha, f'kull hin, tiżgura li kull apparat rilevanti għal-logħob użat jew involut fit-twettiq ta' dik l-attività:

(a) ikun disponibbli għall-użu, milqugħ għandha u operat fil-post approvat;

(b) ikollu mwaħħal fuqu ċertifikat ta' registrazzjoni;

(ċ) ikun qed jaħdem tajjeb u, meta dan ma jkunx il-każ, jitwaqqaf minnufih milli jaħdem sakemm jiġi ċertifikat minn spettur li jkun gie msewwi u huwa tajjeb biex jithaddem;

(d) ma jintużax biex joffri jew biex tinlagħab logħba li ma tkunx logħba approvata;

(e) ma jiġix modifikat, imbagħbas, programmat mill-ġdid jew mod ieħor mibdul, hlief bl-approvazzjoni tal-Awtorità;

(f) skont il-mod li bih hi kostruwita, adattata jew regolata l-makna, ikun ddisinjat li jhallas, bħala medja, premju li jammonta għal hamsa u tmenin fil-mija (85%) jew izjed tal-flus jew tal-ekwivalenti għal dak l-ammont ta' flus, li jkunu mdaħħlin fl-apparat rilevanti għal-logħob:

Izda għall-finijiet li jiġi kalkolat dan il-premju medju ma jitqiesux *jackpot* progressiv jew *jackpot* misterjuż;

(g) bħala riżultat ta', jew f'konnessjoni ma', l-użu minn xi persuna ta' apparat rilevanti għal-logħob, ma joffrix, għal kull logħba waħda, premju, għotja jew benefiċċju ieħor ta' valur monetarju jew li jista' jiġi konvertit fi premju, għotja jew benefiċċju ieħor ta' valur monetarju, li jeċċedi elf euro (€1,000.00):

Izda fil-każ ta' *jackpot* progressiv jew misterjuż, dan il-premju massimu, għotja jew benefiċċju ieħor ta' valur monetarju ma għandux jeċċedi elfejn euro (€2,000.00);

(h) jindika b'mod ċar il-limiti stabbiliti fil-paragrafu (g);

(i) jekk u meta meħtieġ mill-Awtorità, ikun il-hin kollu mqabbad mas-sistema ċentrali ta' monitoraġġ, jew direttament jew permezz ta' sistema ċentrali li hi stess tkun imqabbda ma' sistema ċentrali ta' monitoraġġ; u

(j) jirrestringi l-ogħla ammont li jista' jintlagħab minn ġugatur għal logħba waħda provduta permezz tal-apparat rilevanti għal-logħob (kemm jekk ikun jew ma jkunx imqabbad ma' apparati oħra rilevanti għal-logħob) sa massimu ta' hames euro (€5.00).

28. Apparat rilevanti għal-logħob li jkun ġie approvat u reġistrat mill-Awtorità skont it-Taqsima VII għandu jipprovdi lill-ġugatur:

Htiġiet oħra applikabbli għal apparati rilevanti għal-logħob.

(a) l-isem tal-logħba provduta permezz tal-apparat rilevanti għal-logħob;

(b) kemm jiswa kreditu;

(ċ) ir-regoli tal-logħba provduta permezz tal-apparat rilevanti għal-logħob;

(d) twissijiet kontra logħob eċċessiv;

(e) informazzjoni dwar il-logħba, li tirrigwarda:

(i) il-perċentwali ta' possibilitajiet li wieħed jirbaħ il-logħba provduta permezz tal-apparat rilevanti għal-logħob;

(ii) ir-rebħiet medji li jithallsu lil ġugaturi tal-logħba provduta permezz tal-apparat rilevanti għal-logħob matul perjodu ta' żmien partikolari jew numru partikolari ta' logħbiet; u

(iii) ir-rata massima u minima li ġugatur iħallas għal-logħba provduta permezz tal-apparat rilevanti għal-logħob; u

(f) informazzjoni dwar il-ġugatur, li tirrigwarda:

(i) kemm iddum is-sessjoni ta' logħob tal-ġugatur;

(ii) l-ammont, muri f'euro u ċenteżmi, li l-ġugatur ikun nafaq waqt is-sessjoni ta' logħob tal-ġugatur; u

(iii) ir-rebħiet netti jew it-telfiet netti waqt is-sessjoni ta' logħob tal-ġugatur.

Bidliet għall-apparati rilevanti għal-logħob.

29. (1) L-Awtorità tista' teħtieġ li detentur ta' liċenza, kategorija speċifika ta' detenturi ta' liċenza jew id-detenturi kollha ta' liċenza jtejbu, jimmodifikaw jew jibdlu apparat rilevanti għal-logħob u, jew tagħmir assoċjat sabiex dan ikun konformi ma' xi direttiva mahruġa mill-Awtorità minn żmien għal żmien. Mingħajr ħsara għall-ġeneralità ta' dak li ntqal qabel, l-Awtorità tista' f'kull hin titlob li detentur ta' liċenza, kategorija speċifika ta' detenturi ta' liċenza jew id-detenturi kollha ta' liċenza biex iwettqu dak it-titjib, dawk il-modifiki jew dawk il-bidliet li huma neċessarji biex l-apparati rilevanti għal-logħob jiġu mġhammra b'sistema għall-qari ta' karti ta' kreditu/debitu liema sistema tkun tista' twettaq operazzjonijiet ta' debit u ta' kreditu abbażi tal-kontenut monetarju registrat fuq il-karta ta' kreditu/debit u, jew tattiva jew tiddisattiva l-apparat rilevanti għal-logħob.

(2) F'każ fejn l-Awtorità timponi xi hteġa msemija fis-subregolament (1) id-detentur rilevanti ta' liċenza jew id-detenturi rilevanti ta' liċenza għandhom ibatu l-ispejjeż tat-titjib, il-modifika jew il-bdil tal-apparat rilevanti għal-logħob jew tagħmir ieħor

assoċjat li hu meħtieġ li jiġi mtejjeb, modifikat jew mibdul sabiex ikun konformi mad-direttivi mahruġa mill-Awtorità.

TAQSIMA VIII

Approvazzjoni tal-post

30. Detentur ta' Liċenza Klassi 3 ma għandux jagħmel disponibbli għall-użu, jilqa għandu jew jopera xi apparat rilevanti għal-logħob f'xi post hlief jekk dak il-post ikun approvat mill-Awtorità skont it-Taqsima VIII u jinhareġ ċertifikat ta' approvazzjoni għar-rigward ta' dak il-post mill-Awtorità f'isem id-Detentur ta' Liċenza Klassi 3.

Approvazzjoni tal-post.

31. (1) Detentur ta' Liċenza Klassi 3 għandu, qabel ma tinbeda xi wahda mill-attivitàjiet speċifikati fil-Liċenza Klassi 3, jibgħat applikazzjoni bil-miktub lill-Awtorità għall-approvazzjoni tal-post li fih hu mahsub li daww l-attivitàjiet ser jitwettqu.

Applikazzjoni għall-approvazzjoni ta' post.

(2) Applikazzjoni għall-approvazzjoni ta' post skont is-subregolament (1) għandha ssir mid-Detentur ta' Liċenza Klassi 3 fuq dik il-formula li tista' tiġi speċifikata mill-Awtorità minn żmien għal żmien, u għandha tinkludi:

(a) id-dettalji tad-Detentur ta' Liċenza Klassi 3 li japplika għall-approvazzjoni tal-post;

(b) deskrizzjoni tan-natura, fejn jinsab u d-dimensjoni tal-post;

(ċ) pjanta, fuq skala, tal-post;

(d) disinji li juru b'mod ċar fejn ser jitqegħdu l-apparati rilevanti għal-logħob fil-post;

(e) il-permess tal-iżvilupp mahruġ mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar fir-rigward tal-post; u

(f) kull dokument ieħor li jista' jiġi speċifikat mill-Awtorità fil-formula tal-applikazzjoni msemmija f'dan is-subregolament.

(3) L-għoti, min-naħa tal-Awtorità, tal-approvazzjoni tagħha tal-post skont is-subregolament (1) għandu, fil-każijiet kollha, ikun soġġett għal dritt għall-approvazzjoni li jithallas darba, u li ma jingħatax lura, kif stabbilit fit-Tielet Skeda, liema dritt għandu jithallas flimkien mal-preżentata tal-applikazzjoni għall-approvazzjoni msemmija fis-subregolament (2).

32. L-Awtorità għandha tapprova postijiet li jissodisfaw il-kondizzjonijiet li ġejjin biss:

(a) il-post huwa mhaddem, immanigġat jew mod ieħor kontrollat minn persuni li huma meqjusa mill-Awtorità li jissodisfaw il-htigiet tat-test ta' adattibilità u idonejta stabbilit fir-regolament 8;

(b) l-għan uniku u esklużiv tal-post hu li jipprovdi l-logħob ta' logħbiet provduti permezz ta' apparati rilevanti għal-logħob u, sabiex jiġi evitat kull dubju, id-disponibbiltà għall-użu, l-ilqugh għandu u l-operat ta' makni għal-logħob tad-divertiment ma għandhomx, f'ebda każ, jitwettqu f'dak il-post;

(ċ) kull punt ta' aċċess għall-post ikun qiegħed f'distanza radjali ta' mhux inqas minn hamsa u sebgħin metru mill-punti ta' dhul rispettivi fil-perimetru ta' daww il-postijiet jew stabbilimenti kif jista' jiġi ddeterminat mill-Awtorità minn żmien għal żmien permezz ta' direttivi;

(d) il-post ikollu kontrolli adegwati għal aċċess ristrett skont id-dispożizzjonijiet tar-regolament 33;

(e) il-post ikun fih mhux aktar minn apparat wieħed rilevanti għal-logħob għal kull żewġ metri kwadri taż-żona li fiha huwa intiz li jsir il-logħob ta' logħbiet permezz ta' apparati rilevanti għal-logħob;

Iżda fit-total il-post ma għandux ikollu aktar minn għaxar apparati rilevanti għal-logħob u iżda wkoll fil-każ ta' apparati rilevanti għal-logħob iddisinjati jew adattati b'dak il-mod li jippermetti li aktar minn għaxar wieħed jużaw daww l-apparati rilevanti għal-logħob fl-istess hin, għall-finijiet tal-limtażżjonijiet speċifikati f'dan il-paragrafu, in-numru ta' apparati rilevanti għal-logħob bħal dawn għandu jiġi multiplikat bl-ogħla numru ta' għaxar li jistgħu jużaw daww l-apparati rilevanti għal-logħob fl-istess hin;

(f) il-post jindika fuq kull punt ta' aċċess, permezz ta' pjanċa ta' identifikazzjoni mahruġa mill-Awtorità, li dak il-post huwa post approvat;

(g) il-post hu mghammar b'cameras ta' ċirkuwitu magħluq televiżiv li jkunu jaħdmu erbgħa u għoxrin siegħa kuljum, kull gurnata tal-gimgha, u li fuqhom ikunu vizibbli b'mod ċar l-apparati kollha rilevanti għal-logħob u l-

filmat registrat mill-*cameras* ta' ċirkuwitu magħluq televiziv għandu jinżamm għal perjodu minimu ta' sittin gurnata; u

(h) il-post huwa konformi ma' speċifikazzjonijiet, regoli u linja politika oħra stabbiliti mill-Awtorità skont l-artikolu 78 tal-Att.

33. (1) Il-kontrolli għal aċċess ristrett imsemmija f'dan ir-regolament għandhom jiġu implimentati f'kull punt ta' aċċess ta' kull post approvat. Kontroll għal aċċess ristrett.

(2) Detentur ta' Liċenza Klassi 3 għandu, f'kull post approvat li dwaru jkollu ċertifikat ta' approvazzjoni maħruġ skont ir-regolament 30, iżomm reġistru tal-persuni kollha li jidhlu fi jew johorġu minn dak il-post approvat, inklużi impjegati approvati. Dan ir-reġistru għandu jkun fih l-informazzjoni li ġejja:

(a) l-isem u l-kunjom tal-persuna li tidhol fil-post approvat;

(b) in-numru tal-karta ta' identifikazzjoni jew tal-passaport kif muri fuq il-karta ta' identifikazzjoni jew tal-passaport ippreżentat, qabel ma tidhol, mill-persuna li tkun dahlet;

(ċ) fil-każ ta' impjegati approvati, in-numru ta' ċertifikat ta' approvazzjoni tal-impjegat approvat;

(d) id-data u l-hin tad-dhul ta' dik il-persuna fil-post approvat; u

(e) dik l-informazzjoni l-oħra li tista' tkun meħtieġa minn direttivi maħruġa mill-Awtorità minn żmien għal żmien.

(3) Sabiex ikun jista' josserva l-obbligi msemmija fis-subregolament (2), id-Detentur ta' Liċenza Klassi 3 għandu jiżgura li l-post approvat ikun fih *reception area* li jkollha għallinqas skrivanija waħda li tintuża biss għar-riċeviment u l-kontroll tad-dhul ta' persuni li jidhlu fil-post approvat.

(4) Id-Detentur ta' Liċenza Klassi 3 għandu jiżgura li persuna ma tithallhiex tidhol f'xi post approvat u, jew tagħmel użu tal-apparati rilevanti għal-logħob jekk dik il-persuna:

(a) tkun taħt l-età ta' tmintax-il sena;

(b) tidher li hi taħt l-influwenza ta' alkoħol jew xi droga

jew qed taġixxi b'mod diżordinat;

(ċ) tiġi mitluba minn impjegat approvat biex ma tidholx f'post approvat għar-raġuni li dik il-persuna qabel tkun kisret xi kodiċi ta' kondotta mahruġ mill-Awtorità;

(d) fuq talba biex tagħmel hekk minn impjegat approvat, tonqos milli tipproduċi l-karta ta' identifikazzjoni valida tagħha jew il-passaport validu tagħha;

(e) tkun talbet li tiġi eskluża minn jeddha, jew impjegat approvat ikun jaf li hemm fis-seħh esklużjoni jew restrizzjoni; jew

(f) hija inkluzi fil-lista ta' persuni esklużi provduta mill-Awtorità skont ir-regolament 34.

Kodiċijiet ta' kondotta fir-rigward ta' kontrolli għal aċċess ristrett.

34. (1) L-Awtorità tista' minn żmien għal żmien toħroġ kodiċijiet ta' kondotta applikabbli għal Detenturi ta' Liċenza Klassi 3 fir-rigward ta' kontrolli għal aċċess ristrett, inkluzi iżda mhux limitati għall-adozzjoni ta' proċeduri għall-ġbir u l-verifika ta' *records* ta' persuni esklużi fuq talba tagħhom stess jew mod ieħor ristretti milli jidhlu f'xi post approvat jew milli jipparteċipaw f'loġġbiet provduti permezz ta' apparat rilevanti għal-loġġob.

(2) L-Awtorità għandha, minn żmien għal żmien, tagħmel disponibbli lil Detenturi ta' Liċenza Klassi 3 lista ta' persuni esklużi, fuq talba tagħhom stess jew mod ieħor, milli jidhlu f'xi post approvat jew milli jipparteċipaw f'loġġbiet provduti permezz ta' apparat rilevanti għal-loġġob

Bidliet fid-dettalji speċifikati f'applikazzjoni.

35. Meta, qabel ma tiġi determinata applikazzjoni għall-approvazzjoni ta' post, jew waqt li jkun fis-seħh ċertifikat ta' approvazzjoni ta' post, ikun hemm bidla f'xi haġa stabbilita fi, jew li tkun f'xi dokument ipprezentat fir-rigward ta', l-applikazzjoni għal dik l-approvazzjoni, id-Detentur ta' Liċenza Klassi 3 għandu, mhux aktar tard minn tletin ġurnata wara li tkun seħħet il-bidla, jagħti lill-Awtorità dettalji bil-miktub dwar dik il-bidla.

Approvazzjoni ta' applikazzjoni.

36. (1) L-Awtorità għandha tikkonsidra kull applikazzjoni għall-approvazzjoni ta' post u għandha -

(a) tapprova l-applikazzjoni; jew

(b) tirrifjuta l-applikazzjoni.

(2) Meta l-Awtorità tapprova applikazzjoni għall-approvazzjoni ta' post, hi tista' tiddetermina l-kondizzjonijiet li

għalihom l-approvazzjoni tkun soġġetta.

(3) L-Awtorità tista' tirrifjuta applikazzjoni għall-approvazzjoni ta' post meta -

(a) l-applikazzjoni ma tosservax xi waħda mill-htigiet tar-regolament 32; jew

(b) ma tiġix osservata htieġa imposta skont ir-regolament 62 fir-rigward ta' applikazzjoni.

(4) L-Awtorità għandha tirrifjuta li tapprova post jekk id-Detentur ta' Liċenza Klassi 3 jonqos milli jossodisfa l-Awtorità li l-post propost huwa eligibbli għall-approvazzjoni skont ir-regolament 32.

(5) Meta l-Awtorità tirrifjuta li tapprova applikazzjoni għall-approvazzjoni ta' post, l-Awtorità għandha, fi żmien raġonevoli, tavża dwar dak ir-rifjut bil-miktub lid-Detentur ta' Liċenza Klassi 3 u tispeċifika r-raġunijiet għal dak ir-rifjut.

(6) Waqt li tkun qed tikkonsidra applikazzjoni għall-approvazzjoni ta' post, l-Awtorità tista' tistharreg dwar dawk il-materji li għandhom x'jaqsmu mal-applikazzjoni kif jidhrilha li jkun neċessarju.

37. (1) Meta l-Awtorità tapprova applikazzjoni għall-approvazzjoni ta' post, l-Awtorità għandha tohroġ favur id-Detentur ta' Liċenza Klassi 3 ċertifikat ta' approvazzjoni f'forma stabbilita mill-Awtorità.

Hruġ ta' ċertifikat ta' approvazzjoni ta' post.

(2) Iċ-ċertifikat ta' approvazzjoni msemmi fis-subregolament (1) għandu jistabbilixxi:

(a) l-isem tad-Detentur ta' Liċenza Klassi 3 li ser jagħmel disponibbli għall-użu, jilqa għandu jew jopera apparati rilevanti għal-logħob f'dak il-post; u

(b) kull kondizzjoni determinata mill-Awtorità skont ir-regolament 36(2).

(3) L-approvazzjoni ta' post skont dan ir-regolament tibqa soġġetta għas-setgħa tal-Awtorità li żżid, tvarja jew tirrevoka xi kondizzjoni li għandha x'taqsam ma' dik l-approvazzjoni waqt li dik l-approvazzjoni tkun fis-sehħ, izda għandu jingħata avviz bil-miktub dwar dan lid-Detentur ta' Liċenza Klassi 3 fi żmien raġonevoli.

38. Iċ-ċertifikat ta' approvazzjoni ta' post jieqaf milli jkollu

Kemm iddum l-approvazzjoni.

effett:

(a) meta jsir il-kancellament jew is-sospensjoni taċ-ċertifikat ta' approvazzjoni skont ir-regolament 40;

(b) meta ċ-ċertifikat ta' approvazzjoni jingħata lura lill-Awtorità;

(ċ) meta tgħaddi sena mill-ħruġ taċ-ċertifikat ta' approvazzjoni, f'liema każ jista' jiġi mġedded mill-Awtorità f'forma approvata mill-Awtorità għal perjodi ohra ta' sena kull wieħed;

(d) meta ma jithallasx id-dritt annwali msemmi fir-regolament 39;

(e) meta jkun hemm it-terminazzjoni, il-kancellament, is-sospensjoni jew in-nuqqas ta' tiġdid tal-Liċenza Klassi 3; u

(f) jekk il-post jonqos milli jibqa konformi ma' dawn ir-regolamenti, jew xi speċifikazzjoni, regola jew linja politika stabbilita mill-Awtorità skont l-artikolu 78 tal-Att, jew ma' xi kondizzjoni determinata mill-Awtorità skont ir-regolament 36(2).

Dritt annwali.

39. Id-Detentur ta' Liċenza Klassi 3 li f'ismu jkun inhareġ ċertifikat ta' approvazzjoni ta' post mill-Awtorità għandu jhallas dritt annwali kif stabbilit fit-Tielet Skeda. Dan id-dritt annwali għandu jithallas lid-Detentur ta' Liċenza Klassi 3 mhux aktar tard minn gimghatejn qabel ma tiskadi kull sena kalendarja li tiġi wara d-data tal-ħruġ taċ-ċertifikat ta' approvazzjoni.

Kancellament, sospensjoni ta' ċertifikat ta' approvazzjoni.

40. (1) L-Awtorità tista' tikkancella jew tissospendi ċertifikat ta' approvazzjoni meta:

(a) iċ-ċertifikat ta' approvazzjoni nhareġ fi żmien meta kien hemm raġunijiet validi biex dan jiġi rifjutat, liema raġunijiet l-Awtorità ma kinitx taf bihom f'dak iż-żmien;

(b) id-detentur taċ-ċertifikat ta' approvazzjoni jinstab ħati ta':

(i) reat kontra l-Att;

(ii) reat li għandu jitqies li jkollu x'jaqsam ma' reat kontra l-Att; jew

(iii) reat kontra xi liġi ohra li għandha x'taqsam

ma' logħob jew imħatri;

(ċ) id-detentur taċ-ċertifikat ta' approvazzjoni jinstab hati ta' reat kriminali li l-piena għalih hi l-priġunerija;

(d) id-detentur taċ-ċertifikat ta' approvazzjoni jikser dispożizzjoni tal-Att jew ta' xi regolament magħmul taħt l-Att;

(e) id-detentur taċ-ċertifikat ta' approvazzjoni jikser kondizzjoni taċ-ċertifikat ta' approvazzjoni;

(f) id-detentur taċ-ċertifikat ta' approvazzjoni jagħti informazzjoni falza jew qarrieqa lill-Awtorità;

(g) id-detentur taċ-ċertifikat ta' approvazzjoni hu dikjarat insolventi jew jiġi dikjarat fallut; jew

(h) id-detentur taċ-ċertifikat ta' approvazzjoni hu, għal xi raġuni oħra tkun li tkun, persuna li mhix adatta li jkollha ċertifikat ta' approvazzjoni.

(2) Id-detentur taċ-ċertifikat ta' approvazzjoni għandu javża lill-Awtorità bil-miktub dwar is-sehħ ta' xi wahda mir-raġunijiet għall-kanċellament jew sospensjoni taċ-ċertifikat ta' approvazzjoni skont is-subregolament (1) minnufih malli jsir jaf li tkun sehħet dik il-grajja. Jekk id-detentur taċ-ċertifikat ta' approvazzjoni jonqos milli jagħti dak l-avviż, dak in-nuqqas jikkostitwixxi raġuni għall-kanċellament jew sospensjoni kemm taċ-ċertifikat ta' approvazzjoni kif ukoll tal-Liċenza Klassi 3 tad-detentur ta' dak iċ-ċertifikat ta' approvazzjoni.

(3) Meta l-Awtorità tkun sodisfatta li teżisti raġuni għall-kanċellament jew sospensjoni ta' ċertifikat ta' approvazzjoni skont is-subregolament (1), l-Awtorità għandha, b'avviż bil-miktub, titlob lid-detentur taċ-ċertifikat ta' approvazzjoni biex jagħti, f'dak il-perjodu ta' żmien, li ma jkunx inqas minn wiehded u għoxrin gurnata wara l-ħruġ tal-avviż, kif ikun speċifikat fl-avviż, ir-raġunijiet tiegħu għaliex iċ-ċertifikat ta' approvazzjoni ma għandux ikun kanċellat jew sospiż għal dik ir-raġuni jew dawk ir-raġunijiet kif dikjarati fl-avviż.

(4) L-Awtorità għandha tqis kull risposta mogħtija skont is-subregolament (3) u:

(a) meta l-kwistjoni tiġi solvuta għas-sodisfazzjon tagħha, ma tieħu l-ebda azzjoni oħra;

(b) meta, għalkemm il-kwistjoni ma tiġix solvuta għas-sodisfazzjoni tagħha, tikkonsidra li ma hemmx bżonn ta' iżjed

azzjoni, hi għandha tohroġ twiddiba bil-miktub lid-detentur taċ-
ċertifikat ta' approvazzjoni; u

(ċ) meta l-kwistjoni ma tiġix solvuta għas-sodisfazzjoni
tagħha u tkun sodisfatta li tenhtieg aktar azzjoni, hi tista b'avviż
bil-miktub mibgħut lid-Detentur ta' Liċenza Klassi 3:

(i) timponi aktar kondizzjonijiet fiċ-ċertifikat ta'
approvazzjoni;

(ii) tissospendi ċ-ċertifikat ta' approvazzjoni għal
dak il-perjodu li tqis xieraq; jew

(iii) tikkanċella ċ-ċertifikat ta' approvazzjoni.

(5) L-Awtorità tista' f'kull hin, b'avviż bil-miktub mibgħut
lid-Detentur ta' Liċenza Klassi 3, ittemm jew tirriduċi l-perjodu ta'
sospensjoni taċ-ċertifikat ta' approvazzjoni.

Effett tal-
kanċellament
jew sosġensjoni.

41. Meta jirċievi avviż dwar is-sospensjoni jew il-
kanċellament ta' ċertifikat ta' approvazzjoni ta' post, id-Detentur ta'
Liċenza Klassi 3 għandu jieqaf milli jagħmel disponibbli għall-użu,
jilqa' għandu jew jopera kull apparat rilevanti għal-logħob fil-post li
fir-rigward tiegħu kien inħareġ dak iċ-ċertifikat ta' approvazzjoni.

TAQSIMA IX

Approvazzjoni ta' Impjegati

Approvazzjoni
ta' impjegati.

42. Detentur ta' Liċenza Klassi 3 ma jistax jimpjega jew
jingagga direttament jew indirettament xi persuna, kemm taht kuntratt
ta' servizz kif ukoll mod ieħor, biex tipprovdi servizz li għandu
x'jaqsam ma' logħob f'post approvat li dwaru d-Detentur ta' Liċenza
Klassi 3 għandu ċertifikat ta' approvazzjoni skont ir-regolament 30,
jekk dik il-persuna ma jkollhiex ċertifikat ta' approvazzjoni maħruġ
mill-Awtorità skont ir-regolament 43, u f'din it-Taqsima l-kliem
"impjegat", "jimpjega" u "impjieg" għandhom jinftiehem skont
hekk:

Izda għall-finijiet ta' din it-Taqsima l-kelma "impjegat" ma
għandhiex tinkludi Detentur ta' Liċenza Klassi 1 meta dan ikun qed
iwettaq l-attivitajiet elenkati fir-regolament 3(1)(a) jew Detentur ta'
Liċenza Klassi 2 meta jkun qed iwettaq l-attivitajiet imsemmija fir-
regolament 3(1)(b).

Applicazzjoni
għall-
approvazzjoni
ta' impjegati.

43. (1) Mingħajr ħsara għad-dispożizzjonijiet tar-
regolament 48, id-Detentur ta' Liċenza Klassi 3 għandu, qabel ma
jibda l-impjieg ta' impjegat, japplika lill-Awtorità bil-miktub għall-

approvazzjoni tal-impjeg ta' dik il-persuna fuq dik il-formula li tiġi stabbilita mill-Awtorità minn żmien għal żmien.

(2) L-applikazzjoni għall-approvazzjoni msemija fis-subregolament (1) għandha:

(a) tistabbilixxi l-funzjonijiet li l-impjegat propost ser iwettaq;

(b) ikollha magħha kull dokument li l-formula tal-applikazzjoni tista' tispeċifika; u

(ċ) tkun iffirmata mid-Detentur ta' Liċenza Klassi 3 u mill-impjegat propost.

(3) L-ġoti tal-approvazzjoni mill-Awtorità għandu, fil-każijiet kollha, ikun soġġett għall-ħlas ta' dritt għall-applikazzjoni li jithallas darba biss, u li ma jingħatax lura, kif speċifikat fit-Tielet Skeda, u dan id-dritt għandu jithallas fl-istess hin li tiġi ppreżentata l-applikazzjoni għall-approvazzjoni msemija fis-subregolament (1).

44. Persuna ma tkunx eliġibbli li tiġi approvata mill-Awtorità bħala impjegat jekk dik il-persuna:

Eligibilità għall-
hruġ ta'
approvazzjoni
ta' impjegat.

(a) ma tkunx persuna xierqa u idonea, u għal dan il-ghan għandhom japplikaw id-dispożizzjonijiet tar-regolament 8(2) *mutatis mutandis*;

(b) tkun taħt l-eta ta' tmintax-il sena; u

(ċ) ma tissodisfax xi hteġa oħra li tista' tiġi stabbilita permezz ta' direttivi maħruġa mill-Awtorità minn żmien għal żmien, inkluża iżda mhux limitata għall-hteġa li ssegwi u ttemm b'suċċess korsijiet fuq l-etika u kondotta tajba fir-rigward ta' loġħob.

45. (1) Meta, qabel ma tiġi ddeterminata applikazzjoni għall-approvazzjoni ta' impjegat, jew waqt li jkun fis-sehħ ċertifikat ta' approvazzjoni ta' impjegat, jkun hemm xi bidla f'xi haġa stabbilita f'applikazzjoni, jew f'xi dokument ppreżentat f'konnessjoni ma' applikazzjoni, għal dik l-approvazzjoni, id-Detentur ta' Liċenza Klassi 3 għandu, mhux aktar tard minn tletin ġurnata minn meta ssehh il-bidla, jipprovdi lill-Awtorità d-dettalji ta' dik il-bidla bil-miktub.

Bdil ta' dettalji
stabbiliti fl-
applikazzjoni.

(2) Meta, bħala riżultat ta' bidla msemija fis-subregolament (1), irrispettivament jekk dik il-bidla ġietx notifikata lill-Awtorità, tinholoq sitwazzjoni li, kieku kienet teżisti fiż-żmien ta' meta saret l-

applikazzjoni għall-approvazzjoni ta' impjegat skont dawn ir-regolamenti, din kienet tipprekludi l-ġoti tal-approvazzjoni, l-Awtorità għandha permezz ta' avviż tinforma lill-impjegat approvat dwar din is-sitwazzjoni, u jekk dik is-sitwazzjoni ma tiġix rimedjata għas-sodisfazzjon tal-Awtorità fi żmien xahar mill-avviż għal dak il-ghan, l-Awtorità tista' tikkonċella jew tissospendi ċ-ċertifikat ta' approvazzjoni mingħajr ma tosserva d-dispożizzjonijiet tar-regolament 51.

Approvazzjoni
ta'
applikazzjoni.

46. (1) L-Awtorità għandha tikkonsidra kull applikazzjoni għall-approvazzjoni ta' impjegat u għandha -

(a) tapprova l-applikazzjoni; jew

(b) wara li temenda, bil-kunsens bil-miktub tad-Detentur ta' Liċenza Klassi 3 u tal-impjegat propost, il-funzjonijiet tal-impjegat propost stabbiliti fl-applikazzjoni, tapprova l-applikazzjoni kif hekk emendata; jew

(ċ) tirrifjuta li tapprova l-applikazzjoni.

(2) Meta l-Awtorità tapprova applikazzjoni għall-approvazzjoni ta' impjegat, hi tista' tiddetermina l-kondizzjonijiet li għalihom l-approvazzjoni tkun soġġetta.

(3) L-Awtorità tista' tirrifjuta li tapprova applikazzjoni għall-approvazzjoni ta' impjegat meta:

(a) l-applikazzjoni ma tosservax xi waħda mill-htigiet tar-regolament 43; jew

(b) ma tiġix osservata htieġa magħmula taht ir-regolament 62 fir-rigward tal-applikazzjoni.

(4) L-Awtorità għandha tirrifjuta li tapprova impjegat propost jekk l-Awtorità ma tkunx sodisfatta li l-impjegat propost huwa eliġibbli għall-approvazzjoni skont ir-regolament 44.

(5) Meta l-Awtorità tirrifjuta li tapprova applikazzjoni għall-approvazzjoni ta' impjegat, l-Awtorità għandha, fi żmien raġonevoli, tinnotifika dan ir-rifjut lid-Detentur ta' Liċenza Klassi 3 waqt li tispeċifika ir-raġunijiet għal dak ir-rifjut.

(6) Waqt li tikkonsidra applikazzjoni għall-approvazzjoni ta' impjegat, l-Awtorità tista' tistharreġ dwar dawk il-materji li għandhom x'jaqsmu mal-applikazzjoni kif jidhrilha li jkun neċessarju.

47. (1) Meta l-Awtorità tapprova applikazzjoni għall-approvazzjoni ta' impjegat, l-Awtorità għandha tohroġ lill-impjegat propost ċertifikat ta' approvazzjoni f'forma approvata mill-Awtorità.

Hurġ ta' ċertifikat ta' approvazzjoni ta' impjegat.

(2) Ċertifikat ta' approvazzjoni ta' impjegat għandu jispeċifika:

(a) il-funzjonijiet li l-impjegat approvat jista' jwettaq fir-rigward ta' logħob;

(b) l-isem tad-Detentur ta' Liċenza Klassi 3 li għalih l-impjegat approvat hu approvat li jipprovdi servizzi kif stabbilit fir-regolament 42; u

(ċ) kull kondizzjoni determinata mill-Awtorità taħt ir-regolament 46(2).

(3) L-approvazzjoni ta' impjegat skont dan ir-regolament għandha tibqa' soġġetta għas-setgħa tal-Awtorità li żżid, tvarja jew tirrevoka kull kondizzjoni li tirrigwarda dik l-approvazzjoni waqt li tkun fis-sehħ l-approvazzjoni, iżda għandu jingħata avviż bil-miktub fi żmien raġonevoli dwar dan lill-impjegat approvat u lid-Detentur ta' Liċenza Klassi 3.

48. (1) Meta Detentur ta' Liċenza Klassi 3 jissottometti applikazzjoni għall-approvazzjoni ta' impjegat, l-Awtorità tista', sakemm jinhareġ ċertifikat ta' approvazzjoni, tohroġ ċertifikat provviżorju ta' impjegat lill-impjegat propost f'forma approvata mill-Awtorità u taħt dawk it-termini u kondizzjonijiet kif l-Awtorità tista' tqis neċessarji.

Approvazzjoni provviżorja.

(2) Ċertifikat provviżorju ta' approvazzjoni ta' impjegat għandu jieqaf milli jibqa fis-sehħ f'xi waħda miċ-ċirkostanzi li ġejjin, liema minnhom issehħ l-ewwel:

(a) mal-kancellament min-naħa tal-Awtorità permezz ta' avviż bil-miktub mogħti lid-detentur ta' ċertifikat provviżorju ta' approvazzjoni u lid-Detentur ta' Liċenza Klassi 3;

(b) mal-ħruġ ta' ċertifikat ta' approvazzjoni ta' impjegat lid-detentur ta' ċertifikat provviżorju ta' approvazzjoni;

(ċ) mal-ġhoti lura taċ-ċertifikat provviżorju ta' approvazzjoni lill-Awtorità;

(d) mal-iskadenza ta' tliet xhur mill-ħruġ taċ-ċertifikat provviżorju ta' approvazzjoni;

(e) mat-temm, sospensjoni, kanċellament jew nuqqas ta' tiġdid tal-Liċenza Klassi 3 miżmuma mid-Detentur ta' Liċenza Klassi 3 li għalih l-impjegat approvat provviżorjament hu approvat provviżorjament biex jipprovdi servizzi kif stabbilit fir-regolament 42(1);

(f) mat-temm tal-impjieg mad-Detentur ta' Liċenza Klassi 3 indikat fiċ-ċertifikat provviżorju ta' approvazzjoni; jew

(g) mal-mewt tad-detentur taċ-ċertifikat provviżorju ta' approvazzjoni.

Kemm idum fis-sehh ċertifikat ta' approvazzjoni.

49. Ċertifikat ta' approvazzjoni ta' impjegat, li ma jkunx ċertifikat provviżorju ta' approvazzjoni kif imsemmi fir-regolament 48, għandu jieqaf milli jkollu effett:

(a) mal-kanċellament jew sospensjoni taċ-ċertifikat ta' approvazzjoni;

(b) mal-ġhoti lura taċ-ċertifikat ta' approvazzjoni lill-Awtorità;

(ċ) mal-iskadenza ta' sena mill-ħruġ taċ-ċertifikat ta' approvazzjoni, f'liema każ jista' jiġġedded min-naħa tal-Awtorità f'forma approvata mill-Awtorità għal perjodi oħra ta' sena kull perjodu;

(d) mat-temm, sospensjoni, kanċellament jew nuqqas ta' tiġdid tal-Liċenza Klassi 3 miżmuma mid-Detentur ta' Liċenza Klassi 3 li għalih l-impjegat approvat huwa approvat biex jipprovdi servizzi kif stabbilit fir-regolament 42;

(e) mat-temm tal-impjieg mad-Detentur ta' Liċenza Klassi 3 indikat fiċ-ċertifikat ta' approvazzjoni; jew

(f) mal-mewt tad-detentur taċ-ċertifikat ta' approvazzjoni.

Varjazzjoni taċ-ċertifikat ta' approvazzjoni.

50. (1) Il-funzjonijiet li impjegat approvat jista' jwettaq ma jistgħux jiġu varjati hlief jekk id-Detentur ta' Liċenza Klassi 3 indikat fiċ-ċertifikat ta' approvazzjoni tal-impjegat japplika lill-Awtorità f'forma approvata mill-Awtorità għal varjazzjoni tal-funzjonijiet li l-impjegat approvat jista' jwettaq, u l-Awtorità tapprova dik l-applikazzjoni.

(2) Meta l-Awtorità tipproponi li tapprova applikazzjoni taht is-subregolament (1), l-Awtorità:

(a) għandha tinnotifika lid-Detentur ta' Liċenza Klassi 3 u lill-impjegat approvat b'avviż bil-miktub dwar il-varjazzjoni li l-Awtorità bi hsiebha tagħmel għar-rigward taċ-ċertifikat ta' approvazzjoni tal-impjegat;

(b) għandha titlob lill-impjegat approvat biex dan jibgħat dak iċ-ċertifikat ta' approvazzjoni lill-Awtorità biex issir il-bidla; u

(ċ) malli tircievi dak iċ-ċertifikat ta' approvazzjoni, għandha tibdlu skont dik il-proposta.

51. (1) Tinholoq raġuni għall-kancellament jew sospensjoni ta' ċertifikat ta' approvazzjoni ta' impjegat meta:

Kancellament
jew sospensjoni
ta' ċertifikat ta'
approvazzjoni.

(a) iċ-ċertifikat ta' approvazzjoni nhareġ fi żmien meta kien hemm raġunijiet validi biex dan jiġi rifjutat, liema raġunijiet l-Awtorità ma kienitx taf bihom f'dak iż-żmien;

(b) id-detentur taċ-ċertifikat ta' approvazzjoni jinstab ħati ta':

(i) reat kontra l-Att;

(ii) reat li għandu jitqies li jkollu x'jaqsam ma' reat kontra l-Att; jew

(iii) reat kontra xi liġi oħra li għandha x'taqsam ma' logħob jew imħatri;

(ċ) id-detentur taċ-ċertifikat ta' approvazzjoni jinstab ħati ta' reat kriminali li l-piena għalih hi l-priġunerija;

(d) id-detentur taċ-ċertifikat ta' approvazzjoni jikser dispożizzjoni tal-Att jew ta' xi regolament magħmul taħt l-Att;

(e) id-detentur taċ-ċertifikat ta' approvazzjoni jikser kondizzjoni taċ-ċertifikat ta' approvazzjoni;

(f) id-detentur taċ-ċertifikat ta' approvazzjoni jagħti informazzjoni falza jew qarrieqa lill-Awtorità;

(g) id-detentur taċ-ċertifikat ta' approvazzjoni hu dikjarat insolventi jew jiġi dikjarat fallut, jew japplika biex jiehu l-benefiċċju ta' xi liġi għall-eżenzjoni ta' debitori falluti jew insolventi; jew

(h) id-detentur taċ-ċertifikat ta' approvazzjoni hu, għal

xi raġuni oħra tkun li tkun, persuna li mhix adatta li jkollha ċertifikat ta' approvazzjoni.

(i) id-detentur taċ-ċertifikat ta' approvazzjoni ma jibqax josserva l-kriterji ta' eliġibilità msemmija fir-regolament 44:

Izda l-Awtorità tista' tiddispensa mill-kondizzjoni msemmija fil-paragrafi (ċ) u (g).

(2) Id-Detentur ta' Liċenza Klassi 3 indikat fiċ-ċertifikat ta' approvazzjoni ta' impjegat għandu javża lill-Awtorità bil-miktub dwar is-sehħ ta' xi waħda mir-raġunijiet għall-kanċellament jew sospensjoni taċ-ċertifikat ta' approvazzjoni skont is-subregolament (1) minnufih malli d-Detentur ta' Liċenza Klassi 3 jsir jaf li tkun sehhet dik il-ġrajja. Jekk id-Detentur ta' Liċenza Klassi 3 jonqos milli jagħti dak l-avviż, dak in-nuqqas jikkostitwixxi raġuni għall-kanċellament kemm ta' dak iċ-ċertifikat ta' approvazzjoni kif ukoll tal-Liċenza Klassi 3 miżmuma mid-Detentur ta' Liċenza Klassi 3.

(3) Meta l-Awtorità tkun sodisfatta li teżisti raġuni għall-kanċellament jew sospensjoni ta' ċertifikat ta' approvazzjoni ta' impjegat skont is-subregolament (1), l-Awtorità għandha, b'avviż bil-miktub, titlob lid-detentur taċ-ċertifikat ta' approvazzjoni biex jagħti, f'dak il-perjodu ta' żmien, li ma jkunx inqas minn wieħed u għoxrin ġurnata wara l-ħruġ tal-avviż, kif ikun speċifikat fl-avviż, ir-raġunijiet tiegħu għaliex iċ-ċertifikat ta' approvazzjoni ma għandux ikun kanċellat jew sospiż għal dik ir-raġuni jew dawk ir-raġunijiet kif dikjarati fl-avviż.

(4) L-Awtorità għandha tqis kull risposta mogħtija skont is-subregolament (3) u:

(a) meta l-kwistjoni tiġi solvuta għas-sodisfazzjon tagħha, ma tieħu l-ebda azzjoni oħra;

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

(ċ) meta l-kwistjoni ma tiġix solvuta għas-sodisfazzjoni tagħha u tkun sodisfatta li tenhtieg aktar azzjoni, hi tista' b'avviż bil-miktub mibgħut lid-Detentur ta' Liċenza Klassi 3 u lid-detentur taċ-ċertifikat ta' approvazzjoni:

(i) tvarja l-funzjonijiet li d-detentur taċ-ċertifikat

ta' approvazzjoni jista' jwettaq;

(ii) timponi aktar kondizzjonijiet fiċ-ċertifikat ta' approvazzjoni;

(iii) tissospendi ċ-ċertifikat ta' approvazzjoni għal dak il-perjodu li tqis xieraq; jew

(iv) tikkanċella ċ-ċertifikat ta' approvazzjoni.

(5) Meta varjazzjoni fil-funzjonijiet jew kondizzjoni imposta mill-Awtorità taht is-subregolament (4)(ċ) ma tiġix osservata fiż-żmien stipulat fl-avviż, l-Awtorità għandha tikkanċella jew tissospendi ċ-ċertifikat ta' approvazzjoni.

(6) L-Awtorità tista' f'kull hin, b'avviż bil-miktub mibgħut lid-Detentur ta' Liċenza Klassi 3 u lill-persuna li kienet id-detentur ta' dak iċ-ċertifikat ta' approvazzjoni fiż-żmien tas-sospensjoni ta' dak iċ-ċertifikat ta' approvazzjoni, ittemm jew tirriduċi l-perjodu ta' sospensjoni ta' dak iċ-ċertifikat ta' approvazzjoni.

52. Meta jirċievi avviż dwar is-sospensjoni jew il-kanċellament ta' ċertifikat ta' approvazzjoni ta' impjegat ta' dak id-Detentur ta' Liċenza Klassi 3, id-Detentur ta' Liċenza Klassi 3 għandu jieqaf milli jippermetti lill-persuna li kienet id-detentur ta' dak iċ-ċertifikat ta' approvazzjoni li twettaq funzjonijiet tat-tip speċifikat f'dak iċ-ċertifikat ta' approvazzjoni.

Effett tal-kanċellament jew sospensjoni.

TAQSIMA X

Ġenerali

53. L-ghoti ta' xi liċenza, ċertifikat ta' approvazzjoni jew awtorizzazzjoni oħra min-naħa tal-Awtorità skont dawn ir-regolamenti (f'din it-Taqsima kollettivament imsejja "Awtorizzazzjoni") huwa privileġġ revokabbli u l-ebda detentur ta' dik l-Awtorizzazzjoni ma jitqies li jkun kiseb xi drittijiet statutorji f'dik jew taht dik l-Awtorizzazzjoni.

Privileġġ revokabbli.

54. (1) Awtorizzazzjoni ma tistax tiġi direttament jew indirettament assenjata jew trasferita b'xi mod ikun li jkun lil xi persuna oħra mingħajr l-approvazzjoni bil-miktub minn qabel tal-Awtorità.

Projbizzjoni ta' assenjament jew trasferiment.

(2) Kull assenjament jew trasferiment bħal dan lil xi persuna oħra mingħajr il-kunsens tal-Awtorità għandu jiġi kkunsidrat null u bla effett, jikkostitwixxi raġunijiet biżżejjed biex l-Awtorità tissospendi jew tikkanċella dik l-Awtorizzazzjoni u jikkostitwixxi reat

kontra dawn ir-regolamenti.

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

Notifika ta'
bidliet materjali.

55. (1) Id-detentur ta' Awtorizzazzjoni, l-amministraturi u l-uffiċjal prinċipali ikunu fid-dmir li javżaw lill-Awtorità dwar kull bidla materjali fiċ-ċirkostanzi tad-detentur u dwar xi ċirkostanza oħra li tista' raġonevolment titqies li taffettwa l-kapaċitajiet tad-detentur tal-Awtorizzazzjoni li josserva l-Att, dawn ir-regolamenti u l-Awtorizzazzjoni.

(2) Bidla f'xi informazzjoni mogħtija fl-applikazzjoni għal Awtorizzazzjoni skont dawn ir-regolamenti u, jew f'xi kondizzjoni tal-Awtorizzazzjoni titqies li hi bidla materjali fiċ-ċirkostanzi tad-detentur tal-Awtorizzazzjoni.

(3) Meta, bħala riżultat ta' bidla msemmija fis-subregolament (1), kemm jekk dik il-bidla giet notifikata lill-Awtorità u kemm jekk le, tinholq sitwazzjoni li, kieku kienet teżisti fiż-żmien ta' meta saret l-applikazzjoni għal Awtorizzazzjoni skont dawn ir-regolamenti, din kienet tipprekludi l-għoti tal-Awtorizzazzjoni, l-Awtorità għandha permezz ta' avviż tinforma lid-detentur tal-Awtorizzazzjoni dwar din is-sitwazzjoni, u jekk dik is-sitwazzjoni ma tiġix rimedjata għas-sodisfazzjon tal-Awtorità fi żmien xahar mill-avviż għal dak il-għan, l-Awtorità tista' tikkancella jew tissospendi l-Awtorizzazzjoni mingħajr ma tosserva d-dispożizzjonijiet tar-regolament 59:

Iżda l-Awtorità ma' għandhiex toħroġ avviż kif intqal qabel wara li jgħaddu tliet xhur minn meta tkun saret taf bil-bidla msemmija fis-subregolament (1).

Proċeduri,
kontrolli interni,
htigiet ta'
approvazzjoni.

56. (1) Kull detentur ta' Awtorizzazzjoni, persuna assoċjata u impjegat approvat għandhom, il-hin kollu, josservaw id-dispożizzjonijiet tal-Att, dawn ir-regolamenti, kull direttiva tal-Awtorità li tapplika għalihom u kull kondizzjoni tal-Awtorizzazzjoni.

(2) Kull detentur ta' Awtorizzazzjoni għandu jwettaq l-attivitajiet speċifikati fl-Awtorizzazzjoni mahruġa 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 jitqiesu li huma kondizzjoni tal-Awtorizzazzjoni, kemm jekk ikunu inklużi fiha u kemm jekk ma jkunux.

(3) Kull detentur ta' liċenza għandu jżomm ir-*records* kollha ta' ikkontjar u dawk tekniċi, u għandu jgħaddihom lill-Awtorità, f'dik il-forma, f'dak id-dettall u f'dik il-frekwenza kif jista' jiġi preskritt mill-Awtorità f'kodiċijiet ta' kondotta li jistgħu jiġu preskritti għal dan il-għan mill-Awtorità minn żmien għal żmien.

(4) Kull detentur ta' Awtorizzazzjoni għandu minnufih jirrapporta lill-Awtorità kull haġa jew ċirkostanza li għandha x'taqsam mat-thaddim tal-apparati rilevanti għal-logħob li hu raġonevolment jissuspetta li tikkostitwixxi reat skont dawn ir-regolamenti jew skont l-Att.

(5) L-għoti min-naħa tal-Awtorità ta' 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 li jkunu fis-seħh minn żmien għal żmien.

57. L-Awtorità tista' toħroġ Kodiċijiet ta' Kondotta li jirregolaw il-kondotta u l-operat tad-detenturi ta' Awtorizzazzjoni. Kodiċijiet ta' kondotta.

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

59. (1) L-Awtorità tista' tirrevoka jew tissospendi liċenza mogħtija skont dawn ir-regolamenti għal xi wahda mir-raġunijiet li ġejjin: Sospensjoni jew kanċellament ta' liċenza.

(a) detentur ta' liċenza jew xi persuna assoċjata, kif ikun il-każ, ikun ġie misjub ħati ta' reat kontra l-Att, jew ta' serq, riċettazzjoni, frodi jew xi reat li jaffettwa l-fiduċja pubblika;

(b) id-detentur ta' liċenza jikser xi dispożizzjoni tal-Att jew ta' dawn ir-regolamenti, jew jikser xi kondizzjoni tal-liċenza jew ta' xi direttiva mahruġa mill-Awtorità skont l-Att jew ir-regolamenti;

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

(d) id-detentur ta' liċenza jonqos milli jwettaq ir-rabtiet finanzjarji tiegħu lejn l-Awtorità meta dawn ikunu dovuti u għandhom jithallsu, jew mod ieħor jonqos milli jhallas xi dritt jew taxxa dovuti taħt l-Att jew taħt dawn ir-regolamenti;

(e) id-detentur ta' liċenza qieghed fil-proċess li jiġi

stralċjat jew ikun mod ieħor f'proċeduri ta' xoljiment;

(f) id-detentur ta' liċenza jew persuna assoċjata wettqu att li jeħtieġ l-approvazzjoni tal-Awtorità mingħajr ma kisbu dik l-approvazzjoni jew b'mod li ma kienx konformi ma' dik l-approvazzjoni;

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

(2) 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, f'dak il-perjodu ta' żmien, li ma jkunx inqas minn wieħed u għoxrin ġurnata wara l-ħruġ tal-avviż, kif ikun speċifikat fl-avviż, ir-raġunijiet tiegħu għaliex il-liċenza ma għandhiex tkun revokata, sospiża jew imġedda għal dik ir-raġuni kif dikjarata fl-avviż.

Iżda meta l-Awtorità tqis li jkun fl-interess tal-pubbliku li tissospendi l-operazzjonijiet tad-detentur ta' liċenza b'effett immedjat, l-Awtorità jkollha d-dritt li tomponi din il-kondizzjoni b'effett immedjat bħala mizura kawtelatorja, qabel ma jiskadi l-imsemmi perjodu ta' wieħed u għoxrin ġurnata.

(3) L-Awtorità għandha tqis kull risposta mogħtija skont is-subregolament (2) b'dak il-mod li:

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

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

(ċ) meta l-kwistjoni ma tiġix solvuta għas-sodisfazzjoni tagħha u tkun sodisfatta li tenħtieġ aktar azzjoni, hi tista b'avviż bil-miktub:

(i) 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.

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

(5) L-Awtorità għandha, fil-każ ta' kull azzjoni meħuda skont is-subregolament (3)(b) u (c), tagħti lid-detentur ta' liċenza r-raġunijiet għad-deċiżjoni tagħha.

(6) 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 jew tal-iskadenza.

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

60. (1) Detentur ta' liċenza għandu jahtar għallinqas individwu wiehed, li jkun jirrisjedi fi Stat Membru tal-Unjoni Ewropea jew fi Stat Membru taż-Żona Ekonomika Ewropea jew xi ġurisdizzjoni oħra jew territorju iehor approvati mill-Awtorità, bħala uffiċjal prinċipali, u sakemm dik il-hatra tiġi approvata mill-Awtorità, id-detentur ta' liċenza ma jkunx jista' jwettaq xi attività li fir-rigward tagħha inghatat il-liċenza. Uffiċjal prinċipali.

(2) L-uffiċjal prinċipali jkun responsabbli personalment biex jissorvelja t-twertieq tal-attivitajiet speċifikati fil-liċenza u jiżgura li dawk l-attivitajiet ikunu konformi mal-liġijiet u regolamenti applikabbli, il-kondizzjonijiet tal-liċenza u kull direttiva maħruġa mill-Awtorità.

(3) L-uffiċjal prinċipali għandu:

(a) jkollu riżorsi biżżejjed u adegwati għat-twertieq xieraq tad-dmirijiet tiegħu bħala uffiċjal prinċipali;

(b) ikun amministratur tad-detentur ta' liċenza li l-Awtorità raġonevolment temmen li għandu influwenza sinjifikattiva fil-maniggar tal-operazzjonijiet u attivitajiet tad-detentur ta' liċenza; u

(c) il-hin kollu jkun disponibbli mill-ewwel biex jirrispondi għal talbiet magħmulin mill-Awtorità fir-rigward tal-operazzjonijiet u attivitajiet tad-detentur ta' liċenza.

(4) Applikazzjoni għall-approvazzjoni ta' uffiċjal prinċipali għandha ssir lill-Awtorità bil-miktub, fuq dik il-formula kif tista' tiġi speċifikata għal dak il-għan mill-Awtorità minn żmien għal żmien.

(5) L-Awtorità għandha tirrifjuta li tapprova l-ħatra ta' uffiċjal prinċipali jekk ma tkunx sodisfatta li dak l-individwu hu persuna xierqa u idonea biex iwettaq l-obbligi tiegħu u josserva d-dmirijiet tiegħu meta jitqiesu, *inter alia*, il-miżuri msemmija fis-subregolament (3). L-Awtorità għandha tagħmel dawk l-investigazzjonijiet li l-Awtorità tikkonsidra neċessarji sabiex tiddetermina jekk l-uffiċjal prinċipali huwiex eliġibbli u adatt biex jagħxi bħala uffiċjal prinċipali.

(6) Fit-twettieq tal-investigazzjonijiet tagħha skont is-subregolament (5), l-Awtorità tista':

(a) tehtieg li l-uffiċjal prinċipali u d-detentur ta' liċenza li fir-rigward tiegħu gie maħtur l-uffiċjal prinċipali jipprovdu aktar informazzjoni rigward l-applikazzjoni;

(b) tehtieg lill-uffiċjal prinċipali jgħaddi minn investigazzjoni indipendenti dwar il-pożizzjoni finanzjarja u il-passat tiegħu mingħajr djun; u

(ċ) tirreferi lill-Kummissarju tal-Pulizija kopja tal-applikazzjoni u kull informazzjoni oħra provduta mill-uffiċjal prinċipali jew mid-detentur ta' liċenza.

(7) L-Awtorità għandha tikkancelła l-approvazzjoni tal-uffiċjal prinċipali jekk dak l-uffiċjal prinċipali jonqos milli josserva l-htigiet imsemmija fis-subregolament (3).

(8) L-Awtorità tista' tikkancelła l-approvazzjoni ta' uffiċjal prinċipali jekk dak l-uffiċjal prinċipali:

(a) jinstab ħati f'xi pajjiż jew territorju ta' reat li l-piena dwaru hi l-prigunerija;

(b) jinstab ħati ta' reat kontra l-Att jew regolamenti magħmulin tahtu; jew

(ċ) jonqos milli josserva xi kondizzjoni li hi meġtieġa li tiġi osservata minn uffiċjal prinċipali skont dawn ir-regolamenti.

(9) Approvazzjoni ta' uffiċjal prinċipali ma tibqax aktar valida jekk:

(a) tiġi kancellata mill-Awtorità;

(b) l-uffiċjal prinċipali joffri r-riżenja tiegħu u javża lill-Awtorità dwar dik ir-riżenja;

(c) il-ħatra tal-uffiċjal prinċipali tintemm mid-detentur ta' liċenza li jkun ħatru; jew

(d) l-uffiċjal prinċipali javża lill-Awtorità dwar dan flimkien ma' dettalji tar-raġunijiet għat-tneħħija tiegħu.

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

Kunsens tal-Awtorità qabel ċerti atti.

(a) tikseb sehem kwalifikanti f'detentur ta' liċenza;

(b) iżżid sehem eżistenti li mhuwiex sehem kwalifikanti hekk illi dak is-sehem isir sehem kwalifikanti f'detentur ta' liċenza;

(c) iżżid sehem kwalifikanti eżistenti f'detentur ta' liċenza hekk illi dak is-sehem jiġi daqs jew ikun iżjed minn tletin fil-mija jew ħamsin fil-mija jew hekk li d-detentur ta' liċenza jsir kumpannija sussidjarja ta' dik il-persuna;

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

(e) tnaqqas sehem kwalifikanti eżistenti f'detentur ta' liċenza hekk illi s-sehem ma jibqax sehem kwalifikanti; jew

(f) tiżvesti ruħha minn sehem kwalifikanti f'detentur ta' liċenza.

(2) Detentur ta' liċenza u l-uffiċjal prinċipali għandhom id-dmir li jinnotifikaw lill-Awtorità minnufih, u fi kwalunkwe każ mhux atar tard minn sebat ijiem wara, li jsiru jafu li xi persuna bi ħsiebha tiegħu xi waħda 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 msemmija fis-subregolament (2).

(4) Fi żmien tliet xhur minn meta tirċievi n-notifika msemmija fis-subregolament (2) jew minn meta tirċievi l-informazzjoni msemmija fis-subregolament (3), liema minnhom isseħħ l-aktar tard, l-Awtorità għandha:

(a) tagħti l-kunsens tagħha mingħajr ebda kondizzjoni għat-teħid 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 tohrog avviż bħal dak fiż-żmien fuq imsemmi, dan il-fatt għandu jinftehem bħala li jfisser li jkun ingħata l-kunsens skont il-paragrafu (a).

Htieġa għal
aktar
informazzjoni.

62. L-Awtorità tista', permezz ta' avviż bil-miktub, tehtieg li detentur ta' Awtorizzazzjoni:

(a) jipprovdi, skont l-ordnijiet stabbiliti fl-avviż, l-informazzjoni li tkun hemm speċifikata;

(b) jipproduci, skont l-ordnijiet stabbiliti fl-avviż, dawk *ir-records* li jkunu speċifikati fl-avviż;

(ċ) jippermetti l-eżami ta' dawk *ir-records*, it-tehid ta' estratti minn *records* u li jsiru kopji tar-*records*; jew

(d) jawtorizza li persuna speċifikata fl-avviż tkun tista' tosserva xi htieġa tat-tip imsemmi fil-paragrafi (a), (b) jew (ċ).

Projbizzjoni fuq
impjegati jew
amministraturi
li jilghabu
logħba permezz
ta' apparat
rilevanti għal-
logħob.

63. L-ebda impjegat, kif imfisser fit-Taqsima IX, jew amministratur ta' Detentur ta' Liċenza Klassi 3, ma jista' jipparteċipa f'xi logħba provduta permezz ta' apparat rilevanti għal-logħob registrat f'isem l-imsemmi Detentur ta' Liċenza Klassi 3.

PART XI

Provdiment ta' Flus għal-Logħob

Projbizzjoni ta'
ghoti ta' flus
biex jintużaw
apparati
rilevanti għal-
logħob.

64. L-ebda detentur ta' liċenza u l-ebda persuna li taġixxi f'isem detentur ta' liċenza jew taht xi arrangament mad-detentur ta' liċenza, ma jistgħu jsellfu flus, jew mod iehor jipprovdu jew jippermettu xi kreditu finanzjarju lil, jew jirrillaxxaw jew iħallsu f'isem persuna oħra dejn shih jew parti minnu -

(a) biex dik il-persuna tkun tista' tilgħab logħbiet provduti permezz ta' apparati rilevanti għal-logħob, u, jew

(b) fir-rigward ta' xi telfiet li tkun sofriet persuna fil-logħob ta' logħbiet provduti permezz ta' apparati rilevanti għal-logħob.

TAQSIMA XII

Reklamar

65. L-ebda reklamar ta' xi wahda mill-attivitajiet elenkati fir-regolament 3(1) ma jkun permess meta dak ir-reklamar imur kontra l-kodiċi ta' kondotta dwar ir-reklamar, promozzjonijiet u inċentivi maħruġa mill-Awtorità. Konformità ma' kodiċi bħal dak għandha titqies bħala kondizzjoni tal-liċenza.

Limiti tar-reklamar.

TAQSIMA XIII

Sistema Ċentrali ta' Monitoraġġ

66. (1) L-Awtorità tista', f'kull hin, teħtieġ li detentur ta' liċenza, kategorija speċifika ta' detenturi ta' liċenza jew id-detenturi kollha ta' liċenza jagħqudu l-apparati rilevanti għal-logħob u, jew is-sistemi ċentrali reġistrati f'isimhom ma' sistema ċentrali ta' monitoraġġ mhaddma mill-Awtorità, u li jzommu dik l-għaqda fis-seħh il-hin kollu.

Sistema ċentrali ta' monitoraġġ għandu jithaddem mill-Awtorità.

(2) F'każ li l-Awtorità timponi l-htieġa msemmiya fis-subregolament (1), l-Awtorità tista', f'kull hin, teħtieġ li detentur ta' liċenza, kategorija speċifika ta' detenturi ta' liċenza jew id-detenturi kollha ta' liċenza jtejbju, jimmodifikaw jew jibdlu l-apparati rilevanti għal-logħob u, jew tagħmir assoċjat biex tigi żgurata l-kompatibilità tagħhom mas-sistema ċentrali ta' monitoraġġ mhaddma mill-Awtorità skont l-ispeċifikazzjonijiet tekniċi kif jistgħu jiġu speċifikati f'direttivi maħruġa mill-Awtorità minn żmien għal żmien.

(3) Fil-każ li l-Awtorità timponi l-htigiet imsemmiya f'dan ir-regolament, id-detentur ta' liċenza għandu jbat i l-ispejjeż tat-titjib, tal-modifika jew tal-bdil tal-apparati rilevanti għal-logħob u, jew tagħmir assoċjat.

67. (1) L-Awtorità tista' tuża sistema ċentrali ta' monitoraġġ sabiex:

Funzjonijiet tal-Awtorità permezz tas-sistema ċentrali ta' monitoraġġ.

(a) twettaq monitoraġġ u tircievi informazzjoni dwar, *inter alia*:

(i) il-fondi użati biex tinlagħab logħba provduta permezz ta' apparat rilevanti għal-logħob u d-destinazzjoni ta' daww il-fondi;

(ii) ir-rikavat gross generat minn kull apparat rilevanti għal-logħob;

(iii) in-numru ta', u l-post fejn ikunu qeghdin, apparati rilevanti għal-logħob mghaqqdin mas-sistema ċentrali ta' monitoraġġ;

(iv) ħsarat li jkun hemm f'apparati rilevanti għal-logħob;

(v) tbaġħbis f'apparati rilevanti għal-logħob; u

(vi) suspetti ta' ksur tal-Att jew ta' dawn ir-regolamenti;

(b) tikkontrolla apparati rilevanti għal-logħob direttament jew permezz ta' sistema ċentrali li magħha jistgħu jiġu mghaqqda l-apparati rilevanti għal-logħob;

(ċ) tid-disattiva jew tattiva apparati rilevanti għal-logħob direttament jew permezz ta' sistema ċentrali li magħha jistgħu jiġu mghaqqda l-apparati rilevanti għal-logħob;

(d) għal dawk l-għanijiet oħra li jistgħu jiġu speċifikati f'direttivi mahruġa mill-Awtorità minn żmien għal żmien.

(2) Kull informazzjoni statistika li tingabar mill-Awtorità skont is-subregolament (1)(a) tista' tinghamel disponibbli fuq is-sit tal-web tal-Awtorità, jew f'forma oħra elettronika li tkun faċilment aċċessibbli mill-pubbliku.

(3) Jekk ħsara fis-sistema ċentrali ta' monitoraġġ jew fis-sistema ta' telekomunikazzjoni li tintuża biex tithaddem is-sistema ċentrali ta' monitoraġġ tikkawża li apparati rilevanti għal-logħob jew sistemi ċentrali ma jibqgħux jaħdmu, l-Awtorità ma tkunx responsabbli għal xi kumpens lil xi persuna għal telf jew ħsara kkaġunata min-nuqqas ta' thaddim tal-apparati rilevanti għal-logħob u, jew is-sistemi ċentrali.

TAQSIMA XIV

Reati u Pieni

Reati

68. (1) Kull persuna li xjentement tikser jew tonqos milli tosserva xi waħda mid-dispożizzjonijiet ta' dawn ir-regolamenti tkun haġja ta' reat u tista', meta tinsab haġja, sakemm ir-reat ma jkunx soġġett għal piena akbar taħt xi dispożizzjoni tal-Att jew ta' xi ligi oħra, tehel multa ta' mhux inqas minn tliet elef euro (€3,000) iżda mhux aktar minn mitejn u hamsa u tletin elf euro (€235,000) fir-rigward ta' kull ksur, jew nuqqas ta' osservanza, tad-dispożizzjonijiet ta' dawn ir-regolamenti, u, jew it-tehid, tneħħija, konfiska, qirda jew

disattivazzjoni ta' apparati rilevanti għal-logħob, sistema ċentrali, tagħmir assoċjat jew xi tagħmir jew *software* relatat jew mqabba magħhom.

(2) B'żjieda ma' dan u mingħajr ħsara għal kull responsabbiltà ta' impjegat jew xi persuna oħra, meta xi haġa ssir jew tkun ommessa milli ssir minn korp ta' persuni, id-dispożizzjonijiet ta' din it-Taqsima għandhom japplikaw bħallikieku dik il-haġa saret jew kienet ommessa milli ssir minn kull amministratur jew uffiċjal prinċipali ta' dak il-korp ta' persuni:

Izda uffiċjal prinċipali jew amministratur ma jkunx hati bis-saħħa ta' dan is-subregolament jekk jipprova li ma kienx jaf u ma setax b'diligenza raġonevoli jkun jaf b'dak l-att jew ommissjoni u li jkun għamel minn kollox biex ma jsirux dak l-att jew dik l-ommissjoni.

(3) Meta xi haġa ssir jew tkun ommessa milli ssir minn xi impjegat fil-kors tal-impjieg tiegħu, jew minn xi persuna li taġixxi f'isem detentur ta' liċenza, kemm jekk din il-persuna l-oħra tkun impjegat jew le, id-dispożizzjonijiet ta' din it-Taqsima għandhom japplikaw bħallikieku dik il-haġa saret jew kienet ommessa milli ssir mit-tnejn, jiġifieri:

(a) l-imsemmi impjegat jew persuna oħra; u

(b) min iħaddem jew id-detentur ta' liċenza:

Izda min iħaddem bħal dak jew detentur ta' liċenza ma jkunx hati bis-saħħa ta' dan is-subregolament jekk jipprova li ma kienx jaf u ma setax b'diligenza raġonevoli jkun jaf b'dak l-att jew ommissjoni u li jkun għamel minn kollox biex ma jsirux dak l-att jew dik l-ommissjoni.

69. 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.

Multi
amministrattivi.

70. (1) Mingħajr ħsara għal kull ma hemm fl-artikoli 18, 19 u 20 tal-Att, spettur għandu, sabiex jivverifika li dawn ir-regolamenti u li l-kondizzjonijiet kollha ta' liċenza, ċertifikat ta' approvazzjoni jew xi awtorizzazzjoni oħra maħruġa mill-Awtorità skont dawn ir-regolamenti qed jiġu osservati, u li l-ammont kollu ta' drittijiet, taxxi jew somom ta' flus li għandhom jithallsu skont l-Att jew skont dawn ir-regolamenti jkunu thallsu, ukoll is-setgħat li ġejjin:

Setgħat ta'
spetturi.

(a) li jispezzjona u jeżamina apparat rilevanti għal-logħob jew komponent ta' apparat rilevanti għal-logħob, tagħmir assoċjat u, jew sistema ċentrali;

(b) li jilgħab logħba jew logħbiet fuq apparat rilevanti għal-logħob sabiex jikkonferma li l-apparat rilevanti għal-logħob hu konformi mad-dispożizzjonijiet ta' dawn ir-regolamenti;

(ċ) li jnehhi apparat rilevanti għal-logħob jew parti minnu, kull tagħmir assoċjat, sistema ċentrali jew komponenti tiegħu, u jiehdu lejn post ieħor jew post approvat u magħżul mill-Awtorità, sabiex issir spezzjoni jew eżami biex jiġi żgurat li hu konformi mad-dispożizzjonijiet ta' dawn ir-regolamenti u tal-Att;

(d) li jispezzjona kull post, kemm jekk ikun approvat skont dawn ir-regolamenti u kemm jekk le, fejn jinżammu, jinħażnu jitlaqqgħu, jithaddmu, jintgħamlu disponibbli għall-użu jew jitqegħdu għall-wiri u jew jiġu offruti lill-pubbliku apparati rilevanti għal-logħob;

(e) li jispezzjona kull post, kemm jekk ikun approvat skont dawn ir-regolamenti u kemm jekk le, fejn tinżamm, tinħazen, titlaqqgħa, tithaddem, tintgħamel disponibbli għall-użu jew titqiegħed għall-wiri sistema ċentrali;

(f) li jitlob għal informazzjoni jew il-produzzjoni għal spezzjoni ta' kull dokument jew ta' kull haġa oħra għall-finijiet tal-ispezzjoni;

(g) li jaqbad kull dokument jew haġa oħra prodotta bħala riżultat ta' talba skont il-paragrafu (f) jew li tiġi skoperta waqt spezzjoni magħmula sabiex jiġi eżaminat id-dokument jew haġa oħra jew waqt it-tehid ta' kopji jew estratti.

(2) Spettur li jaqbad apparat rilevanti għal-logħob, komponent ta' apparat rilevanti għal-logħob, tagħmir assoċjat, sistema ċentrali, dokument jew xi haġa oħra minn post approvat jew xi post ieħor skont is-subregolament (1) għandu l-ewwel jagħti riċevuta għal dik il-haġa lill-persuna li hi s-sid tagħha jew hi responsabbli għall-post approvat jew post ieħor u, bla ħsara għas-subregolament (3), għandu minnufih jieħu lura l-apparat rilevanti għal-logħob, il-komponent tal-apparat rilevanti għal-logħob, it-tagħmir assoċjat, is-sistema ċentrali, id-dokument jew haġa oħra lejn il-post approvat jew post ieħor wara li tintemm l-ispezzjoni, l-eżami, it-tehid ta' kopji jew it-tehid ta' estratti, kif ikun il-każ.

(3) Spettur jista' jzomm, għall-finijiet ta' evidenza, kull apparat rilevanti għal-logħob, tagħmir assoċjat, sistema ċentrali jew komponent tagħhom, dokument jew haġa oħra li l-ispettur jiskopri waqt li jkun qed jaġixxi skont dan ir-regolament u jemmin, fuq bażi raġonevoli u probabbli, li jistgħu jservu bħala evidenza ta' ksur jew nuqqas ta' konformità ma xi haġa li tinsab f'dawn ir-regolamenti:

Izda kopji ta', jew estratti minn, dokumenti jew affarijiet oħra maqbuda minn post approvat jew xi post ieħor skont dan ir-regolament u ċertifikati minn uffiċjal tal-Awtorità li jkun għamel il-kopji jew ha l-estratti bħala kopji veri ta', jew estratti veri minn, l-originali jkunu ammissibbli bħala evidenza sa l-istess limitu, u jkollhom l-istess valur ta' prova, bħad-dokumenti jew affarijiet oħra li tagħhom ikunu kopji jew li minnhom ittiedu l-estratti.

(4) Spettur jista', mingħajr avviż minn qabel, jiddisattiva jew jissigilla apparat rilevanti għal-logħob, tagħmir assoċjat u, jew sistema ċentrali, jekk l-ispettur ikollu bażi raġonevoli biex jemmin li l-apparat rilevanti għal-logħob, it-tagħmir assoċjat jew is-sistema ċentrali jkunu bil-ħsara jew ġew modifikati, imbagħbsa, programmati mill-ġdid jew mod ieħor mibdula mingħajr l-approvazzjoni tal-Awtorità u, jew mhumiex konformi ma' dawn ir-regolamenti u, jew l-*standards* minimi stabbiliti mill-Awtorità minn żmien għal żmien:

Izda l-Awtorità għandha tattiva jew tikser is-sigill tal-apparat rilevanti għal-logħob, tat-tagħmir assoċjat jew tas-sistema ċentrali jekk l-Awtorità jkollha bażi raġonevoli biex temmen li r-raġunijiet għad-disattivazzjoni jew għas-sigillar ġew rimedjati għas-sodisfazzjon tal-Awtorità.

(5) Id-disattivazzjoni jew l-attivar mill-ġdid sussegwenti ta' apparat rilevanti għal-logħob jew ta' sistema ċentrali jista' isir permezz tas-sistema ċentrali ta' monitoraġġ jew permezz ta' xi mezzi oħra.

71. (1) Il-persuna li tkun is-sid ta', jew tkun responsabbli għal, xi post approvat jew post ieħor li fih jidhol spettur, u kull impjegat jew aġent ta' persuna bħal dik, għandhom jagħtu kull assistenza neċessarja lill-ispettur sabiex l-ispettur ikun jista' jeżegwixxi s-setgħat mogħtija taħt l-artikoli 18 u 19 tal-Att u taħt dawn ir-regolamenti, u għandhom jipprovdu lill-ispettur dak l-apparat rilevanti għal-logħob, il-komponent ta' apparat rilevanti għal-logħob, sistema ċentrali, tagħmir assoċjat, informazzjoni jew haġa oħra kif l-ispettur jista' raġonevolment jitlob.

Agir waqt spezzjonijiet.

(2) L-ebda persuna ma għandha tostakola, timpedixxi jew mod ieħor tindahal, jew xjentement tagħmel dikjarazzjoni falza jew

garrieqa lil, kemm bil-fomm kif ukoll bil-miktub, jew tipprovdi jew tipproduċi dokument falz jew haġa oħra falza lil, spettur li jkun qed iwettaq id-dmirijiet tiegħu jew tagħha skont dan ir-regolament.

Esklużjonijiet.
Kap. 400.

72. (1) Minkejja kull dispożizzjoni f'dawn ir-regolamenti, u mingħajr ħsara għad-dispożizzjonijiet tal-Att dwar il-Logħob jew xi liċenza għal każinò maħruġa taħt dak l-Att, dawn ir-regolamenti ma għandhomx japplikaw għal persuna li tagħmel disponibbli għall-użu, tilqa' għandha jew topera xi apparat rilevanti għal-logħob f'kumpless ta' każinò li fih hu permess in-negozju ta' logħob tal-każinò skont liċenza ta' każinò mogħtija lil dik il-persuna skont l-Att dwar il-Logħob.

(2) Għall-finijiet ta' dawn ir-regolamenti u tal-artikolu 7(1) tal-Att, kompjuter personali jew kompjuter domestiku ma għandux, għar-raġuni biss li jista' jintuża biex wiehed jipparteċipa f'xi forma ta' logħob permezz ta' komunikazzjonijiet fil-bogħod, jitqies bħala apparat rilevanti għal-logħob:

Iżda f'każ ta' dubju jekk tagħmir huwiex kompjuter personali, kompjuter domestiku jew apparat rilevanti għal-logħob, l-Awtorità jkollha d-dritt li tiddetermina l-kwistjoni b'mod konkluziv wara li tqis:

- (a) il-post fejn jinżamm it-tagħmir;
- (b) l-għanijiet li għalihom qed jintuża t-tagħmir;
- (ċ) is-*software* installat fit-tagħmir; u
- (d) kull haġa oħra li l-Awtorità tikkonsidra rilevanti fiċ-ċirkostanzi.

L-EWWEL SKEDA

Regolament 3

Liċenzi

KLASSIJET TA' LIĊENZI

1. Liċenza Klassi 1 tkopri il-manifattura, l-immuntar, it-tiswija jew il-manutenzjoni ta' apparati rilevanti għal-logħob.
2. Liċenza Klassi 2 tkopri t-tqeghid fis-suq, id-distribuzzjoni, il-provvista, il-bejgħ, il-kiri jew it-trasferiment ta' apparati rilevanti għal-logħob.
3. Liċenza Klassi 3 tkopri l-għemil disponibbli għall-użu, l-ilqugħ jew it-tħaddim ta' apparati rilevanti għal-logħob, iżda mhux it-tħaddim ta' sistema ċentrali.
4. Liċenza Klassi 4 tkopri t-tħaddim ta' sistema ċentrali.

IT-TIENI SKEDA

Regolament 5

Dokumenti u Informazzjoni dwar l-Applikazzjoni

1. Applikazzjoni għal Liċenza Klassi 1
 - a. Formula dwar Dikjarazzjoni Personali f'dik il-forma kif tista' tkun meħtieġa mill-Awtorità, għal kull persuna assoċjata;
 - b. Ċertifikat tal-Kondotta tal-Pulizija aġġornat sa hmistax-il (15) ġurnata mid-data tal-preżentata tal-applikazzjoni, għal kull persuna assoċjata;
 - ċ. Kopja (ċertifikata minn nutar pubbliku jew avukat) taċ-ċertifikat tat-twelid, u tal-passaport jew karta valida ta' identifikazzjoni, għal kull persuna assoċjata;
 - d. Referenza mill-Bank għal kull persuna assoċjata kif jista' jkun meħtieġ mill-Awtorità;
 - e. Żewġ ritratti tad-daqs tal-passaport għal kull persuna assoċjata;
 - f. Kull ftehim, ftehim minn qabel jew abbozzi tagħhom li jkunu dahlu fihom jew ikunu qed jiġu negozjati (kif ikun il-każ) bejn l-applikant u:

Detentur ta' Liċenza Klassi 1; kull persuna oħra li tapplika għal liċenza biex timmanifattura, timmonta, issewwi jew twettaq manutenzjoni fuq apparati rilevanti għal-logħob; Detentur ta' Liċenza Klassi 2; kull persuna li tapplika għal liċenza biex tqiegħed fis-suq, tiddistribwixxi, tforni, tbigh, tikri jew tittrasferixxi apparati rilevanti għal-logħob; Detentur ta' Liċenza Klassi 3; jew kull persuna li tapplika għal liċenza biex tagħmel disponibbli għall-użu, tilqa għandha jew topera apparati rilevanti għal-logħob;

g. Informazzjoni dettaljata dwar il-mod kif l-applikant bi hsiebu jiżgura t-twertieq xieraq tan-negozju tiegħu, inklużi l-proċeduri li għandhom jiġu adottati sabiex jiġu żgurati t-tiswija u l-manutenzjoni fil-hin tal-apparati rilevanti għal-logħob hekk u meta dan ikun meħtieġ;

h. Meta jkun applikabbli, iċ-ċertifikati u l-kwalifiki rilevanti tal-applikant li għandhom x'jaqsmu mal-attivitajiet li għandhom jitwettqu taħt il-Liċenza Klassi 1; u

i. Kull informazzjoni oħra jew dokument ieħor meħtieġa mill-Awtorità.

2. Applikazzjoni għal Liċenza Klassi 2

a. Formula dwar Dikjarazzjoni Personali f'dik il-forma kif tista' tkun meħtieġa mill-Awtorità, għal kull persuna assoċjata;

b. Ċertifikat tal-Kondotta tal-Pulizija aġġornat sa tletin (30) ġurnata mid-data tal-preżentata tal-applikazzjoni, għal kull persuna assoċjata;

ċ. Kopja (ċertifikata minn nutar pubbliku jew avukat) taċ-ċertifikat tat-twelid, u tal-passaport jew karta valida ta' identifikazzjoni, għal kull persuna assoċjata;

d. Referenza mill-Bank għal kull persuna assoċjata kif jista' jkun meħtieġ mill-Awtorità;

e. Żewġ ritratti tad-daqs tal-passaport għal kull persuna assoċjata;

f. Lista ta' manifatturi liċenzjati ta' apparati rilevanti għal-logħob jew manifatturi ta' apparati rilevanti għal-logħob li applikaw għal Liċenza Klassi 1, kif ikun il-każ, li l-applikant bi hsiebu jqiegħed fis-suq, jiddistribwixxi, iforni, ibigh, jikri jew jittrasferixxi l-apparati rilevanti għal-logħob tagħhom;

g. Kull ftehim, ftehim minn qabel jew abbozzi tagħhom li jkunu daħlu fihom jew ikunu qed jiġu negozjati (kif ikun il-każ) bejn l-applikant u: Detentur ta' Liċenza Klassi 1; kull persuna li tapplika għal liċenza biex timmanifattura, timmonta, issewwi jew twettaq manutenzjoni fuq apparati rilevanti għal-logħob; Detentur ta' Liċenza Klassi 2; kull persuna oħra li

tapplika għal liċenza biex tqiegħed fis-suq, tiddistribwixxi, tforni, tbigh, tikri jew tittrasferixxi apparati rilevanti għal-logħob; Detentur ta' Liċenza Klassi 3; jew kull persuna li tapplika għal liċenza biex tagħmel disponibbli għall-użu, tilqa' għandha jew topera apparati rilevanti għal-logħob;

h. Informazzjoni dettaljata dwar il-mod kif l-applikant bi hsiebu jiżgura t-twertieq xieraq tan-negozju tiegħu, inklużi l-proċeduri li għandhom jiġu adottati sabiex jiġu żgurati t-tiswija u l-manutenzjoni fil-hin tal-apparati rilevanti għal-logħob hekk u meta dan ikun meħtieġ; u

i. Kull informazzjoni oħra jew dokument iehor meħtieġa mill-Awtorità.

3. Applikazzjoni għal Liċenza Klassi 3

a. Formula dwar Dikjarazzjoni Personali f'dik il-forma kif tista' tkun meħtieġa mill-Awtorità, għal kull persuna assoċjata;

b. Ċertifikat tal-Kondotta tal-Pulizija aġġornat sa hmistax-il (15) ġurnata mid-data tal-preżentata tal-applikazzjoni, għal kull persuna assoċjata;

ċ. Kopja (ċertifikata minn nutar pubbliku jew avukat) taċ-ċertifikat tat-twelid, u tal-passaport jew karta valida ta' identifikazzjoni, għal kull persuna assoċjata;

d. Referenza mill-Bank għal kull persuna assoċjata kif jista' jkun meħtieġ mill-Awtorità;

e. Żewġ ritratti tad-daqs tal-passaport għal kull persuna assoċjata;

f. Informazzjoni dettaljata dwar il-mod kif l-applikant bi hsiebu jiżgura t-twertieq xieraq tan-negozju tiegħu, inklużi l-proċeduri li għandhom jiġu adottati sabiex jiġu żgurati t-tiswija u l-manutenzjoni fil-hin tal-apparati rilevanti għal-logħob hekk u meta dan ikun meħtieġ;

g. In-numru ta' apparati rilevanti għal-logħob li l-applikant bi hsiebu jagħmel disponibbli għall-użu, jilqa għandu jew jopera skont il-liċenza, liema numru ma għandu qatt jkun oghla minn għaxar (10) apparati rilevanti għal-logħob għal kull post approvat;

h. Meta jkun applikabbli, deskrizzjoni tal-ispeċifikazzjonijiet u fejn tinsab is-sistema ċentrali li magħha ser ikunu mgħaqqdin l-apparati kollha rilevanti għal-logħob li jintgħamlu disponibbli għall-użu, jintlaqgħu għandhom jew jiġu operati taħt il-liċenza;

i. Id-dati u, jew granet tal-gimgha, u l-hinijiet waqt daww id-dati jew granet, li fihom jew li matulhom jistgħu jintlagħbu logħbiet provduti

permezz ta' apparat rilevanti għal-logħob, u jistgħu jiġu skambjati jew mifdiya *vouchers* jew *tokens* maħruġa minn apparati rilevanti għal-logħob, fil-post approvat;

j. In-numru, tipi u deskrizzjonijiet tal-logħbiet provduti permezz ta' apparat rilevanti għal-logħob li l-applikant bi hsiebu jagħmel disponibbli għall-użu, jilqa għandu jew jopera permezz tal-apparati rilevanti għal-logħob skont il-liċenza, inklużi l-medda proposta ta' perċentwalijiet li jithallsu, il-proċess li jiddetermina rebħa u l-elementi tal-logħbiet provduti permezz ta' apparat rilevanti għal-logħob;

k. Ir-regoli u r-regolamenti li jirrigwardaw il-proċeduri biex isir użu mill-apparati rilevanti għal-logħob u biex jintlagħbu l-logħbiet provduti permezz ta' apparati rilevanti għal-logħob;

l. Il-proċeduri biex jiġu mitbugħa, validati u awtentikati *vouchers* jew *tokens* maħruġa minn apparati rilevanti għal-logħob;

m. Il-proċeduri għall-iskambju jew fidi ta' *vouchers* jew *tokens* maħruġa minn apparati rilevanti għal-logħob, għal premjijiet;

n. Il-premjijiet proposti li għandhom jingħataw lil ġugaturi bħala fidi jew skambju ta' *vouchers* jew *tokens* maħruġa minn apparati rilevanti approvati għal-logħob;

o. Meta jkun applikabbli, il-proċeduri proposti biex jiġi reġistrat u rekordjat fuq is-sistema ċentrali l-logħob kollu u proċessi oħra li jkunu qed isiru jew jitwettqu permezz tal-apparati rilevanti għal-logħob;

p. Kull ftehim, ftehim minn qabel jew abbozzi tagħhom li jkunu daħlu fihom jew ikunu qed jiġu negozjati (kif ikun il-każ) bejn l-applikant u: Detentur ta' Liċenza Klassi 1; kull persuna li tapplika għal liċenza biex timmanifattura, timmonta, issewwi jew twettaq manutenzjoni fuq apparati rilevanti għal-logħob; Detentur ta' Liċenza Klassi 2; kull persuna li tapplika għal liċenza biex tqiegħed fis-suq, tidistribwixxi, tforni, tbigh, tikri jew tittrasferixxi apparati rilevanti għal-logħob; Detentur ta' Liċenza Klassi 3; kull persuna oħra li tapplika għal liċenza biex tagħmel disponibbli għall-użu, tilqa għandha jew topera apparati rilevanti għal-logħob; jew kull persuna oħra direttament jew indirettament relatata mal-għemil disponibbli għall-użu, l-ilqugħ għandu jew l-operat tal-apparati rilevanti għal-logħob jew mal-post approvat;

q. Is-sistema proposta biex jiġu rappurtati hlasijiet effettwati minn kull apparat rilevanti għal-logħob, fuq bażi ta' kull xahar, jew wara spezzjoni minn spettur;

r. Il-linji politiċi, il-proċeduri u l-miżuri proposti biex tiġi żgurata l-

konformità tal-apparati rilevanti għal-logħob u logħbiet provduti permezz ta' daww l-apparati rilevanti għal-logħob mal-Att, dawn ir-regolamenti u l-liċenza;

s. Dikjarazzjoni minn persuna li tkun detentur ta' *warrant* biex tipprattika bħala Arkitett u Inġinier Ċivili li l-post propost hu konformi ma' dawn ir-regolamenti u kull linja politika rilevanti mahruġa mill-Awtorità; u

t. Kull informazzjoni oħra jew dokument iehor meħtieġa mill-Awtorità.

4. Applikazzjoni għal Liċenza Klassi 4

a. Formula dwar Dikjarazzjoni Personali f'dik il-forma kif tista' tkun meħtieġa mill-Awtorità, għal kull persuna assoċjata;

b. Ċertifikat tal-Kondotta tal-Pulizija aġġornat sa ħmistax-il (15) ġurnata mid-data tal-preżentata tal-applikazzjoni, għal kull persuna assoċjata;

ċ. Kopja (ċertifikata minn nutar pubbliku jew avukat) ta' ċertifikat tat-twelid, u tal-passaport jew karta valida ta' identifikazzjoni, għal kull persuna assoċjata;

d. Referenza mill-Bank għal kull persuna assoċjata kif jista' jkun meħtieġ mill-Awtorità;

e. Żewġ ritratti tad-daqs tal-passaport għal kull persuna assoċjata;

f. Informazzjoni dettaljata dwar il-mod kif l-applikant bi hsiebu jiżgura t-twelid xieraq tan-negozju tiegħu, inklużi l-proċeduri li għandhom jiġu adottati sabiex jiġu żgurati t-tiswija u l-manutenzjoni fil-ħin tal-apparati rilevanti għal-logħob hekk u meta dan ikun meħtieġ;

g. Deskrizzjoni teknika tal-ispeċifikazzjonijiet tas-sistema ċentrali kif jista' jkun meħtieġ mill-Awtorità;

h. Dettalji ta' fejn hi proposta li tinżamm is-sistema ċentrali f'Malta u l-*standards* li ser jinżammu dwarha;

i. Manwal dettaljat dwar kif jithaddem l-apparat li jispeċifika l-arkitettura tal-applikazzjoni, l-arkitettura tas-sistema, l-iżviluppatur tas-*software*, il-proċeduri dwar sigurtà u kontroll, il-proċeduri dwar *back-up* u treggigh lura wara diżastru;

j. Deskrizzjoni tal-apparati rilevanti għal-logħob li hu propost li jkunu mġahqdin mas-sistema ċentrali;

k. Lista tad-Detenturi ta' Liċenza Klassi 3 li f'isimhom l-apparati rilevanti għal-logħob proposti li jiġu mgħaqqdin mas-sistema ċentrali huma approvati u reġistrati;

l. Ftehim ma' kull persuna li twettaq attività msemija fir-regolament 3(1) fir-rigward ta' dik l-attività;

m. Deskrizzjoni dettaljata tal-proċeduri proposti ta' kkontjar u proċeduri biex jiġi reġistrat u rekordjat fuq is-sistema ċentrali l-logħob kollu u proċessi oħra li jkunu qed isiru jew jitwettqu permezz tal-apparati rilevanti għal-logħob;

n. Il-linji politiċi, il-proċeduri u l-miżuri proposti biex tiġi żgurata l-konformità tas-sistema ċentrali mal-Att, ma' dawn ir-regolamenti u mal-liċenza; u

o. Kull informazzjoni oħra jew dokument ieħor meħtieġa mill-Awtorità.

IT-TIELET SKEDA

| Deskrizzjoni tal-liċenza jew Awtorizzazzjoni | Dritt għal applikazzjoni li jithallas darba u ma jinghatax lura | Dritt għal liċenza | Taxxa għat-tqeghid fil-post | Dritt għal Approvazzjoni li jithallas darba |
|--|---|--|---|---|
| | <i>Regolament 6(1)</i> | <i>Regolament 6(4)</i> | | |
| Liċenza Klassi 1 | € 2,000 | € 2,000 fis-sena | xejn | xejn |
| | <i>Regolament 6(1)</i> | <i>Regolament 6(4)</i> | | |
| Liċenza Klassi 2 | € 2,000 | € 2,000 fis-sena | xejn | xejn |
| | <i>Regolament 12(1)</i> | <i>Regolament 12(4)</i> | <i>Regolament 12(4)</i> | |
| Liċenza Klassi 3 | € 500 | € 125 għal kull apparat rilevanti għal-logħob kull xahar | L-oġġla minn: - €400 għal kull apparat rilevanti għal-logħob kull xahar; jew - 20% tad-dhul gross fix-xahar generat minn kull apparat rilevanti għal-logħob | xejn |
| | <i>Regolament 19(1)</i> | | | |
| Liċenza Klassi 4 | € 2,000 | xejn | xejn | xejn |
| | | | | <i>Regolament 25(2)(k)</i> |

| | | | | |
|--|-------------------------|--|------------------|---|
| Approvazzjoni ta' apparati rilevanti għal-logħob | xejn | xejn | xejn | € 175 għal kull apparat rilevanti għal-logħob |
| | <i>Regolament 25(9)</i> | <i>Regolament 25(10)</i> | | |
| Approvazzjoni ta' logħbiet | mhux applikabbli | €100 fis-sena għal kull apparat rilevanti għal-logħob li permezz tiegħu hi provduta l-logħba | xejn | €500 kull logħba, jekk mhux liċenzjata u, jew approvata fl-UE jew fiż-ŻEE |
| | | <i>Regolament 39</i> | | <i>Regolament 31(3)</i> |
| Approvazzjoni ta' post | mhux applikabbli | €500 għal kull post fis-sena | mhux applikabbli | €2,500 kull post |
| | | | | <i>Regulation 43(3)</i> |
| Approvazzjoni ta' impjegati | mhux applikabbli | mhux applikabbli | mhux applikabbli | €25 għal kull impjegat |

IR-RABA' SKEDA

Apparati Rilevanti għal-Logħob Eżentati

1. Apparati Rilevanti għal-logħob tal-Lotterija Nazzjonali, speċifikatament eżentati mill-Awtorità.
2. *Vending machines* tat-tip *claw crane* li jhaddmu bil-flus.
3. Totalizzatur awtorizzat taht l-Ordinanza dwar Imhatri f'Tigrijiet (Kap. 78 tal-Ligijiet ta' Malta) u kull apparat ieħor rilevanti għal-logħob li jintuza flimkien ma' totalizzatur, li jkun speċifikatament eżentati mill-Awtorità.
4. Apparati rilevanti għal-logħob approvati taht ir-Regolamenti dwar Logħbiet tat-Tombla Kummerċjali fi Swali għal-Logħob tat-Tombla (L.S. 438.05), speċifikatament eżentati mill-Awtorità.
5. Tagħmir ta' logħob minn distanza approvat jew awtorizzat mill-Awtorità skont ir-Regolamenti dwar Logħob minn Distanza (L.S. 438.04), speċifikatament eżentati mill-Awtorità.
6. Apparati rilevanti għal-logħob awtorizzati jew liċenzjati mill-Awtorità taht l-Att dwar il-Logħob (Kap. 400), speċifikatament eżentati mill-Awtorità.

L.N. 75 of 2011

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

Gaming Devices Regulations, 2011

IN EXERCISE of the powers conferred by article 78 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

Citation and
commencement.

1. (1) The title of these regulations is the Gaming Devices Regulations, 2011.

(2) These regulations shall come into force on the 16th day of May, 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

Interpretation.

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

Cap. 438.

"the Act" means the Lotteries and Other Games Act;

"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;

"advertising" means any form of announcement, notice or broadcast, the apparent purpose of which is to convey information to the public in and by newspaper or other printed publication, poster, circular notice, radio, television or any other form or medium of

public communication;

"applicant" means a person that files an application for a licence;

"approved employee" means a person in respect of whom a certificate of approval has been issued by the Authority in terms of Part IX;

"approved premises" means premises approved by the Authority and in respect of which a certificate of approval has been issued in terms of Part VIII;

"associated equipment" means any hardware, other than the relevant gaming device or the central system, that is connected to the relevant gaming device or to the central system for the purposes of performing communication, validation or other functions, but excludes the communication equipment and facilities forming part of publicly available communications networks and services;

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

"central monitoring system" means an electronic system, a computer system or a communication system that is designed or adapted for use: to receive data from or send data to a relevant gaming device or central system where such data relates to the security, accounting or operation of the relevant gaming device, the central system or any games or features played on, or associated with, the relevant gaming device; and to perform such other functions as may be determined by the Authority from time to time;

"central system" means an electronic system or a computer system to which relevant gaming devices may be connected directly or indirectly, and which is designed or adapted for use to:

- (a) register all or part of the gaming taking place through such relevant gaming device; and, or
- (b) supervise all or part of the operations carried out in or through such relevant gaming device; and, or
- (c) to store and provide reports and information on the aforesaid matters;

"Class 1 Licence" means a licence granted by the Authority in terms of regulation 5(1), and the term "Class 1 Licensee" shall be

construed accordingly;

"Class 2 Licence" means a licence granted by the Authority in terms of regulation 5(2), and the term "Class 2 Licensee" shall be construed accordingly;

"Class 3 Licence" means a licence granted by the Authority in terms of regulation 11, and the term "Class 3 Licensee" shall be construed accordingly;

"Class 4 Licence" means a licence granted by the Authority in terms of regulation 18, and the term "Class 4 Licensee" shall be construed accordingly;

"domestic computer" means an electronic or computer system that:

- (a) is capable of being used for a purpose that is not related to the playing of a game;
- (b) is located in a private residence; and
- (c) if used, is used on a domestic occasion;

"employee" includes any person engaged to provide services in relation to the playing of a game and the term "employ" shall be construed accordingly;

"exempt relevant gaming device" means a relevant gaming device listed in the Fourth Schedule and such other relevant gaming devices as may be specified by directives issued by the Authority from time to time;

"financial credit" means allowing a person any length of time in which to make payment or otherwise honour a financial obligation, whether express or implied, and includes lending of cash or cash equivalent but does not include the use of pre-paid cards used in lieu of cash;

"game provided through a relevant gaming device" means a game played by means of a relevant gaming device;

"group company" and "group" shall have the meaning assigned to them by the Companies Act;

"key official" means an individual appointed in terms of regulation 60;

"licence" means a Class 1 Licence, Class 2 Licence, Class 3 Licence or a Class 4 Licence;

"licensee" means a Class 1 Licensee, a Class 2 Licensee, a Class 3 Licensee or a Class 4 Licensee, as the case may be;

"mystery game" means a game provided through a relevant gaming device that offers a player the possibility of winning a mystery jackpot;

"mystery jackpot" means a variable award which is additional to the maximum prize which can be won on a game provided through a relevant gaming device, and which is randomly awarded to a player;

"National Lottery Relevant Gaming Device" means a relevant gaming device used or to be used solely and exclusively for the purposes of, and in connection with, the operation of the National Lottery and, or any other activity authorised in terms of the National Lottery licence issued at the relevant time;

"progressive game" means a game provided through a relevant gaming device that offers a player the possibility of winning a progressive jackpot;

"progressive jackpot" means a variable award which is additional to the maximum prize which can be won on a game provided through a relevant gaming device, and which may be won by a player as a result of the happening of an event on one or more relevant gaming devices linked to each other for the purpose of offering such kind of variable award;

"personal computer" means an electronic or computer system that:

(a) is capable of being used for a purpose that is not related to the playing of a game; and

(b) is not adapted or presented in such a way as to facilitate, or to draw attention to the possibility of, its use for the playing of a game;

"player" means a person who plays a game provided through a relevant gaming device;

"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 cent 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;

"restricted access controls" means rules, measures and procedures for restricting physical access to approved premises as set out in regulation 34;

"single game":

(a) means a sequence of actions and states in a relevant gaming device that are:

(i) activated by a player through a wagering of credits; and

(ii) terminated when:

- all the credits wagered by the player relating to those actions or states have been lost; or

- all winnings relating to those actions or states have been paid out to the player or transferred to the player's credit meter and are no longer available to be wagered on that sequence; and

(b) includes any feature of the relevant gaming device that is triggered by the wagering of the credits, unless all winning credits are transferred to the player's credit meter before the feature is activated; and

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

Cap. 386.

(2) For the purposes of these regulations, the term "operate" shall not include the use by a player of a relevant gaming device for the purpose of playing a game.

(3) Unless the context otherwise requires, terms used in these regulations and which are not defined herein shall have the meaning assigned to them in the Act.

(4) In these regulations, if there is any conflict between the English and Maltese texts, the English text shall prevail.

PART III

Licenses - General

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

Requirement of a licence.

- (a) manufacture, assemble, repair or service;
- (b) place on the market, distribute, supply, sell, lease or transfer; or
- (c) make available for use, host or operate;

any relevant gaming device, unless such person is in possession of a valid licence issued by the Authority as set out in the First Schedule.

(2) The provisions of this regulation shall not apply to exempt relevant gaming devices.

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

Multiple authorisation, licence or approval.

PART IV

Licenses - Class 1 Licence and Class 2 Licence

5. (1) A Class 1 Licence may be granted by the Authority to a person for the purpose of authorising that person to manufacture, assemble, repair or service a relevant gaming device.

Class 1 Licence and Class 2 Licence.

(2) A Class 2 Licence may be granted by the Authority to a person for the purpose of authorising that person to place on the

market, distribute, supply, sell, lease or transfer a relevant gaming device.

(3) Applications for a Class 1 Licence or a Class 2 Licence (hereinafter in this Part referred to as a "Licence") shall be made on such forms designated by the Authority from time to time.

(4) The application form mentioned in sub-regulation (3) shall be accompanied by such information and, or documentation set out in the Second Schedule together with such other information or documentation requested by the Authority.

Application fees
and licence fees.

6. (1) The granting of a Licence under these regulations shall in all cases be subject to the payment of a one-time non-refundable application fee as set forth in the Third Schedule. The application fee shall be payable only once and shall not be payable for the purpose of renewal of the License in terms of regulation 7.

(2) The Authority may further require applicants for a 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:

(a) conducting investigations into such applicant's background, suitability and qualifications for being granted and for retaining a Licence; and

(b) 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 simultaneously with the filing of the application for a Licence.

(4) Following the granting of a Licence, a Class 1 Licensee or a Class 2 Licensee (hereinafter in this Part referred to as a "Licensee") shall pay an annual licence fee as set out in the Third Schedule together with, where required by the Authority, the actual costs incurred by the Authority for the purpose of conducting investigations into such Licensee's background, suitability and qualifications for retaining a Licence and for the purpose of verifying the information submitted by a Licensee in terms of these regulations. Such annual licence fee and, where applicable, the costs incurred by the Authority as aforesaid, shall be payable by the Licensee by not later than two weeks prior to the lapse of every calendar year following the date of issue of the Licence.

(5) No application for a Licence shall be processed, and no Licence shall be issued or renewed, until the Authority has been paid

all amounts due to it in connection with:

- (a) the processing of the application;
- (b) the grant of the Licence;
- (c) the Licence;
- (d) the monitoring and enforcement of the Licence.

(6) If a Licensee fails to pay the annual licence fee as set out in the Third Schedule within the time period set out in sub-regulation (4), the Licence shall lapse automatically.

7. (1) A Licence granted by the Authority shall be for a term not exceeding one year.

Term and
Renewal of a
Class 1 Licence
and Class 2
Licence.

(2) Following receipt by the Authority of an application for the renewal of a Licence, the Authority shall renew the Licence for further periods not exceeding one year each if the Authority is satisfied that the Licensee applying for renewal:

(a) has, at all times during the preceding original or renewed term of the Licence complied with:

- (i) the provisions of the Act and of these regulations;
- (ii) the terms and conditions of the Licence; and
- (iii) any directive issued by the Authority in terms of the Act or of these regulations, which is applicable to such Licence; and

(b) satisfies the conditions mentioned in regulation 8.

(3) Applications for renewal of a Licence shall be made in the form designated by the Authority and shall be submitted to the Authority at least sixty days prior to the expiration of the term of the current Licence. The application fee referred to in regulation 6(1) shall not be required to be paid for the renewal of a Licence.

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

Grant and
Renewal of
Class 1 Licence
and a Class 2
Licence.

(2) In determining whether the applicant for the granting or renewal of a Licence and any associated persons are fit and proper persons, the Authority may have regard to such matters as may be

included in directives issued by the Authority from time to time.

(3) In determining whether to grant or renew a Licence applied for under these regulations, the Authority may, in addition, have regard to any matter or policy which the Authority reasonably considers relevant in the particular circumstances.

(4) A Licence granted by the Authority shall be in such form and shall contain such particulars as the Authority may determine.

Conditions of
Class 1 Licence
and Class 2
Licence.

9. In granting a Licence, the Authority may subject such Licence to such terms, conditions or requirements as it may deem appropriate, and at any time following the grant of the Licence the Authority may from time to time vary or revoke any term, condition or requirement so imposed, or may impose new terms, conditions or requirements.

Obligations of a
Class 1
Licensee and a
Class 2
Licensee.

10. A Licensee shall comply with:

(a) any applicable code or codes of conduct that may be issued by the Authority in respect of relevant gaming devices and, or games provided through relevant gaming devices; and

(b) any conditions specified in the Licence.

PART V

Licenses - Class 3 Licence

Class 3 Licence.

11. (1) A Class 3 Licence may be granted by the Authority to a person for the purpose of authorising that person to make available for use, host or operate a relevant gaming device, provided that the provisions of this Part shall not apply to the operation of a central system.

(2) Applications for a Class 3 Licence shall be made on such form designated by the Authority from time to time.

(3) The application form referred to in sub-regulation (2) shall be accompanied by such information and documents as set out in the Second Schedule together with such other information or documentation requested by the Authority.

Application
fees, license
fees and
placement tax.

12. (1) The granting of a Class 3 Licence under these regulations shall in all cases be subject to the payment of a one-time non-refundable application fee as set forth in the Third Schedule. The application fee shall be payable only once and shall not be payable for the purpose of renewal of the Class 3 Licence in terms of regulation 13.

(2) The Authority may further require applicants for a Class 3 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:

(a) conducting investigations into such applicant's background, suitability and qualifications for being granted and for retaining a Class 3 Licence; and

(b) 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 simultaneously with the filing of the application for a Class 3 Licence.

(4) Following the grant of a Class 3 Licence, a Class 3 Licensee shall, in respect of each approved premises in relation to which such Class 3 Licensee holds a certificate of approval, by not later than the lapse of twenty days from the end of each month, pay:

(a) a monthly licence fee as set out in the Third Schedule in respect of every relevant gaming device in each approved premises; and

(b) a monthly relevant gaming device placement tax consisting of the higher of:

(i) four hundred euro (€400.00) per relevant gaming device; or

(ii) twenty percent of the gross monthly proceeds generated from the relevant gaming device; and

(c) where required by the Authority, the actual costs incurred by the Authority for the purpose of conducting investigations into such Licensee's background, suitability and qualifications for retaining a Licence and for the purpose of verifying the information submitted by a Licensee in terms of these regulations.

(5) No application for a Class 3 Licence shall be processed, and no Class 3 Licence shall be issued or renewed, until the Authority has been paid all amounts due to it in connection with:

(a) the processing of the application;

(b) the grant of the Class 3 Licence;

(c) the Class 3 Licence; and

(d) the monitoring and enforcement of the Class 3 Licence.

(6) If a Class 3 Licensee fails to pay the amounts due as set out in the Third Schedule within the time period set out in sub-regulation (4) , the Class 3 Licence shall lapse automatically.

(7) A Class 3 Licensee shall, together with the payment of the placement tax referred to in sub-regulation (4)(b), deliver to the Authority a return setting out the gross monthly revenue generated from every relevant gaming device. The return shall be in such form as may be established by the Authority from time to time.

(8) Should the Class 3 Licensee fail to submit the return referred to in sub-regulation (7) or should the return contain false or inaccurate information, the Authority shall, in addition to any other remedy set out in the Act or these regulations, have the right to suspend or revoke the Class 3 Licence of the Class 3 Licensee or impose such conditions on the Class 3 Licence as it may deem necessary.

Term and
Renewal of
Class 3 Licence.

13. (1) A Class 3 Licence granted by the Authority shall be for a term not exceeding one year.

(2) Following receipt by the Authority of an application for the renewal of a Class 3 Licence, the Authority shall renew the Class 3 Licence for further periods not exceeding one year each if the Authority is satisfied that the Licensee applying for renewal:

(a) has, at all times, during the preceding original or renewed term of the Class 3 Licence complied with:

(i) the provisions of the Act and of these regulations;

(ii) the terms and conditions of the Class 3 Licence; and

(iii) any directive issued by the Authority in terms of the Act or of these regulations and which is applicable to such Class 3 Licence; and

(b) satisfies the condition mentioned in regulation 14.

(3) Applications for renewal of a Class 3 Licence shall be made in the form designated by the Authority and shall be submitted

to the Authority at least sixty days prior to the expiration of the term of the existing Class 3 Licence. The application fee referred to in regulation 12(1) shall not be required to be paid for renewal of a Class 3 Licence.

14. (1) The Authority shall not grant or renew a Class 3 Licence applied for under these regulations unless it is satisfied that the applicant and any associated persons are fit and proper persons.

Grant and
Renewal of
Class 3 Licence.

(2) In determining whether the applicant for the granting or renewal of a Class 3 Licence and the associated persons are fit and proper persons, the provisions of regulation 8(2) shall apply *mutatis mutandis*.

(3) In determining whether to grant or renew a Class 3 Licence applied for under these regulations, the Authority may, in addition, have regard to any matter or policy which the Authority considers relevant in the particular circumstances.

(4) A Class 3 Licence granted by the Authority shall be in such form and shall contain such particulars as the Authority may determine.

15. In granting a Class 3 Licence, the Authority may subject such Class 3 Licence to such other terms, conditions or requirements as it may deem appropriate, and at any time following the grant of the Class 3 Licence, the Authority may from time to time vary or revoke any term, condition or requirement so imposed, or may impose new terms, conditions or requirements.

Conditions of
Class 3 Licence.

16. (1) A Class 3 Licensee shall:

Obligations of a
Class 3
Licensee.

(a) not carry out any of the activities specified in the Class 3 License in any premises unless such premises are approved premises and the certificate of approval of such premises has been issued in the name of the Class 3 Licensee;

(b) not allow, or provide facilities for, the redemption or exchange of any voucher or token issued by relevant gaming devices in any premises unless such premises are approved premises and the certificate of approval of such premises is issued in the name of the Class 3 Licensee and unless the relevant gaming devices from which such vouchers or tokens are issued are made available for use, hosted or operated in the same approved premises in which the redemption or exchange of such vouchers or tokens is effected;

(c) not employ, or permit to work in relation to the

playing of games, any person unless such person is an approved employee;

(d) not make available for use, host or operate any relevant gaming device and, or associated equipment unless such relevant gaming device and associated equipment is approved and registered by the Authority in terms of Part VII before the commencement of any such activity;

(e) not modify, tamper with or re-programme, or allow or suffer any other person to modify, tamper with or re-programme, a relevant gaming device which has been approved and registered by the Authority in terms of Part VII, save with the consent of the Authority;

(f) not break any seals affixed by inspectors on a relevant gaming device which has been approved and registered by the Authority in terms of Part VII of these regulations, or allow any person to break such seals, save with the consent of the Authority and in the presence of an inspector or any other Authority official;

(g) where applicable, ensure that the means of distance communication through which a relevant gaming device and, or central system can be connected to other relevant gaming devices, central systems and, or the central monitoring system, are located at the approved premises and are at all times connected, and not modify, tamper with or re-programme, or allow or suffer any other person to modify, tamper with or re-programme, the operation of such means of distant communication;

(h) ensure that the relevant gaming devices which have been approved and registered by the Authority in terms of Part VII are placed and remain placed in the approved premises and that adequate restricted access controls are maintained;

(i) not permit a player to participate in a game provided through a relevant gaming device unless such person produces a valid identification card or passport;

(j) ensure at all times that the making available for use, hosting or operation of a relevant gaming device in an approved premises is carried out in a secure, safe and proper manner;

(k) ensure that during opening hours of the approved premises, the area in which the playing of games through

relevant gaming devices is designed to take place is constantly supervised by approved employees;

(l) where required by the Authority, at the expense of the Class 3 Licensee install, connect, make and keep operational the means of communication approved by the Authority to ensure an adequate and properly functioning direct communication link between relevant gaming devices which have been approved and registered by the Authority in terms of Part VII;

(m) assume financial responsibility for proper and timely payments of all prizes awarded to players by way of redemption or exchange of vouchers or tokens issued by relevant gaming devices;

(n) engage or employ only Class 1 Licensees for the purpose of repairing or servicing relevant gaming devices and, or associated equipment which have been approved and registered by the Authority in terms of Part VII;

(o) display on each relevant gaming device which has been approved and registered by the Authority in terms of Part VII, all information and keep affixed all certificates, seals or markers as required by the Authority and shall not remove or allow any person to remove such information, certificates, seals or markers unless prior approval of the Authority for such action has been obtained;

(p) ensure that there shall be installed and prominently displayed, within or about the approved premises:

(i) notices on the risks associated with gaming;

(ii) notices recommending responsible gaming;

(iii) information on associations or other organisations which can assist persons who have gambling problems;

(iv) information relating to the redemption or exchange of vouchers or tokens issued by relevant gaming devices; and

(v) any other material as may be required and, or supplied by the Authority;

(q) promptly notify the Authority in writing of any

breakages or other kind of tampering with any relevant gaming device which have been approved and registered by the Authority in terms of Part VII, or seals affixed to such relevant gaming device;

(r) maintain, at all times and for a period of not less than ten years, audit trails and other statistical information as may be required from time to time by the Authority, and provide such information to the Authority upon the request of the Authority within such time period specified for such purpose;

(s) in a register to be kept for that purpose, keep a record of the identity, winnings and transactions carried out by any one player who, in approved premises of the Class 3 Licensee, on any one day wagers, receives or pays amounts which in aggregate exceed two thousand euro (€2,00000). Such register shall, upon request, be made available to inspectors for review;

(t) open the approved premises for business only between 11:00 a.m. and 11:00 p.m.;

(u) comply with all the relevant provisions of these regulations and with the provisions of any applicable code or codes of conduct that may be issued by the Authority in respect of relevant gaming devices and, or games provided through relevant gaming devices; and

(v) comply with any conditions specified in the Class 3 Licence.

(2) A Class 3 Licensee who intends to offer a progressive jackpot or a mystery jackpot (hereinafter in this regulation referred to as the "jackpots") through relevant gaming devices in approved premises shall apply to the Authority for its prior written approval following a request in writing by the Class 3 Licensee.

(3) A Class 3 Licensee who has obtained the approval required in terms of sub-regulation (2) shall:

(a) ensure that every mystery game and progressive game offering a jackpot has the same probability of awarding the jackpot;

(b) ensure that every relevant gaming device through which the mystery game or progressive game is provided is located in the same approved premises;

(c) ensure that where a jackpot is offered, such jackpot remains on offer until it is won by a player;

(d) ensure that the relevant gaming device through which the progressive or mystery game is provided clearly displays the value of the jackpot on offer;

(e) maintain at all times a record of the variations in the value of the jackpot on offer, and provide such record to the Authority upon the request of the Authority within such time period specified for such purpose; and

(f) maintain a minimum cash reserve which is sufficient to ensure that the Class 3 Licensee at all times has cash available to pay all jackpots on offer from time to time.

(4) A jackpot may only be transferred from one progressive game or mystery game to another progressive game or mystery game if the following conditions are satisfied:

(a) the prior approval for such transfer has been granted by the Authority following a request in writing by the Class 3 Licensee; and

(b) the transfer of the jackpot takes place amongst progressive games or mystery games provided through relevant gaming devices located in the same approved premises.

17. (1) A Class 3 Licensee shall take out, prior to the commencement of the activities specified in the Class 3 Licence, and shall at all times thereafter maintain, a bank guarantee issued by a bank or by a credit or financial institution acceptable to the Authority, in favour of the Authority on its own behalf and on behalf of the Government, in the amount mentioned in sub-regulation (2), for securing:

Requirement of
a bank
guarantee.

(a) the payment and distribution of prizes by the Class 3 Licensee to winners of a game provided through a relevant gaming device made available for use, hosted or operated under the Class 3 Licence;

(b) the payment of fees, duties or any other sums payable by the Class 3 Licensee to the Authority in terms of these regulations; and

(c) the payment by the Class 3 Licensee of any fines or administrative penalties imposed by the Act or these regulations.

(2) The bank guarantee mentioned in sub-regulation (1) shall be for not less than the amount arrived at by multiplying five hundred euro (€500.00) by the number of relevant gaming devices located in approved premises in respect of which the Class 3 Licensee holds a certificate of approval.

(3) The bank guarantee shall become payable to the Authority on its first demand, and it shall not be incumbent upon the relative bank, credit or financial institution which issued the bank guarantee to verify whether such demand is justified.

(4) The bank guarantee shall remain valid until the expiry of one year from the expiry, cancellation, suspension or non-renewal of the Class 3 Licence or until such time as the Authority considers and notifies the Class 3 Licensee in writing that such bank guarantee is no longer required, whichever is the earlier.

(5) The bank guarantee shall be subject to such other terms and conditions as may be specified in the Class 3 Licence or as may be otherwise prescribed by the Authority.

PART VI

Licenses - Class 4 Licence

Class 4 Licence.

18. (1) It shall not be lawful for any person to operate a central system and connect such central system to a relevant gaming device or suffer such relevant gaming device to be so connected, unless such central system is approved by the Authority and such person is in possession of a Class 4 License issued by the Authority.

(2) Applications for a Class 4 Licence shall be made on such forms designated by the Authority from time to time and shall be accompanied by such information and documents as set out in the Second Schedule together with such other information or documentation requested by the Authority.

Application fees
and licence fees.

19. (1) The granting of a Class 4 Licence under these regulations shall in all cases be subject to the payment of a one-time non-refundable application fee as set forth in the Third Schedule.

(2) The Authority may further require applicants for a Class 4 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:

(a) conducting investigations into such applicant's background, suitability and qualifications for being granted and

for retaining a Class 4 Licence; and

(b) 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 simultaneously with the filing of the application for a Class 4 Licence.

(4) No application for a Class 4 Licence shall be processed, and no Class 4 Licence shall be issued or renewed, until the Authority has been paid all amounts due to it in connection with:

(a) the processing of the application;

(b) the grant of the Class 4 Licence;

(c) the Class 4 Licence; and

(d) the monitoring and enforcement of the Class 4 Licence.

20. (1) A Class 4 Licence granted by the Authority shall be for a term not exceeding one year.

Term and
Renewal of
Licence of Class
4 Licence.

(2) Following receipt by the Authority of an application for the renewal of a Class 4 Licence, the Authority shall renew the Class 4 Licence for further periods not exceeding one year each if the Authority is satisfied that the Class 4 Licensee applying for renewal:

(a) has at all times during the preceding original or renewed term of the Class 4 Licence complied with:

(i) the provisions of the Act and of these regulations;

(ii) the terms and conditions of the Class 4 Licence; and

(iii) any directive issued by the Authority in terms of the Act or of these regulations and which are applicable to such Class 4 Licence; and

(b) satisfies the conditions mentioned in regulation 21.

(3) Applications for renewal of a Class 4 Licence shall be made in the form designated by the Authority and shall be submitted to the Authority at least sixty days prior to the expiration of the term of the existing Class 4 Licence. The application fee referred to in

regulation 19(1) shall not be required to be paid for renewal of a Class 4 Licence.

Grant and
Renewal of
Class 4 Licence.

21. (1) The Authority shall not grant or renew a Class 4 Licence applied for under these regulations unless the applicant:

(a) and any associated persons, are fit and proper persons;

(b) has adequate financial and technical means, the expertise and experience necessary to properly operate the central system;

(c) has, to the satisfaction of the Authority, disclosed to the Authority all financing and refinancing arrangements for the purchase or acquisition by any other title of the central system, and showed that the applicant has a valid ownership title to the said central system; and

(d) has made all the arrangements necessary to ensure that for the entire duration of the Class 4 Licence, all adequate security, safety, connectivity, service level and other standards as may be prescribed by the Authority will be complied with.

(2) In determining whether a Class 4 Licensee and any associated persons are fit and proper, the provisions of regulation 8(2) hereof shall apply *mutatis mutandis*.

Conditions of
Class 4 Licence.

22. In granting a Class 4 Licence, the Authority may subject such Class 4 Licence to such other terms, conditions or requirements as it may deem appropriate, and at any time following the grant of the Class 4 Licence, the Authority may from time to time vary or revoke any term, condition or requirement so imposed, or may impose new terms, conditions or requirements.

Obligations of a
Class 4
Licensee.

23. A Class 4 Licensee shall:

(a) locate all equipment forming part of the central system within a secure facility in conformity with regulation 24;

(b) at all times have access to all the equipment used as part of central system, as well as to all software and data installed on the said equipment;

(c) install, set up and maintain the central system in accordance with such requirements as may be prescribed by the Authority from time to time;

(d) cause the central system to reset upon its every update;

(e) keep the central system in proper functioning order at all times and provide a service level undertaking which is acceptable to the Authority;

(f) not modify, tamper with, re-programme or otherwise alter or allow or suffer any other person to modify, tamper with, re-programme or otherwise alter the functioning of, the central system;

(g) if and when required by the Authority, ensure that the central system is connected to the central monitoring system at all times; and

(h) provide to the Authority all reports, summaries, statements, invoicing and such other information as may be requested by the Authority.

24. (1) No Class 4 Licensee shall locate and maintain any equipment forming part of the central system in any premises unless such premises satisfy the criteria mentioned in sub-regulation (2) and are certified by the Authority as secure facilities.

(2) A secure facility shall:

(a) be bound by a protected perimeter wall;

(b) have a door access control system which records the flow of persons in and out of the area and which stores such date, time and the identification details of such persons for a period of three months;

(c) have closed circuit television cameras which are in operation twenty-four hours a day, every day of the week, and on which all equipment forming part of the central system is clearly visible;

(d) be manned at all times;

(e) if required by the Authority, have network monitoring equipment that can be accessed remotely by the inspectors either through the operation of the central monitoring system or by other means; and

(f) comply with any other technical specifications, standards and requirements as may be stipulated by the

Authority.

(3) Any footage recorded by the closed circuit television cameras referred to in sub-regulation (2) shall be maintained for a minimum period of sixty days and shall be accessible or provided to inspectors if and when required.

(4) A certificate of approval in respect of a secure facility shall remain valid until revoked by the Authority.

(5) The Authority shall at all times have the right to inspect the secure facility in order to determine whether or not to issue or whether or not to revoke the certificate of approval.

(6) Inspectors shall have the right to enter and observe operations within the secure facility at any time.

(7) The issuance of the certificate of approval may be made subject to conditions as may be deemed appropriate by the Authority.

PART VII

Approval of Relevant Gaming Devices

Approval and
registration of
relevant gaming
devices.

25. (1) No person shall carry out any of the activities listed in regulation 3(1)(b) and (c) unless and until the relevant gaming device in respect of which the aforesaid activities are carried out and, or associated equipment, has been approved and registered by the Authority following the submission by such person to the Authority of an application for that purpose.

(2) Applications made under sub-regulation (1) shall be made by a Class 2 Licensee or a Class 3 Licensee on such forms as may be prescribed by the Authority from time to time and shall be accompanied by the following:

(a) a certificate issued by a manufacturer and an independent testing lab accredited within a Member State of the European Union or a Member State of the European Economic Area or any other jurisdiction or territory approved by the Authority and recognised by the Authority as having the required accreditation to issue such certificate (hereinafter referred to as the "Testing Lab"), certifying compliance of the relevant gaming device with Community law and standards as may be applicable from time to time and in accordance with these regulations;

(b) a certificate issued by a Testing Lab certifying

compliance of the statistical randomness of the random number or symbol generator related to the relevant gaming device with Community law and standards as may be applicable from time to time and in accordance with these regulations;

(c) in the case where the certificate referred to in paragraph (a) does not cover the games provided through the relevant gaming device, a certificate issued by a Testing Lab certifying compliance of the game provided through the relevant gaming device with Community law and standards as applicable from time to time and in accordance with these regulations;

(d) evidence that any game to be provided through a relevant gaming device is an authorised game and that it complies with the provisions of the Act and these regulations;

(e) manuals, including software manuals, and any other documents issued by the manufacturer of the relevant gaming device containing:

(i) a full description of the relevant gaming device;

(ii) the theme of the games that can be played through the relevant gaming device;

(iii) instructions to be followed by users of the relevant gaming device; and

(iv) all the rules pertaining to the game provided through the relevant gaming device;

(f) the details of the approved premises where such relevant gaming device will be hosted;

(g) a statement of compliance with the terms of these regulations signed by the key official and the Class 2 Licensee or the Class 3 Licensee as the case may be;

(h) proof of the legal title of the applicant over the relevant gaming device;

(i) the serial number, type and specifications of the relevant gaming device and, or associated equipment in connection with which the activities listed in regulation 3(1)(b) and (c) shall be carried out by the Class 2 Licensee or Class 3 Licensee, as the case may be;

(j) if and when required by the Authority, a certificate confirming the compatibility of the relevant gaming device with the central monitoring system; and

(k) the non-refundable one-time approval fees for registration of the relevant gaming device as set out in the Third Schedule.

(3) Where an application submitted to the Authority pursuant to sub-regulation (2) is approved by the Authority, the Authority shall:

(a) register the relevant gaming device and the games provided through such relevant gaming device 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 relevant gaming device, which shall set out, *inter alia*:

(i) the registration number allocated by the Authority to the relevant gaming device;

(ii) the unique serial number of the manufacturer of the relevant gaming device;

(iii) the name of the manufacturer of the relevant gaming device;

(iv) the brand name of the relevant gaming device; and

(v) the model number of the relevant gaming device.

(4) The registration tag referred to in sub-regulation (3)(b) 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 such registration tag.

(5) In the event that the registration tag mentioned in sub-regulation (3)(b) is, for any reason, detached from the relevant gaming device or defaced or otherwise damaged, it shall be the duty of any person in whose name the relevant gaming device is registered to forthwith:

(a) notify the Authority and

(b) disconnect and render inoperable the relevant gaming device until an inspector or other official of the Authority has checked, certified and re-affixed such registration tag.

(6) The Authority shall maintain a register containing the records of the relevant gaming devices registered in accordance with this regulation.

(7) No game may be provided through a relevant gaming device unless such game is an authorised game and the Authority has been provided with the evidence necessary to show that such game is an authorised game as required in terms of sub-regulation (2)(d). In terms of article 5 of the Act, no other authorisation by the Authority shall be required if the game complies with the provisions of the Act and these regulations and is already authorised to be operated under any law enacted by a Member State of the European Union or a Member State of the European Economic Area or by any other jurisdiction or territory approved by the Authority.

(8) A Class 3 Licensee may apply in writing to the Authority on a form prescribed for that purpose, for the Authority to authorise a particular game to be provided through a relevant gaming device.

(9) The application form referred to in sub-regulation (8) shall be accompanied by the non-refundable, one-time application fee set out in the Third Schedule, together with such other information or documentation requested by the Authority, including *inter alia*, the proposed stake or range of stakes for each game to be provided through a relevant gaming device.

(10) Following the grant of the authorisation of a game in terms of sub-regulation (8), the Class 3 Licensee who makes available for use, hosts or operates the relevant gaming device through which such game is provided shall, in respect of each relevant gaming device through which such game is provided, pay to the Authority the annual fee set out in the Third Schedule. Such annual fee shall be payable by the Class 3 Licensee by not later than two weeks prior to the lapse of every calendar year following the date of the authorisation referred to in sub-regulation (8).

26. (1) A licensee in whose favour a relevant gaming device is registered shall not effect, or suffer to be effected, any changes to such relevant gaming device or the games provided through such relevant gaming device without obtaining prior 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

Changes to, or transfers of, relevant gaming devices.

replacement of, the existing registration tag.

(2) It shall be the duty of the licensee in whose favour a relevant gaming device is registered and of the administrators and key officials 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 25(2)(a) to (i).

(3) No licensee shall transfer or otherwise dispose of a relevant gaming device registered in his name until he obtains the prior approval of the Authority by submitting an application form prescribed by the Authority for that purpose.

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

(5) No person may destroy or otherwise permanently withdraw from operation a relevant gaming device which has been approved and registered by the Authority in terms of this Part VII until the Authority shall have removed the registration tag of the relevant gaming device and struck off the relevant gaming device from the register.

Conditions
related to
relevant gaming
devices.

27. Any person carrying out an activity referred to in regulation 3(1)(b) or (c) shall, at all times, ensure that any relevant gaming device used or involved in carrying out any such activity:

(a) is made available for use, hosted or operated in approved premises;

(b) has a registration certificate attached thereon;

(c) is functioning properly and, when that is not the case, is immediately shut down until certified by an inspector as having been repaired and made fit for operation;

(d) is not used to offer or play a game other than the approved games;

(e) is not modified, tampered with, re-programmed or otherwise altered, save with the approval of the Authority;

(f) in accordance with the way in which the machine is constructed, adapted or regulated, be designed to pay out on average a prize amounting to eighty five per centum (85%) or more of the money or money's worth inserted in the relevant gaming device:

Provided that a progressive or mystery jackpot shall not be taken into account for the purpose of calculating such average prize;

(g) as a result of, or in connection with, the use by any person of a relevant gaming device, does not offer, for each single game, 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, which is in excess of one thousand euro (€1,000.00):

Provided that in the case of a progressive or mystery jackpot, such maximum prize, reward or other benefit of a monetary value shall not exceed two thousand euro (€2,000.00);

(h) clearly indicates the limitation set out in paragraph (g);

(i) if and when required by the Authority, is at all times connected to the central monitoring system, either directly or through a central system which is itself connected to the central monitoring system; and

(j) restricts the maximum amount which can be committed by a player for a single game provided through the relevant gaming device (whether or not it is linked to other relevant gaming devices) to a maximum of five euro (€5.00).

28. A relevant gaming device which has been approved and registered by the Authority in terms of this Part VII shall provide the player with:

Further requirements applicable to relevant gaming devices.

(a) the name of the game provided through the relevant gaming device;

(b) the cost of a credit;

(c) the rules of the game provided through the relevant gaming device;

(d) warnings against excessive playing;

(e) game information, relating to:

(i) the odds of winning the game provided through the relevant gaming device;

(ii) the average winnings paid out to players of

the game provided through the relevant gaming device over a particular period of time or a particular number of plays; and

(iii) the maximum and minimum player spend rate for the game provided through the relevant gaming device; and

(f) player information, relating to:

(i) the duration of the player's session of play;

(ii) the amount, expressed in euro and cents, that the player has spent during the player's session of play; and

(iii) the player's net wins or net losses during the player's session of play.

Changes to
relevant gaming
devices.

29. (1) The Authority may require a licensee, a specific category of licensees or all licensees to upgrade, modify or replace a relevant gaming device and, or associated equipment so as to conform with any directive issued by the Authority from time to time. Without prejudice to the generality of the foregoing the Authority may at any time request a licensee, a specific category of licensees or all licensees to carry out such upgrades, modifications or replacements necessary to equip relevant gaming devices with a card reader system capable of carrying out debit or credit operations on the monetary contents recorded in a card and, or activating or deactivating the relevant gaming device.

(2) In the event that the Authority imposes any requirement referred to in sub-regulation (1) the relevant licensee or licensees shall bear the cost of upgrading, modifying or replacing the relevant gaming device or other associated equipment required to be so upgraded, modified or replaced so as to conform with the directives issued by the Authority.

PART VIII

Approval of Premises

Approval of
premises.

30. It shall not be lawful for a Class 3 Licensee to make available for use, host or operate any relevant gaming device in any premises unless such premises are approved by the Authority in accordance with this Part VIII and a certificate of approval in relation to those premises is issued by the Authority in the name of the Class 3 Licensee.

31. (1) A Class 3 Licensee shall, prior to the commencement of any of the activities specified in the Class 3 Licence, make an application in writing to the Authority for the approval of the premises within which such activities are proposed to take place.

Application for approval of premises.

(2) An application for the approval of premises under sub-regulation (1) shall be made by the Class 3 Licensee on such form as may be designated by the Authority from time to time and shall include:

(a) the details of the Class 3 Licensee applying for approval of the premises;

(b) a description of the nature, location and dimension of the premises;

(c) a plan to scale of the premises;

(d) diagrams that indicate clearly where the relevant gaming devices shall be located within the premises;

(e) the development permit issued by the Malta Environment and Planning Authority in respect of the premises; and

(f) any other documents that may be specified by the Authority in the application form mentioned in this sub-regulation.

(3) The granting by the Authority of its approval of premises under sub-regulation (1) shall, in all cases, be subject to the payment of a non-refundable, one-time approval fee as set forth in the Third Schedule, which fee shall be paid simultaneously with the filing of the application for approval mentioned in sub-regulation (2).

32. The Authority shall only approve premises that satisfy the following conditions:

Eligibility for approval.

(a) the premises are operated, managed or otherwise controlled by persons deemed by the Authority to satisfy the requirements of the fit and proper test set out in regulation 8;

(b) the premises have, as their sole and exclusive purpose, the offering of games provided through relevant gaming devices and, for the avoidance of doubt, the making available for use, hosting or operation of

amusement machines shall, in no case, take place in such premises;

(c) any and all access points to the premises are located at a radial distance of not less than seventy-five metres from the respective entry points at the perimeter of such places, locations, premises or establishments as may be determined by the Authority from time to time by means of directives;

(d) the premises have adequate restricted access controls in conformity with the provisions of regulation 33;

(e) the premises contain no more than one relevant gaming device per two square meters of the area in which the playing of games through relevant gaming devices is designed to take place:

Provided that in aggregate the premises shall not contain more than ten relevant gaming devices and provided further that in the case of relevant gaming devices designed or adapted in such a way as to allow more than one player to use such relevant gaming devices simultaneously, for the purposes of the limitations set out in this paragraph, the number of such relevant gaming devices shall be multiplied by the aggregate number of players who could use such relevant gaming devices simultaneously;

(f) the premises indicate on all access points, by means of an identification plate issued by the Authority, that such premises are approved premises;

(g) the premises are equipped with closed circuit television cameras which are in operation twenty-four hours a day, every day of the week, and on which all relevant gaming devices are clearly visible and footage recorded by such closed circuit television cameras is stored for a minimum of sixty days; and

(h) the premises comply with any other specifications, rules or policies established by the Authority in terms of article 78 of the Act.

Restricted
access control.

33. (1) The restricted access controls mentioned in this regulation shall be implemented at the access points of every approved premises.

(2) A Class 3 Licensee shall, at each approved premises for which he holds a certificate of approval issued in terms of regulation 30, keep a register of all persons entering and exiting such approved premises, including approved employees. Such register shall include the following information:

- (a) the name and surname of the person entering the approved premises;
- (b) identification card or passport number as shown on the identification card or passport presented by the entrant prior to entry;
- (c) in the case of approved employees, the number of the certificate of approval of the approved employee;
- (d) the date and time of that person's entry into the approved premises; and
- (e) such other information as may be required in terms of directives issued by the Authority from time to time.

(3) In order to discharge the obligations mentioned in sub-regulation (2), the Class 3 Licensee shall ensure that the approved premises include a reception area having at least one desk used solely for the reception and entrance control of persons entering the approved premises.

(4) The Class 3 Licensee shall ensure that a person shall not be allowed to enter any approved premises and, or make use of the relevant gaming devices if such person:

- (a) is under the age of eighteen years;
- (b) appears to be under the influence of alcohol or a drug or is acting in a disorderly manner;
- (c) is requested by an approved employee not to enter the approved premises on the ground that the person has previously contravened any codes of conduct issued by the Authority;
- (d) upon a request to do so by an approved employee, he fails to produce his valid identification card or passport;
- (e) has asked for an exclusion of his own admission, or an approved employee is aware that an exclusion or restriction is in force; or

(f) is included in the list of excluded persons provided by the Authority in terms of regulation 34.

Codes of Conduct in relation to restricted access controls.

34. (1) The Authority may from time to time issue codes of conduct applicable to Class 3 Licensees in relation to restricted access controls, including but not limited to the adoption of procedures for the collection and verification of records of persons excluded of their own accord or otherwise restricted from entering approved premises or participating in games provided through a relevant gaming device.

(2) The Authority shall, from time to time, make available to Class 3 Licensees a list of persons who are excluded, of their own accord or otherwise, from entering approved premises or participating in games provided through a relevant gaming device.

Change of particulars set out in an application.

35. Where, before an application for the approval of premises is determined, or while a certificate of approval of premises is in force, a change occurs in a matter set out in, or in any documents lodged in connection with, the application for such approval, the Class 3 Licensee shall, not later than thirty days after the change has occurred, give the Authority written particulars of that change.

Approval of an application.

36. (1) The Authority shall consider each application for the approval of premises and shall -

(a) approve the application; or

(b) refuse to approve the application.

(2) Where the Authority approves an application for the approval of premises, it may determine conditions to which the approval shall be subject.

(3) The Authority may refuse to approve an application for the approval of premises where -

(a) the application does not comply with any one of the requirements of regulation 32; or

(b) a requirement made under regulation 62 in relation to the application is not complied with.

(4) The Authority shall refuse to approve premises if the Class 3 Licensee fails to satisfy the Authority that the proposed premises are eligible for approval in accordance with regulation 32.

(5) Where the Authority refuses to approve an application for the approval of premises, the Authority shall, within a reasonable

time, notify such refusal in writing to the Class 3 Licensee specifying the reasons therefor.

(6) In considering an application for the approval of premises, the Authority may inquire into such matters relating to the application as it may deem necessary.

37. (1) Where the Authority approves an application for the approval of premises, the Authority shall issue to the Class 3 Licensee a certificate of approval in a form determined by the Authority.

Issue of certificate of approval of premises.

(2) The certificate of approval mentioned in sub-regulation (1) shall set out:

(a) the name of the Class 3 Licensee who shall be making available for use, hosting or operating relevant gaming devices within such premises; and

(b) any conditions determined by the Authority under regulation 36(2).

(3) The approval of premises under this regulation shall remain subject to the power of the Authority to add, vary or revoke any conditions relating to such approval during the currency of the same, provided that notice in writing thereof within a reasonable time is given to the Class 3 Licensee.

38. The certificate of approval of premises shall cease to have effect:

Duration of approval.

(a) upon cancellation or suspension of the certificate of approval in terms of regulation 40;

(b) upon surrender of the certificate of approval to the Authority;

(c) upon the expiration of one year from the issue of the certificate of approval, whereupon it may be renewed by the Authority in a form approved by the Authority for further periods of one year each;

(d) upon failure to pay the annual fee mentioned in regulation 39;

(e) upon termination, cancellation, suspension or non-renewal of the Class 3 Licence; and

(f) if the premises cease to be in compliance with these

regulations, or any specifications, rules or policies established by the Authority in terms of article 78 of the Act, or any conditions determined by the Authority under regulation 36(2).

Annual fee.

39. The Class 3 Licensee in whose name a certificate of approval of premises has been issued by the Authority shall pay an annual fee as set out in the Third Schedule. Such annual fee shall be payable by the Class 3 Licensee by not later than two weeks prior to the lapse of every calendar year following the date of issue of the certificate of approval.

Cancellation,
suspension of
certificate of
approval.

40. (1) The Authority may cancel or suspend a certificate of approval where:

(a) the certificate of approval was issued at a time when there were valid reasons for refusing its issue which were then unknown to the Authority;

(b) the holder of the certificate of approval is convicted of:

(i) an offence against the Act;

(ii) an offence that is to be taken to be related to an offence against the Act; or

(iii) an offence against any other law relating to gaming or betting;

(c) the holder of the certificate of approval is convicted of a criminal offence punishable with imprisonment;

(d) the holder of the certificate of approval contravenes a provision of the Act or of any regulations made thereunder;

(e) the holder of the certificate of approval contravenes a condition of the certificate of approval;

(f) the holder of the certificate of approval provides false or misleading information to the Authority;

(g) the holder of the certificate of approval is declared insolvent or has been declared bankrupt; or

(h) the holder of the certificate of approval is, for any other reason, a person not suitable to hold the certificate of approval.

(2) The holder of the certificate of approval shall give notice

in writing to the Authority of the occurrence of any of the grounds for the cancellation or suspension of the certificate of approval in terms of sub-regulation (1) immediately upon becoming aware of such occurrence. If the holder of the certificate of approval fails to give the said notice, such failure shall constitute a ground of cancellation of both the certificate of approval and the Class 3 Licence of the holder of such certificate of approval.

(3) Where the Authority is satisfied that a ground for cancellation or suspension of a certificate of approval has arisen under sub-regulation (1), the Authority shall, by notice in writing, request the holder of the certificate of approval to show cause, within such period, being not less than twenty-one days after the issue of the notice, as is specified in the notice, why the certificate of approval should not be cancelled or suspended on such ground or grounds as stated in the notice.

(4) The Authority shall have regard to any response made under sub-regulation (3) and:

(a) where the matter is resolved to its satisfaction, shall take no further action;

(b) where although the matter is not resolved to its satisfaction, it considers that further action is not required, it shall issue a written caution to the holder of the certificate of approval; and

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is required, it may by notice in writing served on the Class 3 Licensee:

(i) impose further conditions in the certificate of approval;

(ii) suspend the certificate of approval for such period as it thinks fit; or

(iii) cancel the certificate of approval.

(5) The Authority may at any time, by notice in writing given to the Class 3 Licensee, bring to an end or reduce the period of the suspension of the certificate of approval.

41. On receipt of notice of the suspension or cancellation of a certificate of approval of premises, the Class 3 Licensee shall cease to make available for use, host or operate any relevant gaming devices within the premises in respect of which such certificate of approval

Effect of
cancellation or
suspension.

had been issued.

PART IX

Approval of Employees

Approval of
employees.

42. It shall not be lawful for a Class 3 Licensee to employ or directly or indirectly engage any person, whether under a contract of service or otherwise, to provide a service related to gaming in an approved premises in relation to which the Class 3 Licensee holds a certificate of approval in terms of regulation 30, unless such person holds a certificate of approval issued by the Authority under regulation 43, and in this Part the terms "employee", "employ" and "employment" shall be construed accordingly:

Provided that for the purposes of this Part the term "employee" shall not include a Class 1 Licensee when carrying out the activities listed in regulation 3(1)(a) or a Class 2 Licensee when carrying out the activities listed in regulation 3(1)(b).

Application for
approval of
employees.

43. (1) Without prejudice to the provisions of regulation 48, the Class 3 Licensee shall, prior to the commencement of employment of an employee, make an application to the Authority in writing for the approval of such person's employment on such form as shall be designated by the Authority from time to time.

(2) The application for the approval referred to in sub-regulation (1) shall:

(a) set out the functions that the proposed employee is to perform;

(b) be accompanied by any documents that the application form may specify; and

(c) be signed by the Class 3 Licensee and the proposed employee.

(3) The granting of approval by the Authority shall, in all cases, be subject to the payment of a non-refundable one-time application fee as set forth in the Third Schedule and shall be paid simultaneously with the filing of the application for approval mentioned in sub-regulation (1).

Eligibility for
issue of
approval of
employee.

44. A person is not eligible for approval by the Authority as an employee if that person:

(a) is not a fit and proper person, and for this purpose

the provisions of regulation 8(2) shall apply *mutatis mutandis*;

(b) is under the age of eighteen years; and

(c) does not satisfy such other requirement as may be established in terms of directives issued by the Authority from time to time, including but not limited to the requirement to follow and successfully complete courses on ethics and good conduct relating to gaming.

45. (1) Where, before an application for the approval of an employee is determined, or while a certificate of approval of an employee is in force, a change occurs in a matter set out in, or in any documents lodged in connection with, the application for such approval, the Class 3 Licensee shall, not later than thirty days after the change has occurred, provide the Authority with written particulars of that change.

Change of
particulars set
out in
application.

(2) Where as a result of a change referred to in sub-regulation (1), 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 approval of an employee under these regulations, it would have precluded the grant of the approval, the Authority shall by notice inform the approved employee accordingly, and if such situation is not remedied to the satisfaction of the Authority within one month from the notice to that effect, the Authority may cancel or suspend the certificate of approval without complying with the provisions of regulation 51.

46. (1) The Authority shall consider each application for the approval of an employee and shall -

Approval of an
application.

(a) approve the application; or

(b) after amending, with the consent in writing of the Class 3 Licensee and the proposed employee, the functions of the proposed employee set out in the application, approve the application as so amended; or

(c) refuse to approve the application.

(2) Where the Authority approves an application for the approval of an employee, it may determine conditions to which the approval shall be subject.

(3) The Authority may refuse to approve an application for the approval of an employee where:

(a) the application does not comply with any one of the requirements of regulation 43; or

(b) a requirement made under regulation 62 in relation to the application is not complied with.

(4) The Authority shall refuse to approve a proposed employee if the Authority is not satisfied that the proposed employee is eligible for approval in accordance with regulation 44.

(5) Where the Authority refuses to approve an application for the approval of an employee, the Authority shall, within a reasonable time, notify such refusal in writing to the Class 3 Licensee specifying the reasons therefor.

(6) In considering an application for the approval of an employee, the Authority may inquire into such matters relating to the application as it may deem necessary.

Issue of
certificate of
approval of an
employee.

47. (1) Where the Authority approves an application for the approval of an employee, the Authority shall issue to the proposed employee a certificate of approval in a form approved by the Authority.

(2) A certificate of approval of an employee shall set out:

(a) the functions that the approved employee may perform in relation to gaming;

(b) the name of the Class 3 Licensee for whom the approved employee is approved to provide services as set out in regulation 42; and

(c) any conditions determined by the Authority under regulation 46(2).

(3) The approval of an employee under this regulation shall remain subject to the power of the Authority to add, vary or revoke any conditions relating to such approval during the currency of the same, provided that notice in writing thereof within a reasonable time is given to the approved employee and to the Class 3 Licensee.

Provisional
approval.

48. (1) Where a Class 3 Licensee has submitted an application for the approval of an employee, the Authority may, pending the issue of a certificate of approval, issue a provisional certificate of approval of an employee to the proposed employee in a form approved by the Authority and under such terms and conditions as the Authority may deem necessary.

(2) A provisional certificate of approval of an employee shall cease to have effect in any one of the following circumstances, whichever is the earlier:

(a) upon cancellation by the Authority by notice in writing given to the holder of the provisional certificate of approval and to the Class 3 Licensee;

(b) upon issue of a certificate of approval of an employee to the holder of the provisional certificate of approval;

(c) upon surrender of the provisional certificate of approval to the Authority;

(d) upon the expiration of three months from the issue of the provisional certificate of approval;

(e) upon the termination, suspension, cancellation or non-renewal of the Class 3 Licence held by the Class 3 Licensee for whom the provisionally approved employee is provisionally approved to provide services as set out in regulation 42(1);

(f) upon termination of employment with the Class 3 Licensee indicated in the provisional certificate of approval; or

(g) upon the death of the holder of the provisional certificate of approval.

49. A certificate of approval of an employee, other than a provisional certificate of approval as mentioned in regulation 48, shall cease to have effect:

Duration of certificate of approval.

(a) upon cancellation or suspension of the certificate of approval;

(b) upon surrender of the certificate of approval to the Authority;

(c) upon the expiration of one year from the issue of the certificate of approval, whereupon it may be renewed by the Authority in a form approved by the Authority for further periods of one year each;

(d) upon the termination, suspension, cancellation or non-renewal of the Class 3 Licence held by the Class 3 Licensee for whom the approved employee is approved to provide services as set out in regulation 42;

(e) upon termination of the employment with the Class 3 Licensee indicated in the certificate of approval; or

(f) upon the death of the holder of the certificate of approval.

Variation of
certificate of
approval.

50. (1) The functions that an approved employee may perform may not be varied unless the Class 3 Licensee indicated in the certificate of approval of the employee applies to the Authority in a form approved by the Authority for a variation of the functions that the approved employee may perform, and the Authority approves such application.

(2) Where the Authority proposes to approve an application under sub-regulation (1), the Authority:

(a) shall notify the Class 3 Licensee and the approved employee by notice in writing of the variation that the Authority proposes to make in relation to the certificate of approval of the employee;

(b) shall request the approved employee to forward such certificate of approval to the Authority for alteration; and

(c) on receipt of such certificate of approval, shall alter it in accordance with that proposal.

Cancellation or
suspension of
certificate of
approval.

51. (1) A ground for cancellation or suspension of a certificate of approval of an employee arises where:

(a) the certificate of approval was issued at a time when there were valid reasons for refusing its issue which were then unknown to the Authority;

(b) the holder of the certificate of approval is convicted of:

(i) an offence against the Act;

(ii) an offence that is related to an offence against the Act; or

(iii) an offence against any other law relating to gaming or betting;

(c) the holder of the certificate of approval is convicted of a criminal offence punishable with imprisonment;

(d) the holder of the certificate of approval contravenes

a provision of the Act or of any regulations made thereunder;

(e) the holder of the certificate of approval contravenes a condition of such certificate of approval;

(f) the holder of the certificate of approval provides to the Authority false or misleading information;

(g) the holder of the certificate of approval is declared bankrupt, or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors;

(h) the holder of the certificate of approval is, for any other reason, a person not suitable to hold such certificate of approval; or

(i) the holder of the certificate of approval no longer fulfils the eligibility criteria mentioned in regulation 44:

Provided that the Authority may dispense with the condition under paragraphs (c) and (g).

(2) The Class 3 Licensee indicated in the certificate of approval of an employee shall give notice in writing to the Authority of the occurrence of any of the grounds for the cancellation or suspension of the certificate of approval in terms of sub-regulation (1) immediately upon the Class 3 Licensee becoming aware of such occurrence. If the Class 3 Licensee fails to give the said notice, such failure shall constitute a ground of cancellation of both such certificate of approval and the Class 3 Licence held by the Class 3 Licensee.

(3) Where the Authority is satisfied that a ground for cancellation or suspension of a certificate of approval of an employee has arisen under sub-regulation (1), the Authority shall, by notice in writing, request the holder of such certificate of approval to show cause, within such period, being not less than twenty-one days after the issue of the notice, as is specified in the notice, why the certificate of approval should not be cancelled or suspended on such ground or grounds as stated in the notice.

(4) The Authority shall have regard to any response made under sub-regulation (3) and:

(a) where the matter is resolved to its satisfaction, shall take no further action;

(b) where although the matter is not resolved to its

satisfaction, it considers that further action is not required, it shall issue a written caution to the holder of the certificate of approval; and

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is required, it may by notice in writing served on the Class 3 Licensee and the holder of the certificate of approval:

(i) vary the functions that the holder of the certificate of approval may perform;

(ii) impose further conditions in the certificate of approval;

(iii) suspend the certificate of approval for such period as it thinks fit; or

(iv) cancel the certificate of approval.

(5) Where a variation of functions or a condition imposed by the Authority under sub-regulation (4)(c) is not complied with within the time specified in the notice, the Authority shall cancel or suspend the certificate of approval.

(6) The Authority may at any time by notice in writing given to the Class 3 Licensee and to a person who was the holder of a certificate of approval at the time of the suspension of such certificate of approval, bring to an end or reduce the period of the suspension of such certificate of approval.

Effect of
cancellation or
suspension.

52. The Class 3 Licensee shall, on receipt of notice of the suspension or cancellation of a certificate of approval of an employee of such Class 3 Licensee, cease to permit the person who was the holder of such certificate of approval to perform functions of the kind specified in such certificate of approval.

PART X

General

Revocable
privilege.

53. The granting of any licence, certificate of approval or other authorisation by the Authority in terms of these regulations (in this Part collectively referred to as an "Authorisation") is a revocable privilege and no holder thereof shall be deemed to have acquired any vested rights therein or thereunder.

54. (1) An Authorisation may not be directly or indirectly assigned or transferred in any way whatsoever to any other person without the prior written approval of the Authority.

Assignment or transfer prohibited.

(2) Any such assignment or transfer to any other person without the Authority's consent shall be considered null and void, shall constitute sufficient grounds for the Authority to suspend or cancel that Authorisation and shall constitute an offence against these regulations.

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

55. (1) It shall be the duty of a holder of an Authorisation, the administrators and the key official to notify the Authority of any material change in the holder's circumstances and of any other circumstance that may be reasonably expected to affect the abilities of the holder of the Authorisation to comply with the Act, these regulations and the Authorisation.

Notification of material changes.

(2) A change in any of the information provided in the application for an Authorisation in terms of these regulations and, or in any Authorisation condition shall be deemed to be a material change in the circumstances of the holder of the Authorisation.

(3) Where as a result of a change referred to in sub-regulation (1), whether such change has been notified to the Authority or otherwise, a situation is brought about that, had it existed at the time of the application for an Authorisation under these regulations, it would have precluded the grant of the Authorisation, the Authority shall by notice inform the holder of the Authorisation accordingly, and if such situation is not remedied to the satisfaction of the Authority within one month from the date of issue of a notice to that effect, the Authority may revoke or suspend the Authorisation without complying with the provisions of regulation 59:

Provided that the Authority shall not issue a notice as aforesaid any later than three months after becoming aware of the change referred to in sub-regulation (1).

56. (1) Every holder of an Authorisation, associated person and approved employee shall, at all times, adhere to the provisions of the Act, these regulations, every Authority's directive applicable to them and all conditions of the Authorisation.

Procedures, internal controls, approval requirements.

(2) Every holder of an Authorisation shall carry out the activities specified in the Authorisation issued thereto 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 be deemed to be a condition of the Authorisation, whether or not expressly included therein.

(3) Every licensee shall maintain all accounting and technical records, and shall forward same to the Authority, in such a form, detail and with 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.

(4) Every holder of an Authorisation shall promptly report to the Authority any fact or circumstance relating to the operation of relevant gaming devices that he reasonably suspects of constituting an offence under these regulations or the Act.

(5) The granting by the Authority of an 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 in force from time to time.

Codes of
conduct.

57. The Authority may issue codes of conduct regulating the conduct and operations of the holders of an Authorisation.

Doubt as to
requirement of
licence.

58. In the event of reasonable doubt as to whether an Authorisation is required in terms of these regulations, the matter shall be conclusively determined by the Authority.

Suspension or
cancellation of a
licence.

59. (1) The Authority may revoke or suspend a licence granted in terms of these regulations on any of the following grounds:

(a) the licensee or any associated person, as the case may be, is convicted of an offence against the Act, or of theft, receiving stolen property, fraud or any crime affecting public trust;

(b) the licensee contravenes any provision of the Act or these regulations, or is in breach of any condition of the licence or of any directive issued by the Authority in terms of the Act or regulations;

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

(d) the licensee fails to fulfil his financial commitments

to the Authority when these become due and payable, or otherwise fails to pay any fees or taxes due under the Act or these regulations;

(e) the licensee is in the process of being wound up or otherwise dissolved;

(f) the licensee or an associated person carried out an act requiring approval of the Authority without having obtained such approval or in a manner which is not in accordance with such approval;

(g) the Authority is reasonably satisfied that the licensee is not, or has ceased to be, a person suitable to hold the licence.

(2) Where a ground for revocation, suspension or non-renewal of a licence arises under these regulations, the Authority shall, by means of a reasoned notice in writing, request the licensee to show cause, within such period being not less than twenty-one days after the issue of the notice as specified in the same notice, why the licence should not be revoked, suspended or renewed on such ground as is stated in the notice:

Provided that where the Authority deems that it is in the interest of the public to suspend the operations of the licensee with immediate effect, the Authority shall have the right to impose such condition with immediate effect as a precautionary measure, prior to the lapse of the aforementioned twenty-one day period.

(3) The Authority shall have regard to any response made under sub-regulation (2) 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 required, it shall issue a written caution to the licensee; or

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is required, it may by notice in writing:

(i) 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.

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

(5) The Authority shall, in the case of any action taken in terms of sub-regulation (3)(b) and (c), provide the licensee with reasons for its decision.

(6) 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 or expiration.

(7) The liability of the licensee to pay any fee shall continue during any period in which the licence is suspended.

Key official.

60. (1) A licensee shall appoint at least one individual, residing in a Member State of the European Union or a Member State of the European Economic Area or any other jurisdiction or territory approved by the Authority, as key official, and until such appointment is approved by the Authority, the licensee shall not be allowed to carry out any activity in respect of which the licence was granted.

(2) The key official shall be personally responsible to supervise the carrying out of the activities specified in the licence and ensure that the said activities are in compliance with the applicable laws and regulations, conditions of the licence and any directives issued by the Authority.

(3) The key official shall:

(a) have sufficient and adequate resources for the proper discharge of his duties as key official;

(b) be an administrator of the licensee who the Authority reasonably believes to have a significant influence in the management of the operations and activities of the licensee; and

(c) at all times be readily available to respond to requests made by the Authority in connection with the activities and operations of the licensee.

(4) An application for the approval of a key official shall be made to the Authority in writing, on such form as may be designated

for such purpose by the Authority from time to time.

(5) The Authority shall not approve the appointment of a key official unless it is satisfied that such individual is fit and proper to fulfil his obligations and discharge his duties taking into account, *inter alia*, the matters referred to in sub-regulation (3). The Authority shall undertake any investigations which the Authority considers necessary to determine whether the key official is eligible and suitable to act as key official.

(6) In undertaking its investigations in terms of sub-regulation (5), the Authority may:

(a) require the key official and the licensee in respect of which the key official has been appointed to provide further information relating to the application;

(b) require the key official to undergo an independent investigation into his financial position and credit history; and

(c) refer to the Commissioner of Police a copy of the application and any further information provided by the key official or the licensee.

(7) The Authority shall cancel the key official approval if such key official fails to satisfy the requirements mentioned in sub-regulation (3).

(8) The Authority may cancel the approval of a key official if such key official:

(a) is convicted in any country or territory of an offence punishable with imprisonment;

(b) is found guilty of an offence against the Act or regulations made thereunder; or

(c) fails to satisfy any condition required to be fulfilled by a key official in terms of these regulations.

(9) A key official approval shall no longer remain valid if:

(a) it is cancelled by the Authority;

(b) the key official tenders his resignation and notifies the Authority thereof;

(c) the appointment of the key official is terminated by

the licensee appointing him; or

(d) the key official notifies the Authority thereof together with details of the reasons for his removal.

Consent of
Authority before
certain acts.

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

(a) acquire a qualifying holding in a licensee;

(b) increase an existing holding which is not a qualifying holding so as to cause it to become a qualifying holding in a licensee;

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

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

(e) reduce an existing qualifying holding in a licensee so as to cause it to cease to be a qualifying holding; or

(f) divest himself of a qualifying holding in a licensee.

(2) It shall be the duty of the licensee and the key official to notify the Authority forthwith upon, and in any case not later than seven days after, 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 three months 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).

62. The Authority may, by notice in writing, require a holder of an Authorisation:

Requirement for further information.

(a) to provide, in accordance with the directions set out in the notice, such information specified therein;

(b) to produce, in accordance with directions set out in the notice, such records specified in the notice;

(c) to permit examination of records, the taking of extracts from records and the making of copies of records; or

(d) to authorise a person specified in the notice to comply with a requirement of a kind referred to in paragraphs (a), (b) or (c).

63. It shall be unlawful for an employee, as defined in Part IX, or for an administrator of a Class 3 Licensee, to participate in the playing of a game provided through a relevant gaming device registered in the name of the said Class 3 Licensee.

Prohibition on employees or administrators from playing a game through a relevant gaming device.

PART XI

Provision of Money for Gaming

64. It shall not be lawful for a licensee or any person acting on behalf of the licensee or under any arrangement with the licensee, to make any loan to, or otherwise provide to or allow any financial credit to, or release or discharge on another person's behalf the whole or part of any debt -

Provision of money for use of relevant gaming devices prohibited.

(a) to enable a person to play games provided through relevant gaming devices, and, or

(b) in respect of any losses incurred by any person in playing games provided through relevant gaming devices.

PART XII

Advertising

65. No advertising of any of the activities listed in regulation 3(1) shall be allowed where such advertising is in contravention of

Limits of advertising.

the code of conduct on advertising, promotions and inducements issued by the Authority. Compliance with such code shall be deemed to be a condition of a licence.

PART XIII

Central Monitoring System

Central Monitoring System to be operated by the Authority.

66. (1) The Authority may, at any time, require a licensee, a specific category of licensees or all licensees to connect the relevant gaming devices and, or the central systems registered in their name to a central monitoring system operated by the Authority, and to maintain such connection at all times.

(2) In the event that the Authority imposes the requirement referred to in sub-regulation (1) the Authority may, at any time, require a licensee, a specific category of licensees or all licensees to upgrade, modify or replace relevant gaming devices and, or associated equipment to ensure their compatibility with the central monitoring system operated by the Authority in accordance with such technical specifications as may be specified in directives issued by the Authority from time to time.

(3) In the event that the Authority imposes the requirements referred to in this regulation, the licensee shall bear the costs of upgrading modifying or replacing the relevant gaming devices and, or associated equipment.

Functions of Authority through central monitoring system.

67. (1) The Authority may use a central monitoring system for:

(a) monitoring and receiving information about, *inter alia*:

(i) the funds used to play a game provided through a relevant gaming device and the destination of those funds;

(ii) the gross proceeds generated from each relevant gaming device;

(iii) the number and location of relevant gaming devices connected to the central monitoring system;

(iv) faults with relevant gaming devices;

(v) tampering with relevant gaming devices; and

(vi) suspected contraventions of the Act or these regulations;

(b) controlling relevant gaming devices directly or through a central system to which the relevant gaming devices may be connected;

(c) disabling or enabling relevant gaming devices directly or through a central system to which the relevant gaming devices may be connected;

(d) such other purposes as may be specified in directives issued by the Authority from time to time.

(2) Any statistical information that is collected by the Authority in terms of sub-regulation (1)(a) may be made available on the Authority's website, or in another electronic form that is easily accessible to the public.

(3) If a fault in the central monitoring system or in the telecommunications system used to operate the central monitoring system causes relevant gaming devices or central systems not to operate, the Authority shall not be liable for any compensation to any person for loss or damage caused by the failure to operate of the relevant gaming devices and, or central systems.

PART XIV

Offences and Penalties

68. (1) Any person who knowingly contravenes or fails to comply with any of the provisions of these regulations shall be guilty of an offence and shall on conviction, unless the offence is subject to a greater punishment under a provision of the Act or of any other law, be liable to a fine (*multa*) of not less than three thousand euro (€3,000) but not exceeding two hundred and thirty-five thousand euro (€235,000) in respect of every contravention of, or failure to comply with, the provisions of these regulations, and, or the seizure, removal, confiscation, destruction or disabling of relevant gaming devices, central system, associated equipment or any equipment or software related or connected thereto. Offences

(2) In addition and without prejudice to any liability of an employee or other person, where any thing is done or omitted to be done by a body of persons, the provisions of this Part shall apply as if such thing were done or omitted to be done by every administrator or key official of that body of persons:

Provided that a key official or an administrator shall not be guilty of an offence in virtue of this sub-regulation if he proves that he was unaware and could not with reasonable diligence have been aware of such act or omission and that he did everything within his power to prevent that act or omission.

(3) Where anything is done or omitted to be done by an employee in the course of his employment, or by any person acting on behalf of a licensee, whether such other person is an employee or not, the provisions of this Part shall apply as if such thing were done or omitted to be done by both:

- (a) the said employee or other person; and
- (b) the employer or licensee:

Provided that such an employer or licensee shall not be guilty of an offence by virtue of this sub-regulation if he proves that he was unaware and could not with reasonable diligence have been aware of such an act or omission and that he did everything within his power to prevent that act or omission.

Administrative
fines.

69. 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.

Powers of
inspectors.

70. (1) Without prejudice to anything contained in articles 18, 19 and 20 of the Act, an inspector shall for the purpose of ascertaining that these regulations and that all the conditions of a licence, certificate of approval or other authorisation issued by the Authority under these regulations are being complied with, and that the full amount of fees, taxes or any other sums payable under the Act or under these regulations are being paid, also have the following powers:

- (a) to inspect and examine a relevant gaming device or a component of a relevant gaming device, associated equipment and, or a central system;
- (b) to play a game or games on a relevant gaming device for the purpose of confirming that the relevant gaming device is in compliance with the provisions of these regulations;
- (c) to remove a relevant gaming device or part thereof, any associated equipment, a central system or components thereof to another place or premises approved and designated by the Authority, for the purpose of an inspection or examination to

ensure that it complies with the provisions of these regulations and the Act;

(d) to inspect any premises, whether approved in terms of these regulations or not, where relevant gaming devices are kept, stored, hosted, operated, made available for use or displayed and, or offered to the public;

(e) to inspect any premises, whether approved in terms of these regulations or not, where a central system is kept, stored, hosted, operated, made available for use or displayed;

(f) to request information or the production for inspection of any document or any other thing for the purposes of an inspection;

(g) to remove any document or any other thing produced as a result of a request under paragraph (f) or discovered during an inspection conducted for the purpose of examining the document or other thing or making copies or taking extracts.

(2) An inspector removing a relevant gaming device, a component of a relevant gaming device, associated equipment, a central system, document or other thing from an approved premises or other place under sub-regulation (1) shall first provide a receipt for it to the person who owns or is in charge of the premises or place and, subject to sub-regulation (3), shall promptly return the relevant gaming device, component of the relevant gaming device, associated equipment, central system, document or other thing to the premises or other place after completion of the inspection, examination, making of copies or taking of extracts, as the case may be.

(3) An inspector may detain for the purposes of evidence any relevant gaming device, associated equipment, central system or component thereof, document or other thing that the inspector discovers while acting under this regulation and believes, on reasonable and probable grounds, may afford evidence of a violation of or a non-compliance with anything contained in these regulations:

Provided that copies of, or extracts from, documents or other things removed from an approved premises or other place under this regulation and certified by an official of the Authority making the copies or taking the extracts as being true copies of, or extracts from, the originals are admissible in evidence to the same extent as, and have the same probatory value as, the documents or things of which they are copies or from which they are extracts.

(4) An inspector may, without prior notice, disable or seal a relevant gaming device, associated equipment and, or a central system, if the inspector has reasonable grounds to believe that the relevant gaming device, the associated equipment or the central system is faulty or has been modified, tampered with, re-programmed or otherwise altered without the approval of the Authority and, or does not comply with these regulations and, or the minimum standards established by the Authority from time to time:

Provided that the Authority shall enable or unseal the relevant gaming device, the associated equipment or the central system if the Authority has reasonable grounds to believe that the reasons for its disablement or sealing have been remedied to the satisfaction of the Authority.

(5) A disablement or subsequent enablement of a relevant gaming device or central system may be effected through the central monitoring system or through any other means.

Conduct during inspections.

71. (1) The person who owns or is in charge of any place or premises entered into by an inspector, and any employee or agent of such person, shall give all necessary assistance to the inspector to enable the inspector to exercise the powers given under articles 18 and 19 of the Act and these regulations, and shall furnish the inspector with such relevant gaming device, component of a relevant gaming device, central system, associated equipment, information or other thing as the inspector may reasonably request.

(2) It shall be unlawful for any person to hinder, obstruct or otherwise interfere with, or knowingly make a false or misleading statement either orally or in writing to, or provide or produce a false document or other thing to, an inspector who is carrying out his or her duties and functions under this regulation.

Exclusions.
Cap. 400.

72. (1) Notwithstanding any provision in these regulations, and without prejudice to the provisions of the Gaming Act or a casino licence issued in terms thereof, these regulations shall not apply to a person that makes available for use, hosts or operates any relevant gaming device in a casino complex in which the business of casino gaming is allowed to be operated in terms of a casino licence granted to that person under the Gaming Act.

(2) For the purpose of these regulations and article 7(1) of the Act, a personal computer or a domestic computer shall not, by reason only of the fact that it can be used to participate in any form of gaming by means of distance communications, be deemed to be a relevant gaming device:

Provided that in case of doubt as to whether a device is a personal computer, a domestic computer or a relevant gaming device, the Authority shall have the power to conclusively determine the matter after taking into account:

- (a) the location of the device;
 - (b) the purposes for which the device is being used;
 - (c) the software installed on the device; and
 - (d) any other matter which the Authority considers relevant in the circumstances.
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FIRST SCHEDULE

Regulation 3

Licences

CLASSES OF LICENCES

1. A Class 1 Licence shall cover the manufacture, assembly, repairing or servicing of relevant gaming devices.
 2. A Class 2 Licence shall cover the placing on the market, distribution, supply, sale, lease or transfer of relevant gaming devices.
 3. A Class 3 Licence shall cover the making available for use, hosting or operation of relevant gaming devices, but not the operation of a central system.
 4. A Class 4 Licence shall cover the operation of a central system.
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SECOND SCHEDULE

Regulation 5

Application Documents and Information

1. Class 1 Licence Application
 - a. Personal Declaration Form in such form as may be required by the Authority, for each associated person;
 - b. Police Conduct Certificate updated to within fifteen (15) days of the date of filing of the application, for each associated person;
 - c. Copy (certified by a notary public or advocate) of birth certificate, and passport or valid identification card, for each associated person;
 - d. Bank Reference for each associated person, in such form as may be required by the Authority;
 - e. Two passport-sized photos for each associated person;
 - f. Any agreements, pre-agreements or drafts thereof entered into or under negotiation (as the case may be) between the applicant and: a Class 1 Licensee; any other person applying for a license to manufacture, assemble,

repair or service relevant gaming devices; a Class 2 Licensee; any person applying for a license to place on the market, distribute, supply, sell, lease or transfer relevant gaming devices; a Class 3 Licensee; or any person applying for a license to make available for use, host or operate relevant gaming devices;

g. Detailed information on the manner in which the applicant intends to ensure the proper conduct of its business, including the procedures to be adopted in order to ensure the timely repair and maintenance of the relevant gaming devices as and when necessary;

h. Where applicable, the relevant certificates and qualifications of the applicant relating to the activities to be conducted under the Class 1 Licence; and

i. Any other information or document required by the Authority.

2. Class 2 Licence Application

a. Personal Declaration Form in such form as may be required by the Authority, for each associated person;

b. Police Conduct Certificate updated to within thirty (30) days of the date of filing of the application, for each associated person;

c. Copy (certified by a notary public or advocate) of birth certificate, and passport or valid identification card, for each associated person;

d. Bank Reference for each associated person, in such form as may be required by the Authority;

e. Two passport-sized photos for each associated person;

f. A list of licensed manufacturers of relevant gaming devices or manufacturers of relevant gaming devices who have applied for a Class 1 Licence, as the case may be, whose relevant gaming devices the applicant intends to place on the market, distribute, supply, sell, grant on lease or transfer;

g. Any agreements, pre-agreements or drafts thereof entered into or under negotiation (as the case may be) between the applicant and: a Class 1 Licensee; any person applying for a license to manufacture, assemble, repair or service relevant gaming devices; a Class 2 Licensee; any other person applying for a license to place on the market, distribute, supply, sell, lease or transfer relevant gaming devices; a Class 3 Licensee; or any person applying for a license to make available for use, host or operate relevant gaming devices;

h. Detailed information on the manner in which the applicant intends to ensure the proper conduct of its business, including the procedures to be adopted in order to ensure the timely repair and maintenance of the relevant gaming devices as and when necessary; and

i. Any other information or document required by the Authority.

3. Class 3 Licence Application

a. Personal Declaration Form in such form as may be required by the Authority, for each associated person;

b. Police Conduct Certificate updated to within fifteen (15) days of the date of filing of the application, for each associated person;

c. Copy (certified by a notary public or advocate) of birth certificate, and passport or valid identification card, for each associated person;

d. Bank Reference for each associated person, in such form as may be required by the Authority;

e. Two passport-sized photos for each associated person;

f. Detailed information on the manner in which the applicant intends to ensure the proper conduct of its business, including the procedures to be adopted in order to ensure the timely repair and maintenance of the relevant gaming devices as and when necessary;

g. The number of relevant gaming devices that the applicant intends to make available for use, host or operate in terms of the licence, which in no case shall exceed ten (10) relevant gaming devices per approved premises;

h. Where applicable, a description of the specifications and location of the central system to which all relevant gaming devices made available for use, hosted or operated under the licence will be connected;

i. The dates and, or days of the week, and the times during such dates or days, on or during which games provided through a relevant gaming device may be played, and vouchers or tokens issued by relevant gaming devices may be exchanged or redeemed, in approved premises;

j. The number, types and descriptions of games provided through a relevant gaming device which the applicant intends to make available for use, host or operate through the relevant gaming devices in terms of the licence, including the proposed range of payout percentages, the win determination process and the elements of the games provided through a relevant gaming device;

k. The rules and regulations regarding the procedures for making use of relevant gaming devices and playing the games provided through relevant gaming devices;

l. The procedures for printing, validation and authentication of vouchers or tokens issued by relevant gaming devices;

m. The procedures for the exchange or redemption of vouchers or tokens issued by relevant gaming devices, for prizes;

n. The proposed prizes to be awarded to players by way of redemption or exchange of vouchers or tokens issued by approved relevant gaming devices;

o. Where applicable, the proposed procedures for registering and recording on the central system all gaming and other processes taking place on or carried out through the relevant gaming devices;

p. Any agreements, pre-agreements or drafts thereof entered into or under negotiation (as the case may be) between the applicant and: a Class 1 Licensee; any person applying for a license to manufacture, assemble, repair or service relevant gaming devices; a Class 2 Licensee; any person applying for a license to place on the market, distribute, supply, sell, lease or transfer relevant gaming devices; a Class 3 Licensee; any other person applying for a license to make available for use, host or operate relevant gaming devices; or any other person directly or indirectly related to the making available for use, hosting or operation of the relevant gaming devices or to the approved premises;

q. The proposed system of reporting of payouts effected by each relevant gaming device, on a monthly basis and, or upon inspection by an inspector;

r. The proposed policies, procedures and measures to ensure the compliance of the relevant gaming devices and games provided through such relevant gaming devices with the Act, these regulations and the licence;

s. A declaration by a person in possession of a warrant to practice as an Architect & Civil Engineer that the proposed premises are compliant with these regulations and any relevant policy issued by the Authority; and

t. Any other information or document required by the Authority.

4. Class 4 Licence Application

a. Personal Declaration Form in such form as may be required by the Authority, for each associated person;

- b. Police Conduct Certificate updated to within fifteen (15) days of the date of filing of the application, for each associated person;
- c. Copy (certified by a notary public or advocate) of birth certificate, and passport or valid identification card, for each associated person;
- d. Bank Reference for each associated person, in such form as may be required by the Authority;
- e. Two passport-sized photos for each associated person;
- f. Detailed information on the manner in which the applicant intends to ensure the proper conduct of its business, including the procedures adopted to ensure the timely repair and maintenance of the central system as and when necessary;
- g. A technical description of the central system specifications as may be required by the Authority;
- h. Details of the proposed location of the central system in Malta and the standards maintained therein;
- i. A detailed operational manual outlining the application architecture, the system architecture, the software developer, security and control procedures, back-up and disaster recovery procedures;
- j. A description of the relevant gaming devices that are proposed to be connected to the central system;
- k. A list of the Class 3 Licensees in whose name the relevant gaming devices proposed to be connected to the central system are approved and registered;
- l. Agreements with any person carrying out an activity referred to in regulation 3(1) with respect to that activity;
- m. A detailed description of the proposed accounting procedures and procedures for registering and recording on the central system all gaming and other processes taking place on or carried out through the relevant gaming devices;
- n. The proposed policies, procedures and measures to ensure the compliance of the central system with the Act, these regulations and the licence; and
- o. Any other information or document required by the Authority.

THIRD SCHEDULE

| Description of Licence or Authorisation | One-time non-refundable application fee | Licence Fee | Placement Tax | One Time Approval Fee |
|---|---|--|---|--|
| | <i>Regulation 6(1)</i> | <i>Regulation 6(4)</i> | | |
| Class 1 Licence | € 2,000 | € 2,000 per annum | nil | nil |
| | <i>Regulation 6(1)</i> | <i>Regulation 6(4)</i> | | |
| Class 2 Licence | € 2,000 | € 2,000 per annum | nil | nil |
| | <i>Regulation 12(1)</i> | <i>Regulation 12(4)</i> | <i>Regulation 12(4)</i> | |
| Class 3 Licence | € 500 | € 125 per relevant gaming device per month | Higher of: - €400 per relevant gaming device per month; or - 20% of the monthly gross revenue generated by every relevant gaming device | nil |
| | <i>Regulation 19(1)</i> | | | |
| Class 4 Licence | € 2,000 | nil | nil | nil |
| | | | | <i>Regulation 25(2)(k)</i> |
| Approval of relevant gaming devices | nil | nil | nil | € 175 per relevant gaming device |
| | <i>Regulation 25(9)</i> | <i>Regulation 25(10)</i> | | |
| Approval of games | N/A | €100 per annum per relevant gaming device through which the game is provided | nil | €500 per game, if not licensed and, or approved in the EU or the EEA |
| | | <i>Regulation 39</i> | | <i>Regulation 31(3)</i> |
| Approval of premises | N/A | €500 per premises per annum | N/A | €2,500 per premises |
| | | | | <i>Regulation 43(3)</i> |
| Approval of employees | N/A | N/A | N/A | €25 per employee |

FOURTH SCHEDULE

Exempt Relevant Gaming Devices

1. A National Lottery Relevant Gaming Device, specifically exempt by the Authority.
 2. Coin-operate claw crane vending machine.
 3. Totalisator authorised under the Racecourse Betting Ordinance (Cap. 78 of the Laws of Malta) and any other relevant gaming device used in conjunction with such Totalisator, specifically exempt by the Authority.
 4. Relevant gaming devices approved under the Commercial Bingo (Tombola) Regulations (S.L. 438.05), specifically exempt by the Authority.
 5. Remote gaming equipment approved or authorised by the Authority in terms of the Remote Gaming Regulations (S.L. 438.04), specifically exempt by the Authority.
 6. Relevant gaming devices authorised or licensed by the Authority under the Gaming Act (Cap. 400), specifically exempt by the Authority.
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