CHAPTER 78

RACECOURSE BETTING ORDINANCE

To legalise the use of totalisators on certain racecourses and to make further provision with regard to betting thereon.

(2nd February, 1934)*

ORDINANCE V of 1934, as amended by Government Notice No. 188 of 1936; Legal Notices: 4 of 1963, 46 of 1965; Acts: LVIII of 1974, XIV of 1975 and XIII of 1983; and Legal Notice 408 of 2007.

Short title.

1. The short title of this Ordinance is the Racecourse Betting Ordinance.

Interpretation. *Amended by: L.N. 4 of 1963.*

2. In this Ordinance -

"approved meeting" means a meeting at which races are held with the approval of the Board and does not include trial races;

"approved racecourse" means any ground used for the purpose of a racecourse for racing with horses or greyhounds, and any ground adjacent thereto, in respect of which ground or adjacent ground, there is a certificate of approval issued by the Minister responsible for the Police under this Ordinance and published in the Government Gazette;

"approved racing club" means a racing club in respect of which a certificate of approval is issued by the Minister responsible for the Police under this Ordinance and published in the Government Gazette;

"sweepstake" means a betting transaction between three or more persons in which the contributions to the bet are paid to the person or persons drawing by lot, previously to the start of any race, a winning or a placed horse or runner;

"totalisator" means the contrivance for betting known as the totalisator of pari-mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

Power of Minister responsible for the Police to issue certificates for approved racecourses or racing clubs and to issue licences. *Amended by: L.N. 4 of 1963*

3. The Minister responsible for the Police may, for the purpose of this Ordinance, issue (subject to such conditions as he may impose) and at any time revoke certificates of approval in respect of racecourses and ground adjacent thereto or in respect of racing clubs and may grant to any person or racing club (in this Ordinance referred to as the licensee) a licence under this Ordinance to use an approved racecourse as in this Ordinance provided.

Power of President of Malta to appoint Board. *Amended by: L.N. 4 of 1963; L.N. 46 of 1965; LVIII.1974.68.*

4. (1) The President of Malta may appoint for each approved racecourse a Racecourse Control Board (in this Ordinance referred to as the Board).

(2) The Board shall be constituted and their proceedings shall

See Proclamation No. II of the 2nd February, 1934.

be conducted in accordance with the rules contained in the Schedule to this Ordinance:

Provided that the Minister responsible for the Police may alter, add to, or amend the said rules:

Provided also that in the case of an approved racing club, the governing body of the club shall be the Board and shall exercise the powers and perform the duties of the Board in accordance with the rules of the club.

Powers of Board. *Amended by: L.N. 4 of 1963.*

5. Subject to any rules made by the Minister responsible for the Police under this Ordinance, the Board may appoint stewards and judges and make regulations relating to the conduct of horse races and greyhound races on the approved racecourse in respect of which the Board is appointed.

Prohibition of bets or wagers unless through totalisator. *Substituted by: XIV. 1975.2.*

6. (1) Notwithstanding any law or enactment to the contrary, it shall be lawful on any approved racecourse for any licensee to set up, keep and operate a totalisator, in accordance with the provisions of this Ordinance, for the purpose of effecting betting transactions on horse races or greyhound races during the time of the meeting when horse races or greyhound races are taking place:

Provided that no other races or games shall take place on the racecourse during the time of the meeting.

(2) It shall not be lawful for any person to permit the use of any place or facilities, or to offer, accept or in any way take part in any bet or wager in whatever connection with any horse race or greyhound race unless through a licensee operating a totalisator at an approved meeting.

Totalisator: how to be operated. *Amended by: L.N. 4 of 1963.*

7. The licensee shall operate the totalisator under the direction of the Board in accordance with such rules as may be made by the Minister responsible for the Police for the proper control of betting transactions on an approved racecourse, for fixing the maximum amount of the stake on any race, for the payment by the licensee of any officials which may be appointed by the Board to conduct any race, and generally for the proper control of the racecourse or totalisator.

Distribution of stakes.

8. The licensee shall distribute or cause to be distributed the whole of the moneys staked by means of a totalisator on any race among the persons winning bets by means of the totalisator on that race after deducting or causing to be deducted not more than 17% of such moneys.

Licensee to submit accounts.

9. The licensee shall, on or before the 3lst January in each year, account, in such form as the Board may prescribe, by accounts made up to the 3lst December of the preceding year, for all moneys received and expended by him during the preceding year or part of the preceding year in connection with the operation of the totalisator.

Betting on greyhound races to be by totalisator.

10. No betting shall be allowed on any approved racecourse on greyhound races except by means of a totalisator.

Sweepstakes on horse races.
Amended by: L.N. 4 of 1963; L.N. 408 of 2007.

11. (1) It shall be lawful for the Minister responsible for the Police to authorize a licensee to hold sweepstakes on horse races: provided that the sweepstake tickets are sold only on the approved racecourse and only to persons who have been admitted to the racecourse at any approved meeting on payment of an admission fee of not less than six cents (0.06), or are sold to members of clubs specified in the licence.

(2) The licensee shall distribute or cause to be distributed the whole of the moneys staked in any sweepstake among the persons winning such sweepstake, after deducting or causing to be deducted not more than 15% of such moneys.

Betting with persons under eighteen years of age.
Amended by: XIV. 1975.3; XIII. 1983.5; L.N. 408 of 2007.

12. (1) If any licensee has, on any approved racecourse, any betting transaction with a person under the age of eighteen years, he shall be liable, on conviction, to a fine (*multa*) not exceeding forty-six euro and fifty-nine cents (46.59).

(2) Any betting transaction effected by means of a totalisator or in any sweepstake with any person under the age of eighteen years shall be deemed to have been had with the licensee.

Saving as to provisions of other laws on betting.

13. Nothing in this Ordinance shall affect the provisions of any other law on betting except in so far as so expressly laid down in this Ordinance.

Rules.
Amended by: L.N. 4 of 1963.

14. The Minister responsible for the Police may by order make rules -

(*a*) constituting the Board;

(*b*) governing the proceedings of the Board;

(*c*) conferring powers on the Board and regulating the exercise of such powers;

(*d*) controlling betting transactions under this Ordinance;

(*e*) regulating payments to be made to any persons charged with carrying into effect any of the provisions of this Ordinance or any rule thereunder; and

(*f*) generally for carrying this Ordinance into effect.

Penalty.
Substituted by: XIV. 1975.4.
Amended by: XIII. 1983.5; L.N. 408 of 2007.

15. Saving the provisions of article 12, any person who commits an offence against this Ordinance or any rule or regulations made thereunder shall be liable, on conviction, to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), or to imprisonment not exceeding three months, or to both such fine and imprisonment:

Provided that on a second conviction the punishment shall be of imprisonment from four to six months and to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37):

Provided also that in the case of a prosecution under the provisions of this Ordinance, any person who in any way whatsoever has taken part in or has been a partner of any person in any bet or wager, and whose evidence is required in support of such charge as aforesaid, shall be compellable to answer any question

respecting that charge, notwithstanding that the answer thereto will expose him to criminal prosecution; but in any such event, any person who shall have given evidence in respect of such charge, and who shall have made a true and faithful statement touching such charge, to the best of his knowledge, shall thereupon obtain from the court a certificate to that effect, and he shall, in consequence, be exempted from all punishments in respect of his participation in the bet or wager forming the subject- matter of the charge upon which he gave evidence as witness.

Presumptive evidence of betting or wagering. *Added by: XIV. 1975.4.*

16. (1) In the case of any infringement of any provision of this Ordinance, any moneys or effects, representing the bets or wagers as well as any instruments or other means used in betting or wagering and which may have been found and seized by the Police on the occasion of any search effected on any person suspected of having contravened the provisions of this Ordinance or which may have been found in any place suspected of being used for such purpose, may, until the contrary is proved, be taken as sufficient evidence that such moneys, effects or place were actually used for bets or wagers and that the persons found therein at the time of the search were taking part in bets or wagers although no such bets or wagers were actually going on in the presence of the Police officers.

(2) Where any Police officer lawfully authorized to enter any premises suspected to be used in contravention of any provision of this Ordinance is wilfully prevented from or obstructed or delayed in entering the same or any part thereof, or where any door or any contrivance whatsoever is found in such premises for preventing, delaying or obstructing the entry into the same of any Police officer authorized as aforesaid, or for giving an alarm or warning in case of such entry, or if any such premises or part thereof is found fitted or provided with any means or contrivance for unlawful betting or wagering or for concealing, removing or destroying any instruments used for such unlawful purposes, it shall be evidence, until the contrary is made to appear, that such premises are used for bets or wagers and that the persons found therein were taking part in activities in contravention of this Ordinance.

Forfeiture of moneys on conviction. *Added by: XIV. 1975.4.*

17. Whenever a person is convicted of an offence under the provisions of this Ordinance, all moneys found in his possession at the time of the commission of the offence shall be forfeited.

SCHEDULE

Amended by:
G.N. No. 188 of 1936;
L.N. 4 of 1963;
L.N. 46 of 1965;
LVIII.1974.68.

[ARTICLE 4]

CONSTITUTION AND PROCEEDINGS OF THE BOARD

1. The Board shall consist of a chairman and four other members to be appointed by the President of Malta.

2. The chairman shall be such person as the President of Malta shall appoint in that behalf.

3. The members of the Board shall hold office for such time as may be specified in their respective appointments:

Provided that any member of the Board may be removed at any time from the Board.

4. Any person ceasing to be an appointed member of the Board shall be eligible for reappointment.

5. The quorum of the Board shall be three, but subject thereto the Board may act notwithstanding any vacancy in their number.

6. The Board may appoint a member of the Board to be vice-chairman of the Board, and in the absence of the chairman the vice-chairman shall preside at meetings of the Board.

7. The Board may regulate their proceedings in such manner as they think fit, but on any matter on which the votes of the Board are equally divided the person presiding at the meeting shall have a second or casting vote.

8. The Board may appoint officers, servants or agents, and prescribe their duties and fix their remuneration.

9. Subject to any rules made by the Minister responsible for the Police in this respect, the Board may regulate their own procedure and make standing orders governing the conduct of their business.

10. No act or proceeding of the Board shall be questioned on account of any vacancy in their number or on account of the appointment of any member having been defective.