THE SPORTS ACT, 2002

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I assent.

(L.S.)

GUIDO DE MARCO
President

29th November, 2002

ACT No. XXVI of 2002

An ACT to encourage and promote sport, to provide for the establishment of a national sport council to exercise the functions relating to sport currently vested in the Department of Youth and Sport and the Kunsill Malti ghall-Isport, to provide for the registration of sport organisations, and to establish dispute resolution structures.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

PART I

PRELIMINARY

Short title and commencement.

1. (1) The short title of this Act is the Sports Act, 2002.

(2) This Act shall come into force on such date or dates as the Minister responsible for Sport may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and different provisions of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires:

"Advisory Committee" means an advisory committee established in accordance with article 21 of this Act;

"Association" or "National Association" means an association of Clubs on a national level who group together for the purpose of promoting a particular sport or for organising competitive games in such sport;

"Board" means the Board of Directors of the Council;

"Chairperson" means Chairperson of the Council and includes, in the circumstances mentioned in sub-article (4) of article 4 of this Act, the Deputy Chairperson or other person appointed to act as Chairperson:

Provided that, in relation to articles 18, 20 and 21 of this Act, "Chairperson" means the Chairperson of a Management Committee, Directorate or Advisory Committee, as the case may be;

"Chief Executive Officer" means the Chief Executive Officer of the Council appointed in accordance with article 11 of this Act;

"Club" means an association of persons, whether in the form of a civil partnership, or a commercial partnership or otherwise, in which individuals constitute themselves in or form part of an association mainly for the purpose of engaging or organising sport activities;

"Council" means the Kunsill Malti g[all-Isport established in accordance with article 4 of this Act;

"Designated Property" means the immovable property referred to in sub-articles (1) and (3) of article 16 of this Act or otherwise transferred to the Council;

"Directorate" means any directorate established in accordance with article 20 of this Act;

"employee" means a person employed by the Council;

"Federation" or "National Federation" means an association being mainly an association of a number of National Associations of the same sport activity or of associated sport activities;

"financial year" means a period of twelve months starting on the first day of October of one year and ending on the 30th September of the next following year: Provided that the first financial year of the Council shall begin on the coming into force of this Act and shall end on the 30th September of the next following year;

"Malta Arbitration Centre" means the Arbitration Centre established under the Arbitration Act; Cap. 387.

"Malta Olympic Committee" means the Malta Olympic Committee established on the 9th June 1928 and having the Statute reproduced in Schedule Two to this Act, as such statute may from time to time be amended, varied or substituted in accordance with the terms thereof;

"Maltese" means persons who are citizens of Malta and such other categories of persons as the Minister may from time to time prescribe;

"Management Committee" means a committee established in accordance with article 18 of this Act;

"Minister" means the Minister responsible for sports;

"Ordinance" means the Commissioner of Land Ordinance; Cap. 169

"person" includes a body of persons and any body corporate established by law;

"prescribed" means prescribed by regulations made by the Minister under this Act;

"public officer" in relation to article 51 of this Act, has the same meaning assigned to it by article 124 of the Constitution but does not include a judge or a magistrate ;

"Register" means the Register of Sport Persons referred to in Part VII of this Act;

"Registered Person" means a person registered in the Register of Sport Persons under Part VII of this Act;

"sport" includes all forms of physical or mental activity which, through casual or organised participation or through training activities, aim at expressing or improving physical and mental well-being, forming social relationships or obtaining results in competition at all levels, but excludes those activities held for therapeutic or clinical purposes or are part of the activities of health institutions or health centres, and includes any other activity as the Minister may from time to time and after consultation with the Council prescribe;

"sport facilities" means the property, movable and immovable, including Designated Property referred to in articles 14, 15 and 16 of this Act and any other property, corporeal or incorporeal that may be used for the purposes of sport;

"Sports Fund" means the fund referred to in article 19 of this Act;

"sport school" means an undertaking, organisation or enterprise, by whomsoever owned or managed, the main function of which is to educate on a full time or part-time basis in any particular sport discipline or sport disciplines.

Declaration of principles.

3. (1) Physical Education and Sport shall be taught and practised in all primary and secondary schools as further set out in laws, regulations, curricula and directives applicable to such schools and issued under the Education Act.

Cap. 327.

(2) The State recognises that no discrimination should be permitted on the grounds of sex, race, colour, religion or political opinion or residence within different localities of Malta in the access to sport facilities or to sport activities.

(3) The State recognises that everyone should have the opportunity to take part in sport, and that where necessary, additional measures shall be taken aimed at enabling and encouraging women and young gifted people, as well as disadvantaged or disabled persons or groups of such persons to effectively take advantage of such opportunities.

(4) All sport activities shall respect the human dignity and the health and safety and general welfare of all participants in sport. All participants in sport activities shall follow the rules of fair play. All organisations and persons involved in sport activities shall endeavour to ensure that no unsanctioned use is made in sport of illegal substances or of performance enhancing drugs or doping methods in sport.

(5) In the promotion of sport no use shall be made of promotional material or methods that tend to exploit young people.

(6) The regulation of sport shall be carried out in accordance with this Act taking also into account the principle of subsidiarity, both vertical and horizontal.

(7) The provisions of this article shall not be enforceable in any court, but the principles herein contained shall be of guidance in the regulation and promotion of sport in Malta.

PART II

ESTABLISHMENT, FUNCTIONS AND CONDUCT OF AFFAIRS OF THE *KUNSILL MALTI GHALL-ISPORT*

Establishment and composition of the *Kunsill Malti ghall-Isport.*

4. (1) There shall be a body, to be known as the *Kunsill Malti ghall-Isport.*

(2) The affairs and business of the Council shall be the responsibility of and be conducted by a Board of Directors.

(3) (a) The Board shall consist of not less than seven and not more than nine members. The members of the Board shall be appointed by the Minister for a term not exceeding three years and will be eligible for re-appointment on the expiration of their term of office.

(b) The members of the Board shall be persons who, in the opinion of the Minister, have experience in matters relating to sport.

(c) A member of the Board shall be nominated by the Malta Olympic Committee and another from among those persons responsible for sport education within the Ministry responsible for Education and nominated by the Minister responsible for Education and another member shall be nominated by National Associations responsible for non-Olympic Sports.

(4) The Chairperson of the Board and the Deputy Chairperson shall be appointed by the Minister from among the members of the Board. The Board shall be assisted by a secretary appointed by the Minister.

(5) Where the Chairperson is absent from Malta or is otherwise temporarily unable to perform the functions of his office, the Deputy Chairperson shall act as chairperson and shall exercise all the powers and functions of the Chairperson.

(6) A person shall not be qualified to be appointed or to hold office as a member of the Board if he:

(a) is a member of the House of Representatives; or

(b) is a judge or magistrate; or

(c) is legally incapacitated; or

(d) has been declared bankrupt or has made a composition or arrangement with his creditors; or

(e) has been convicted of a crime affecting public trust or theft or fraud or of knowingly receiving property obtained by theft or fraud; or

(f) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Board;

Provided that the Minister may waive the disqualification of a person under this paragraph if such person declares the interest and such declaration and waiver are published in the Gazette.

(7) Subject to the provisions of this article, the office of a member of the Board shall become vacant:

(a) at the expiration of his term of office, or

(b) if any circumstances arise that, if he were not a member of the Board, would cause him to be disqualified for appointment as such.

(8) A member of the Board may be relieved from office by the Minister on the ground of inability to perform the functions of his office, whether due to infirmity of mind or body, or to any other cause, or on the ground of misbehaviour.

(9) A member of the Board may resign his office by means of a letter to the Minister. If a member resigns or is relieved from office by the Minister or if the office of a member of the Board is otherwise vacant, the Minister may appoint a person who is qualified to be appointed as member of the Board; and any person so appointed shall continue in office for the remaining period of the term of office of the person whom he is substituting and shall be eligible for reappointment.

(10) Any member of the Board who has any direct or indirect interest in any contract made or proposed to be made by the Council, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge, such disclosure shall then be recorded in the minutes of the Board, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of

the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and, without prejudice to the provisions of the proviso to paragraph (f) of subarticle (6) hereof, tender his resignation.

(11) The Council shall perform its functions and shall exercise its powers either directly or through any of the following, namely (a) Management Committees, (b) Directorates, or (c) any other persons (including commercial partnerships or foundations, appointed for the purpose after consultation with the Minister).

(12) Subject to the other provisions of this Act and to any directions of the Board, the executive conduct of the Council, its administration and organisation and the administrative control of its officers and servants, shall be the responsibility of the Chief Executive Officer, who shall also have such other powers as may from time to time be delegated to him by the Board. The Chief Executive Officer shall also be responsible for the implementation of the objectives of the Council and the exercise of its functions and without prejudice to the generality of the foregoing he shall develop the necessary strategies, policies and regulations for the implementation of the objectives of the Council, advise the Board on any matter it may refer to him or on any matter which he considers necessary or expedient, and perform such other duties as the Board may assign to him from time to time.

(13) The Chief Executive Officer shall have the right to attend all the meetings of the Board. He shall not, however, have a vote or be counted for the purpose of constituting a quorum.

Objectives of the Council.

5. The objectives of the Council are:

(a) to promote and encourage the development of increased participation in sport in Malta and the improved performance by athletes in sport;

(b) to develop and implement programs that promote equality of access to and participation in sport;

(c) to promote a culture of excellence in sport;

(d) to ensure the provision of resources, services and facilities for the promotion of sport in Malta;

(e) to promote a culture of participation in sport among people, especially children and youths, as an aspect of personal

and social development within the context of government policy on education and health;

(f) to improve the sporting abilities of the Maltese generally through the improvement of the standard of sport coaches, administrators and officials;

(g) to foster co-operation in sport with local and international bodies, entities or other persons for the encouragement and promotion of the development of sport programmes, initiatives and activities;

(h) to ensure that all sport activities respect the human dignity, health and safety of all participants in sport as well as the rules of fair play and the health and safety of the spectators; and

(i) to encourage, in furtherance of the principle of subsidiarity, non-governmental bodies and private entities or persons and local councils to contribute to the promotion of sport in Malta.

Functions of the Council.

6. (1) The functions of the Council are:

(a) to make recommendations to the Minister on a national sport policy, or otherwise, in relation to the development of sport;

(b) to develop and implement programmes that promote equality of access to, and participation in sport;

(c) to develop and implement policies and strategies for the furtherance of its objectives and functions, to initiate, encourage and facilitate research and development in relations to sport, to promote research and development related to sport science and sport medicine and to provide sport science services to such persons as the Minister may on recommendation of the Sports Council from time to time prescribe;

(d) to promote and ensure the education and preparation of coaches, administrators and officials with the required vocational and professional competencies, and to promote, organise or assist by whatsoever means, educational schemes for athletes;

(e) to promote and ensure the establishment, development and maintenance and proper use of sport facilities, services and resources for the encouragement and promotion of sport, and to advise the Minister in connection with safety measures, including supervision, sport implements and equipment, within sport facilities;

(f) when so directed by the Minister, to represent the Government of Malta internationally or regionally in matters related to sport as may be designated by the Minister;

(g) to provide financial and other assistance by any means to local councils and to any person, including, without prejudice to the generality of the foregoing, the Malta Olympic Committee, National Associations and National Federations, as well as Clubs in the promotion and development of sport;

(h) to collect and distribute information, and provide advice, on matters related to the activities of the Council;

(i) to keep a register of bona fide sport bodies, entities and other persons who qualify for registration with the Council under the provisions of this Act;

(j) to raise money and to administer and expend money appropriated by Parliament or otherwise received from other sources;

(k) to consult and co-operate with Local Councils and other persons on matters related to sport;

(l) to consult and co-operate with the Malta Olympic Committee on matters relating to the promotion and development of sport and the participation or representation of Malta at the Olympic Games, Commonwealth Games, Mediterranean Games, Games of Small States of Europe, and other international Games which the Council may from time to time acknowledge as falling under the jurisdiction of the Malta Olympic Committee;

(m) to provide advice on matters related to sport to persons, bodies or associations involved in sport;

(n) to co-operate with national and international sporting organisations with the aim of fostering a sporting environment that is free from the unsanctioned use of performance enhancing drugs and doping methods;

(o) to draw up, develop and amend, from time to time, a Code of Ethics to be followed by athletes, officials, and sport organisations;

(p) to recognise criteria established by the relevant National Associations or Federations, and in the absence of such established

criteria, to devise criteria for determining the status of athletes, coaches and other officials or administrators as amateur, professional or otherwise;

(q) to consult and co-operate on a regular basis with all National Associations and National Federations;

(r) to monitor and keep under review and evaluate all practices, operations and activities relating to sport matters;

(s) to regulate the activities, levels of service and standards of sport facilities, including sport schools, gymnasia, and any type of enterprise or undertaking providing training services or other sport services;

(t) to regulate the standards of maintenance, management, safety, levels of service and operation of sport facilities;

(u) to do anything in furtherance of its objectives and to perform such other functions as may devolve upon it under any other law or as may from time to time be assigned to it by the Minister.

(2) In the exercise of its function in accordance with paragraph (g) of sub-article (1) of this article the Council:

(a) shall establish such criteria, terms and conditions for the provision of such assistance as it considers appropriate, and

(b) may establish different criteria, terms and conditions in relation to different classes of beneficiaries.

(3) The functions of the Council may be performed within or outside the Maltese Islands.

Powers of the Council.

7. (1) The Council shall be a body corporate having a distinct legal personality.

(2) Subject to the provisions of this Act, the Council has the power to do all things necessary or convenient to be done in connection with the performance of its functions and, shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

(3) The legal and judicial representation of the Council shall be vested in the Chairperson, or in any other person under such terms and conditions and with such powers as the Board may from time to time by resolution determine.

(4) Any document purporting to be an instrument made or issued by the Council and signed by the Chairperson or by the Secretary of the Board shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Council.

(5) The Council may engage or employ persons to perform services for the Council and may enter into any agreement to exercise any of its functions through the agency or services of any person.

(6) The Council may:

(a) obtain commercial sponsorship for the Council and participate in marketing arrangements involving the endorsement by the Council of products and services associated with sport;

(b) arrange for the manufacture and distribution (whether for profit or otherwise) of any article or thing bearing a mark, symbol or writing that is associated with the Council; and

(c) provide (whether for profit or otherwise) goods and services to persons using, or otherwise attending at, facilities of the Council.

(7) The Council may charge or impose such reasonable fees in respect of:

(a) access to, or use of, any of its resources or facilities;

(b) the provision by it of programs, services, information or advice;

(c) the admission of persons to events or activities conducted by it.

Meetings of the Board.

8. (1) The Board shall meet as often as may be necessary or expedient, but in no case less frequently than once a month. The meetings of the Board shall be convened by the Chairperson either on his own initiative or at the request of any four of the other members.

(2) The Board shall not act unless a quorum consisting of not less than half the number of members is present.

(3) The meetings of the Board shall be chaired by the Chairperson or, in his absence, by the Deputy Chairperson.

(4) Decisions of the Board shall be taken by a simple majority of the votes of the members present and voting. In the case of an equality of votes, the Chairperson or in his absence the Deputy Chairperson shall have and exercise a second or casting vote.

(5) Without prejudice to the other provisions of this Act, no decision shall be valid which is not supported by at least four members of the Board.

(6) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(7) Any vacancy among the members of the Board, and any participation therein by a person not entitled so to do, shall not invalidate the proceedings of the Board.

(8) All acts done by any person acting in good faith, as a member of the Board shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification may afterwards be discovered. No act or proceeding of the Board shall be questioned on the ground of the contravention, by a member, of the provisions of sub-article (10) of article 4 of this Act.

Relations between the Minister and the Council.

9. (1) The Minister may, after consultation with the Council, from time to time give to the Council such directives in writing as he may deem appropriate and not being inconsistent with the provisions of this Act, and the Council shall, as soon as may be, comply with and give effect to all such directives and shall conduct its affairs accordingly.

(2) The Council shall afford to the Minister the necessary facilities for obtaining information with respect to the property and activities of the Council and furnish him with returns, accounts and other information with respect thereto, and afford him the necessary facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

Strategic and operational plans.

10. (1) For the purposes of this Act the Council shall submit to the Minister for his approval, a three-year strategic plan that establishes the objectives and targets that it proposes to attain during the said period in fulfilment to its functions under this Act.

(2) The aforementioned strategic plan shall be presented to the Minister for his approval not less than three months before the

commencement of the period to which the strategic plan relates, and shall come into force on the day on which it is approved by the Minister or the day of commencement of the period to which it relates, whichever is the latter: Provided that the first strategic plan shall be prepared by the Council and submitted to the Minister for approval within six weeks from the date of appointment of the Council.

(3) The Council shall also from time to time during the period in respect of which a strategic plan is in force, consider and propose to the Minister any necessary variations to the said plan and, following approval by the Minister, vary the said plan.

(4) The Council shall at the beginning of each year in respect of which a strategic plan is in force, prepare an operational plan that articulates the programmes, initiatives and activities that it will undertake in fulfilment of the objectives defined in the said strategic plan for the said year.

(5) For the purpose of consulting and co-operating on a regular basis with national associations and federations and non-governmental bodies in the drawing up of a national strategy for sport and the evaluation thereof the Council shall at least once a year hold a "Forum" or "Fora" of national associations and federations and non-governmental bodies. Such "fora" shall be chaired by the Chairperson of the Council.

PART III

OFFICERS AND EMPLOYEES OF THE COUNCIL

Staff Appointments.

11. (1) Subject to the provisions of the Constitution and of any other enactment applicable thereto, including this Act, the Council, acting with the concurrence of the Minister, may appoint and employ such officials and other employees with such remuneration and upon such terms and conditions as the Council may, from time to time, determine.

(2) The Chief Executive Officer shall be appointed for a period not exceeding three years and such period may be extended for further periods not exceeding three years each:

Provided that until the first Chief Executive Officer is so appointed the Minister may for a period not exceeding six months detail a public officer to perform the functions of Chief Executive Officer.

Status of public officers detailed for duty with the Council.

12. (1) The Prime Minister may, at the request of the Council made with the concurrence of the Minister, from time to time direct that any public officer be detailed for duty with the Council in such capacity and with effect from such date and for such duration as may be specified in the Prime Minister's direction.

(2) Where any officer is detailed for duty with the Council under any of the provisions of this article, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Council but he shall for other intents and purposes remain and be considered and treated as a public officer.

(3) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid:

(a) shall not during the time in respect of which he is so detailed:

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Council; and

(b) shall be entitled to have his service with the Council considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Council.

(4) Where an application is made as provided in sub-paragraph (i) of paragraph (a) of sub-article (3) of this article the same consideration shall be given thereto as if the applicant had not been detailed for service with the Council.

(5) The Council shall pay to the Government such contributions as may from time to time be determined by the Minister

responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Council as aforesaid during the period in which he is so detailed.

Offer of permanent employment with the Council to public officers detailed for duty with the Council.

13. (1) The Council may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Council under the provisions of article 12 of this Act permanent employment with the Council at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Council offered to him, under the provisions of sub-article (1) of this article shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Council on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Council shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Council was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Council were service with the Government.

(5) The Council shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Council as aforesaid during the period commencing on the date of such officer's acceptance.

(6) For the purpose of the Pensions Ordinance the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post and incremental level at which the officer retires from the Council.

(7) (a) For the purposes of this article posts and salary grades with the Council shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) the classification referred to in paragraph (a) of this sub-article shall be carried out by a board composed of a Chairperson appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the Council. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or, of employees of the Council.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

Part IV

SPORT FACILITIES

Access to facilities.

14. The Council shall, to the extent that it is practicable to do so having regard to the objects for which it is established and its functions, develop policies to allow individuals, groups within the community, sport clubs and associations to have access to, and make use of, the resources, services and facilities of the Council, whether or not for purposes related to sport.

Transfer of movable property to the Council.

15. The property, other than immovable property, owned by the Government and administered or managed by the Department of Youth and Sport or Kunsill Malti ghall-Isport and immediately before the date of the coming into force of this Part of this Act used or intended for use

by it for the purpose of any of the functions which by this Act are being transferred to or vested in the Council and "Skola Sport" operated by the Ministry for Education shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vested in the Council under the same title by which they were held by the Government immediately before the said date.

Transfer of rights and liabilities in respect of immovable property.

16. (1) The enjoyment, possession, use and management of all rights, and obligations (other than obligations arising under the Land Acquisition (Public Purposes) Ordinance) vested in the Government over or in respect of the immovable property listed in Schedule One (hereinafter called "Designated Property") in respect of Designated Property shall, on the coming into force of this Part of this Act, by virtue of this Act and without further assurance, be transferred and vested in the Council.

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(2) The President acting on the advice of the Minister responsible for land may from time to time make an Order designating such immovable property belonging to or possessed, held or otherwise administered by the Government and that may be used for the purposes of sport or for any function which by this Act are being vested in the Council. Any such Order shall be published in the Gazette.

(3) Where an Order has been made under the provisions of this article, the enjoyment, use, management and administration of the immovable property designated in the Order (hereinafter also called "Designated Property") shall, with effect from such day as may be specified in the Order and by virtue of this Act and without further assurance, be transferred and vested in the Council.

(4) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include all plant, equipment, apparata, buildings, structures, installations, land, roads, works, powers, rights, privileges and remedies and all things necessary or ancillary thereto which are held or enjoyed in connection with or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertaking or other thing included therein as aforesaid.

(5) All rights vested in or exercisable by Government arising under or pursuant to any contract entered into by Government with third parties in respect of Designated Property shall, on the coming into force of this Part of this Act and without further assurance be transferred and vested in the Council.

(6) Any transfer or vesting of Designated Property shall be subject to all those terms and conditions that the Minister may deem necessary to ensure that such property is used in accordance with the provisions of this Act.

(7) Notwithstanding the provisions of the Ordinance, in respect of such immovable property that is listed in Schedule 1 to this Act or that may from time to time be specified in an Order of the President published in the Gazette or that is otherwise transferred to the Council (such land and property hereinafter referred to as "Designated Property"), the Council shall exercise the rights and responsibilities referred to in article 2 of the Ordinance, and the provisions of the Land (Compulsory Eviction) Act, and the Disposal of Government Land Act, shall for the purpose of any such Designated Property be read and construed as if any reference therein to the Commissioner of Land were a reference to the Chairperson of the Council, and the provisions of article 181, Subtitle VI of Title VIII of Part I of BOOK SECOND, subarticle (2) of article 590, article 627, subarticle (3) of article 637, article 742 and article 873 of the Code of Organisation and Civil Procedure shall apply, in relation to such Designated Property, to the Council and the Chairperson of the Council, as the case may be, provided that for the purpose of this Part of the Act the Chairperson of the Council may from time to time delegate any of his powers to the Chief Executive Officer or Management Committees.

(8) The provisions of articles 1576A to 1576D of the Civil Code shall apply to Designated Property and the Council shall be vested with all rights and obligations of a lessor arising thereunder.

Transitory provisions.

17. (1) In respect of any Designated Property, when anything has been commenced by or under the authority of the Government prior to the Order of the President referring to such Designated Property or, in the case of Designated Property referred to in sub-article (1) of article 16 of this Act to the coming into force of this Part of this Act, as the case may be, and such thing relates to a Designated Property or any right or liability transferred to the Council by or under this Act, such thing may be carried on and completed by or as authorised by the Council.

(2) Where immediately before the coming into force of this Part of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings relate to Designated Property or any right or liability transferred by or under this Act, the Council shall, as from the date of the relevant President's Order, be substituted in such proceedings for the Government or Commissioner of Land, as the case may be, or shall be made a part

thereto in like manner as the Government or Commissioner of Land could have become.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose, as appropriate, the assets transferred to the Council by or under this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Council by or under this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the Council.

(4) Where under a contract entered into by Government with third parties in respect of Designated Property prior to the coming into force of this Act a discretion is to be exercised or a state of fact is to be established or determined by the *Kunsill Malti ghall-Isport* referred to in such contract, then such discretion or the right to establish or determine that state of fact shall be vested and exercisable by the Council without any further assurance other than by virtue of this Act.

(5) The provisions of sub-articles (1) and (2) of this article shall not apply to those acts, rights and obligations exercisable by or vested in or binding upon Government in accordance with the provisions of the Land Acquisition (Public Purposes) Ordinance or to proceedings instituted before the Land Arbitration Board in accordance with the provisions of the said Ordinance or before any other competent court in matters relating to the acquisition by government of immovable property under the provisions of the said Ordinance. Cap. 88.

18. (1) The Council shall consistently with the aims and objectives of this Act and in accordance with the provisions of this Act and any regulations as may be prescribed, have the power to manage and administer sport facilities. Management of Sport Facilities.

(2) The Council may with the authority in writing of the Minister, in concurrence with the Minister responsible for land, enter, by public deed, into a contract with any local council and Registered Person whereby Designated Property may be granted for a term not exceeding five years to such local council and Registered Person under a title of lease or other personal title, including that of management, administration or custody, for a consideration payable to the Council in accordance with the provisions of this Act and of such regulations as may from time to time be prescribed and subject to such local council or conditions not inconsistent therewith as may be contained in the deed, provided that such conditions shall include the prohibition of sub-letting

of the Designated Property and of assignment of rights by the local council and Registered Person, as the case may be.

(3) For the purpose of enjoying, administering and managing any of the sport facilities and Designated Property the Council may delegate any of its powers to one or more Management Committees set up for the purpose. Such Committees shall observe such policies and directives as the Council may from time to time determine and shall be accountable to the Council. Such management Committees are vested with a separate distinct legal personality.

(4) The Management Committees mentioned in sub-article (4) of this article shall be established by the Minister after consultation with the Council, with such functions and powers as the Minister may in his discretion determine. Such Management Committees shall be composed of such persons as the Minister shall deem fit and such persons shall hold office for such period and on such terms and conditions as the Minister may deem appropriate. The Minister shall also designate any member of such committees to act as chairperson thereof.

(5) The Management Committees shall keep a record of all their proceedings and shall forward copies of such records to the Council.

(6) The provisions of article 4 (6) to (10) of this Act shall apply *mutatis mutandis* to the Management Committees.

(7) The Council may, for the purpose of providing or ensuring the provision of services that are complimentary with the use of sport facilities, grant to third parties for a term nor exceeding five years the operation and management of particular areas within such sport facilities after a call for tenders for specified purposes.

(8) Any contract and agreement entered into by the Council in accordance with the provisions of this article shall, for the purposes of the Disposal of Government Land Act, be deemed to be a disposal made in accordance with the provisions of such Act. The Minister shall, however, within four weeks after the publication of such deed as is referred to in sub-article (2) of this article, or if the House of Representatives is not then in session, within four weeks of the date when the House next meets, lay a copy thereof on the Table of the House, and the deed shall only be valid and binding if, after that a copy thereof has been laid before the Table of the House of Representatives, the House does not, within the period of twenty-eight days after that copy has been so laid, resolve that the agreement or deed of disposal be rescinded.

(9) Any property subject to a deed referred to in subarticle (2) of this article shall not by virtue thereof be transferred to the Registered Person or local council with whom it is entered.

(10) Not later than six weeks after the lapse of three years from the date of a deed referred to in sub-article (2) of this Article and subsequently every three years the Registered Person with whom such deed is entered shall transmit to the Council a report of its activities in relation to the property that is object of the deed and on the way that such property has been utilised.

(11) The Minister may, on the advice of the Council, make regulations, not inconsistent with the provisions of this Act:

(a) regulating, restricting or prohibiting entry onto or into any sport facilities owned by, or under the control of, the Council, regulating the conduct of persons on or in any such land or building, and providing for the removal of persons from such land or building;

(b) regulating, restricting or prohibiting admission to and behaviour in, any sport facilities, as well as the right of search by the Police of any person gaining admission to, while inside or while leaving any sport facility;

(c) regulating the standards of maintenance, management, safety, level of service and operations of sport facilities including the prohibition of the use of sport facilities that do not meet the prescribed standards and levels

(d) generally prescribing rules to regulate the deeds referred to in sub-articles (2) and (7) of this article.

Revenue from Sport Facilities and the Sports Fund.

19. (1) The fund that immediately prior to the coming into force of this Act was denominated "Sports Fund" and administered by the *Kunsill Malti Ghall-Isport* shall be vested in the Council and shall continue to be denominated "Sports Fund".

(2) All ground rents and rent payable to government or to the Council in furtherance of a resolution passed by the House of Representatives in accordance with the provisions of the Disposal of Government Land Act in respect of sport facilities before as well as after the coming into force of this Act, and the consideration arising from any deed entered into in accordance with sub-article (2) of article 18 of this Act from sport facilities shall be vested in the Council to be utilised in accordance with the provisions of this Act. Such revenue shall be deposited in the "Sports Fund".

(3) The Sports Fund shall be utilised for the purpose of development and maintenance of sport facilities and for such other purposes falling within the functions of the Council as the Minister may from time to time authorise.

PART V

DIRECTORATES AND ADVISORY COMMITTEES

Directorates within the Council.

20. (1) The Council may, with the concurrence of the Minister, establish separate Directorates within the Council for the purpose of ensuring the better performance by the Council of any or all of its functions. Such Directorates shall be accountable to the Council and shall be subject to the overall supervision and control of the Chief Executive Officer. Each of any such Directorates shall be headed by a person appointed by the Council with the concurrence of the Minister for a period not exceeding three years and such period may be extended for further periods not exceeding three years each.

(2) The Council may delegate to such Directorates and require them to perform such of its functions under such conditions as the Council may deem appropriate. The Council may at any time withdraw, in whole or in part, any such delegation of functions.

(3) Subject to the foregoing provisions of this article and to any rules made from time to time by the Council, the Directorates may regulate their own proceedings.

Advisory Committees.

21. (1) The Minister may, from time to time by Order in the Gazette appoint an advisory committee or committees as may be specified in such Orders. An Advisory Committee shall, for the better carrying out of the provisions of this Act, advise the Council on such matters as the Minister may specify in the Order.

(2) The members of the Advisory Committee shall be appointed by the Minister and shall hold office for such period and on such terms and conditions as the Minister may deem appropriate. Each Advisory Committee shall consist of one member representing the Council as Chairperson and such other members as the Minister may deem fit to appoint.

(3) The provisions of subarticles (6) to (10) of article 4 of this Act shall mutatis mutandis apply to the advisory committees.

(4) Each Advisory Committee shall keep a record of all its meetings and shall forward copies of such records to the Council. Subject to the provisions of this Act, each Advisory Committee can regulate its own procedures.

Part VI

FINANCIAL PROVISIONS

Council to meet expenditure out of revenue.

22. (1) Without prejudice to the following provisions of this article, the Council shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Council to the formation of reserve funds to be used for the purposes of the Council; and without prejudice to the generality of the powers given to the Minister by this sub-article, any directive given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the directive, of any part of the fees, rates and other payments levied in accordance with sub-article (2) of this article or any such excess as aforesaid.

(3) Any funds of the Council not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister after consultation with the Minister responsible for finance.

Advances from Government.

23. The Minister responsible for finance may, after consultation with the Minister, make advances to the Council of such sums as he may agree to be required by the Council for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Funds from public lotteries.

24. The Minister responsible for finance may by regulation under this article provide that such portion of the proceeds of public lotteries as may be prescribed shall be paid to the Council, and the Accountant General shall, without any further appropriation other than this Act, regularly appropriate such funds to the Council on receipt of a Warrant from the Minister responsible for finance.

Power to borrow or raise capital.

25. (1) For the purpose of carrying out any of its functions under this Act, the Council may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority,

and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) The Council may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require by way of working capital for carrying out its functions under this Act:

Provided that for any facility in an amount exceeding thirty thousand liri, there shall be required the approval of the Minister in writing.

Borrowing from Government.

26. (1) The Minister responsible for finance may, for any requirements of the Council of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1) of this article, or for the purpose of providing the Council with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Council out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Council, and any other moneys to be advanced to the Council under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "*Kunsill Malti ghall-Isport* (Loan) Fund".

(5) Sums received by the Accountant General from the Council in respect of advances made to the Council under sub-article (3) of this article shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amount received by way of interest into the Consolidated Fund.

Estimates of the Council.

27. (1) The Council shall cause to be prepared in every financial year, and shall not later than six weeks after the end of each such year adopt, estimates of the income and expenditure of the Council for the next following financial year:

Provided that the estimates for the first financial year of the Council shall be prepared and adopted within such time as the Minister may by notice in writing to the Council specify.

(2) In the preparation of such estimates the Council shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the Council shall so prepare the said estimates as to ensure that the total revenues of the Council are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Council, be sent forthwith by the Council to the Minister and to the Minister responsible for finance. The Minister shall at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Council, after consultation with the Minister responsible for finance, approve the same with or without amendment. The Minister shall as soon as practicable cause such approved estimates to be laid on the Table of the House.

Expenditure to be according to approved estimates.

28. (1) No expenditure shall be made or incurred by the Council unless provision therefore has been made in the estimates approved as provided in article 27.

(2) Notwithstanding the provisions of sub-article (1) of this article:

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the Minister, whichever is the earlier date, the Council may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved by the Minister for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Council may make or incur expenditure not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved by the Minister is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Council may adopt supplementary estimates for approval by the Minister, and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

Publication of approved estimates.

29. All estimates and supplementary estimates of the Council shall, as soon as practicable, be published in the Gazette.

Accounts and audit.

30. (1) The Council shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Council shall be audited by an auditor or auditors to be appointed by the Council and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Council to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the Council are forwarded to the Minister under article 27 of this Act, the Council shall cause a copy of the statement of account duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Council.

(4) The Minister shall, as soon as practicable, cause a copy of every such statement and report to be laid on the Table of the House of Representatives.

Deposit of revenues and payment by the Council.

31. (1) All monies accruing to the Council shall be paid into a bank or banks appointed as bankers of the Council by a resolution of the Council. Such monies shall, as far as practicable, be paid into any such banks from day to day, except for such sum as the Council may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Council, other than petty disbursements not exceeding a sum as from time to time may be fixed by the Council, shall be made by such officer or officers of the Council as the Council shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Council shall be signed by such officer of the Council as may be appointed or designated by the Council for that purpose and shall be countersigned by the Chairperson, or such other member or officer of the Council as may be authorised by the Council for that purpose.

(4) The Council shall also make provision with respect to:

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Council are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Council and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the Council.

Contracts of supply of works

32. Without prejudice to any directive communicated by the Minister under article 9 of this Act, the Council shall not, except with the approval of the Minister granted for special reasons and after consultation with the Minister responsible for finance, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Council, which is estimated by the Council to exceed three thousand liri in value, or such other amount as the Minister responsible for finance may by regulations under this article prescribe, except after notice of the intention of the Council to enter into the contract has been published and competitive tenders have been issued.

Annual Report.

33. The Council shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Council during that financial year and containing such information relating to the proceedings and policy of the Council as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House as soon as practicable.

Exemption from tax.

34. The Council shall be exempt from any liability for the payment of any tax on income, from customs duty and from any duty on documents and transfers.

PART VII

REGISTER OF SPORT PERSONS

Requirement of registration.

35. (1) No person, association of persons, partnership, civil or commercial, or other entity recognised according to law shall be entitled under this Act to any assistance or benefit or to make use of or acquire under any title any sport facilities unless it is registered in the Register of Sport Persons in accordance with the provisions of this Part of this Act and complies with such regulations as may from time to time be prescribed.

(2) Registration under this Part of this Act may be effected by submission to the Council of an application form for registration in the form as may be prescribed with the following accompanying documents:

(a) in the case of an association, partnership or other moral entity (in this Part of the Act also referred to as "Organisation") , an updated copy of the statute or constitutive act with all binding regulations and bye-laws (together called "the Statute"), certified as true and correct by the official authorised by the Statute for the purpose to effect such certification;

(b) a statement indicating who the officials of the Organisation are;

(c) a statement as to where the office of the registrant is;

(d) a statement as to the individuals in whom representation of the Organisation is vested;

(e) if the Organisation has already been in existence for at least one calendar year, or if the applicant has been involved or engaged in activities connected to sport, the annual report, if required by its Statute, and accounts as may be prescribed; and

(f) such other documents as may from time to time be prescribed.

(3) The Council shall, on submission of the required application form and accompanying documents, and on being satisfied

that the applicant is eligible for registration, register the applicant in the Register of Sport Persons. The Register may consist of such parts as the Council may from time to time determine for the purpose of distinguishing the nature of the Registered Person.

(4) Upon registering the applicant, the Council shall, through the Secretary of the Board, issue a certificate of registration to the Registered Person. Registration in the Register shall not exempt the Registered Person from complying with any other provision of law.

(5) The Council may refuse to register an applicant in the Register if it appears to the Council that the applicant does not satisfy the requirements under this Act, and in so doing shall state the reasons for the refusal.

(6) When the applicant for registration is a National Association or Federation claiming to represent a particular sport discipline or associated sport disciplines, the Council shall, before registering the applicant, ensure that such Association or Federation is recognised as such by the international organisation representing such sport discipline or disciplines.

(7) When registering an Organisation in the appropriate register of National Associations or Federations, reference shall be made to the predominant nature of the Organisation.

Malta Olympic Committee and other National Associations or Federations.

36. (1) The Malta Olympic Committee shall be registered immediately in the Register without any further formality.

(2) The Minister may from time to time on the recommendation of the Council designate such Federations or Associations that shall be registered in the Register, without any further formality. Any Federation and Association so designated shall be registered by the Council in the Register without any further formality. A list of such Federations and Associations so registered shall be published without delay in the Government Gazette.

Statutes of sport organisations.

37. (1) All National Associations and Federations shall be non-profit making. Subject to the provisions of this Act and to any regulations made thereunder, Clubs, Associations and Federations, as well as such other entities that are or may be required to be registered with the Council under this Act shall be regulated by their Statute. All Clubs, Associations and Federations shall be organised in a democratic manner in accordance with the provisions of their Statute that shall ensure the equal access of participation in sport.

(2) For the purpose of this article an Organisation shall be deemed to be "non profit making" if:

(a) the Organisation does not have a systematic aim to make profit;

(b) the Statute of the Organisation prohibits the distribution of any of its assets (whether of a capital nature or of a revenue nature or otherwise) to its members, founders, sponsors, donors, and except by way of bona fide salary, wages or honorarium, to its administrators; and

(c) in the case where the Organisation carries out an economic activity, this is done as an ancillary activity for the purpose or in connection with assisting the Organisation to carry out its main objects and purposes in accordance with its Statute.

Legal personality of sport organisations and other matters.

38. (1) All Organisations shall upon registration in the Register be deemed to be vested with legal personality and shall be capable of entering into all legal acts.

(2) Subject to the provisions of articles 35, 36 and 37 of this Act, nothing in this Act shall be interpreted as divesting persons or entities that are not registered or registerable in the Register from any rights under any other applicable law. Non registration of any such person or entity shall not exempt such person or entity from any provision of this Act that may be applicable to him or it.

(3) Subject to the provisions of this article, an Organisation registered in the Register, as well as the liability of its members and administrators, shall be governed and regulated by those dispositions of law that would, but for this Act, govern the Organisation.

Regulations under this Part of the Act.

39. (1) The Minister may, after consultation with the Council, make regulations for the purposes of giving effect to this Part of this Act, and may without prejudice to the generality of the aforesaid by such regulations provide for:

(a) those categories of persons, partnerships or other entities that may be registered in the appropriate part or parts of the Register;

(b) the requirements for any person, partnership or other entity to qualify for registration;

(c) the conditions to be complied with by any such persons, partnerships or entities so qualifying for continued registration;

(d) subject to the provisions of any applicable law relating to the protection of personal data, the power of the Council to require such information, including information relating to Organisations registered or affiliated with registered Associations and Federations and their officials, and in so far as this may be useful in the formulation of a national sport policy and inventory, information relating to athletes;

(e) the power of the Council to suspend, terminate or withdraw the registration at any time, of the body, entity or other person that is in breach of any regulations under this Act, or where circumstances arise where such body, entity or other person would have not qualified for registration;

(f) The filing by Registered Persons of annual accounts (containing a balance sheet and other financial statements indicative of the operations and financial standing of such Registered Person) in such form and with such content as may be prescribed;

(g) the filing with the Council of any amendments to the Statute of a Registered Person, and any returns notifying any changes in the management or administration, representation and offices of such Registered Person; and

(h) the requirements for any Registered Person to benefit under this Act.

Other powers of the Council

40. Where in the opinion of the Council a person fails to observe any of the applicable criteria, terms or conditions established in connection with any assistance given by the Council to such person, or in connection with the use of any Sport Facilities granted to it by the Government or by the Council, or otherwise fails to comply with the provisions of this Part of the Act, the Council may:

(a) withhold any assistance from, or refuse to provide assistance to, that person;

(b) demand a refund of any financial assistance provided to that person;

(c) terminate any agreement with regard to any Sport Facility; and

(d) exercise any other right or remedy according to law.

Publication of documents and information.

41. Any document or information required to be filed with the Council in accordance with article 35 and with regulations under paragraphs (f) and (g) of sub-article (1) of article 39 of this Act shall be available to the public, and any person may inspect and obtain copies of such documents and may require them to be certified by the Secretary of the Council.

Investigation of and assistance to Registered Persons.

42. (1) The Council may by letter of authority signed by the Chairperson of the Council appoint one or more inspectors to investigate the affairs of any Registered Person and to report thereon in such manner as the Chairperson shall direct in the following cases:

(a) on the specific request of the administrators or managers of the Register Person, or following a resolution of the appropriate organ of the Registered Person in accordance with its Statute;

(b) where the Registered Person is not complying with any conditions or obligations relative to any assistance or benefit enjoyed by it or arising from any use of any sport facility granted to it under any title by the Government or by the Council;

(c) where the Registered Person has not applied funds or benefits received from the Council for the purposes for which such funds or benefits were intended;

(d) where the Registered Person has been dissolved or wound up according to law.

(2) The Council may also, in the instances referred to in paragraphs (a) to (d) of subarticle (1), give advice to or otherwise assist the competent organs of the Registered Persons and may, moreover appoint an administrator or administrators to carry out such functions and exercise such powers in relation to the administration of the assets of the Registered Person as well as in relation to its operations and management as the Council may direct.

(3) In the case of a demand or request for the voluntary dissolution or winding up of a Registered Person the competent organ of the Registered Person that is competent to take the decision to wind up that person shall prior to ordering the dissolution or resolving to dissolve or wind up that Registered Person notify the Council of such demand or request. On being notified with such a request or demand, the Council shall, through persons appointed for the purpose, give directions aimed towards the settlement of disputes and endeavour to find a solution with the purpose of favouring the continued viable existence of the Registered Person and may for such purpose appoint provisional administrators to carry out such functions and exercise such

powers in relation to the administration of the assets of the Registered Person as well as of its operations and management.

(4) For the purpose of the Council and provisional administrator and inspectors carrying out their functions in accordance with the provisions of this article, the Council, the provisional administrators and the inspectors shall have the right to request information and obtain documents from any person. The inspectors shall for such purpose have the right to apply before the First Hall of the Civil Court to request such court to summon witnesses to appear before them to give evidence and produce documents at such time and date and at such place indicated by the inspectors in their application. The inspectors shall have the power to administer the oath to any person appearing before them.

(5) In the case of a demand for the judicial winding up of a Registered Person, the court taking cognisance of such demand shall, prior to ordering the dissolution and winding up of the Registered Person give such directions (including where it deems it necessary or useful, to appoint a provisional administrator) for the purpose of settling any disputes related to the Registered Person and of finding a solution aimed at the continued viable existence of the Registered Person. For the purpose of carrying out his functions such administrator may exercise such powers in relation to the administration of the assets and operations and management of the Registered Person as the Court upon his appointment, or subsequently, may confer upon him.

(6) The Minister may from time to time in consultation with the Council make regulations prescribing matters necessary or convenient to be prescribed for the carrying out or giving fuller effect to the provisions of this article.

PART VIII

SPORT DISPUTE RESOLUTION

Dispute Resolution Assistance by the Council.

43. (1) The Council may, when it becomes aware of a dispute to which a sport organisation or persons connected therewith are parties, through the Secretary of the Board, provide assistance in the resolution of such disputes in all matters relating to sport or where Registered Persons are involved through:

(a) the provision of mediation services in matters relating to sport;

(b) assistance to the parties in the dispute to make reference to arbitration in accordance with the provisions of Part IV of the Arbitration Act;

(c) through the facility of advisory opinions.

(2) The Council may, from time to time, draw up panels of persons to give advisory opinions or act as mediators (hereinafter in this Part of the Act referred to as "Panels"). The Panels shall be composed of persons who in the opinion of the Council are qualified to carry out the duties and functions of mediators or advisors in matters relating to sport.

(3) The Council shall, from time to time, advise the Malta Arbitration Centre in the drawing up of a panel or panels of arbitrators on matters related to sport.

(4) Any dispute, controversy or claim arising out of or relating to any contract entered into between the Council and any third party in accordance with sub-article (2), (3) and (8) of article 18 of this Act, or the breach, termination or invalidity thereof, shall be settled by arbitration in accordance with the rules of the Malta Arbitration Centre as may from time to time be in force.

(5) Without prejudice to the provisions of sub-article (4) of this article, in the case of a dispute, controversy or claim on matters relating to sport or to which a Registered Person is a party, the parties may, if they all so agree (a) refer the matter to the Council for mediation, or (b) refer the dispute for resolution by arbitration.

Mediation.

44. (1) When the Council receives a reference for mediation or where it considers that a dispute may be resolved through mediation procedures, it shall propose to the parties a mediator from the Panel of mediators, who if accepted by all parties shall assist them in the resolution of the matter.

(2) Any party may withdraw from mediation procedures at any time.

Arbitration.

45. (1) When a dispute is submitted to the Malta Arbitration Centre for arbitration, the dispute shall, in the absence of agreement to the contrary by the parties involved, be determined by a sole arbitrator to be appointed by the Chairman of the Malta Arbitration Centre. The parties to the dispute may agree that three persons shall be appointed to hear and determine the dispute.

Article 15 (7) of the Arbitration Act shall not apply to those disputes referred to arbitration through the assistance of the Council.

(2) Where the parties to arbitration agree, the arbitral tribunal may decide a dispute on criteria of equity that are generally accepted and applied within the sport movement.

Rules for mediation and advisory opinions.

46. (1) The Minister shall, after having consulted the Council, from time to time prescribe rules governing mediation procedures.

(2) The Council shall from time to time make such rules governing the giving of advisory opinions.

Sport Appeals Board.

47. (1) There shall be a Sport Appeals Board, consisting of three members, of whom one, who shall be the chairperson, shall be a person who has practised as an advocate for not less than seven years.

(2) The members of the Board shall be appointed by the Minister for a period of three years, and shall be re-eligible for appointment.

(3) A member of the Board may be challenged or shall abstain for any reason for which a judge may be challenged or abstain in accordance with article 734 of the Code of Organisation and Civil Procedure. In any such case the Minister shall appoint a person, having the qualifications of the member challenged or abstaining, to sit as a member of a Board in substitution of the said member.

(4) A member of the House of Representatives or of a Local Council shall be disqualified from being appointed or continuing to be a member of the Board for so long as he holds that office.

(5) The Minister shall also designate a public officer to serve as secretary to the Board.

Appeals to the Sport Appeals Board.

48. (1) An appeal shall lie to the Sport Appeals Board from any decision of the Council taken pursuant to the provisions of Part VII of this Act or under section 54 of this Act and any regulations made thereunder, and in such other cases as may from time to time be prescribed. The right of appeal shall be competent to any person aggrieved by such decision or matter:

Provided that the Sport Appeals Board shall not take cognisance of any matter which according to this Act or otherwise according to law is to be referred to arbitration.

(2) An appeal to the Board may be filed on any of the following grounds:

(a) that a material error as to the facts has been made;

(b) that there was a material procedural error;

(c) that an error of law has been made;

(d) that there was some material illegality, including unreasonableness or lack of proportionality;

(e) on any other ground that may from time to time be prescribed.

(3) The Board shall give reasons for its decisions and shall cause such decisions to be made public omitting, if it deems it appropriate for reasons of confidentiality, the names of the persons involved.

(4) In determining an appeal under this article the Board may:

(a) dismiss the appeal;

(b) annul, revoke or substitute the decision.

(5) The effect of a decision of the Board of Appeals to which an appeal relates shall not, except where the Board or the Court of Appeal, as the case may be, so orders, be suspended in consequence of the bringing of the appeal.

Powers and procedure of the Sport Appeals Board.

49. (1) The Sport Appeals Board shall be competent to hear and decide any appeal made to it in accordance with the provisions of this Act and any regulations made thereunder; and the decisions of the Board shall be final and conclusive.

(2) For the exercise of its functions, the Board may summon any person to appear before it and give evidence and procedure documents; and the chairperson shall have the power to administer the oath. The Board may also appoint experts to advice the Board on any technical issue that may be relevant to its decision.

(3) For the purposes aforesaid the Board shall have the same powers as are competent to the First Hall, Civil Court according to law.

(4) The procedure to be followed before the Board, the time within which and the manner in which an appeal to the Board is to be made shall be such as may be prescribed; and subject thereto, and to any other applicable provision to this Act, the Board may establish its own procedure.

Appeals to the Court of Appeal.

50. Any party to an appeal to the Sport Appeals Board who feels aggrieved by a decision of the said Board, may on a question of law decided by the said Board appeal to the Court of Appeal as constituted in accordance with sub-article (6) of article 41 of the Code of Organisation and Civil Procedure by means of an application filed in the registry of that court within thirty days from the date on which that decision has been notified to him.

PART IX

MISCELLANEOUS

Persons deemed public officers.

51. For the purposes of the Criminal Code and of any provisions of a penal nature, the members of the Council, and of any Directorate, Management Committee, Advisory Committee, as well as of the Sport Appeals Board and every officer or employee of the Council, shall be deemed to be public officers.

Publication of names of members of the Council, etc.

52. The names of the members of the Council, of the Chief Executive Officer, and of the heads of any Directorate or members of any committee established under this Act and of any member of the Sport Appeals Board shall be published in the Gazette.

Power to make regulations.

53. (1) The Minister may, after consultation with the Council, make regulations prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving full effect to the provisions of this Act.

(2) The power of the Minister to make regulations under the provisions of this Act shall include the power to establish the penalties in respect of any violation or contravention thereof, or failure to comply therewith, and the applicability or otherwise of the Probation of Offenders Act:

Provided that such penalties may not exceed a fine (multa) of one thousand liri.

Administrative penalties.

54. (1) Notwithstanding any other law providing for the trial and punishment of offences, where the Council believes that a person

has breached any of the provisions this Act or any regulations made thereunder, the Council may give notice in writing to such person describing the breach which the person has committed and the administrative penalty he is required to pay in respect of that breach and ordering the said person to remedy the cause of the breach :

Provided that the Council may not require the payment of a penalty exceeding Lm 500.

(2) Where a notice under this article has been given, and the person named in the notice pays the penalty within the time therein indicated shall be deemed to have accepted responsibility for the breach specified in the notice unless within twenty-one days of the service of the notice, he appeals from such notice before the Sport Appeals Board.

(3) Where the person to whom notice is given under sub-article (1) of this article fails to pay the administrative penalty imposed or to remedy the cause of the breach within the time aforesaid, proceedings may be taken against him for enforcement according to law.

(4) The Minister may, for the purpose of this article, from time to time make regulations prescribing the administrative fines that the Council may impose.

Offences.

55. (1) Any person who:

(a) hinders, obstructs, molests or interferes with, or attempts to hinder, obstruct, molest, or interfere with, any officer, employee or agent of the Council, or any inspector or administrator, in the execution of his duties under the law, or fails to comply with any reasonable requirement demanded of him by any such officer, employee, agent, inspector or administrator as aforesaid or otherwise to assist him in the carrying out of the said duties, or knowingly furnishes such officer or employee or agent or inspector or administrator with false information required for the purpose aforesaid; or

(b) knowingly makes a declaration or provides information for any of the purposes of this Act which is false, misleading or incorrect in any material respect;

shall be guilty of an offence against this Act and shall be liable on conviction to a fine (multa).

(2) Any person who fails to comply with the provisions of any regulations providing for anti-doping measures or regulating or prohibiting the unsanctioned use of prohibited substances or regulating behaviour in sport facilities shall on conviction be liable to imprisonment for a term of not less than three months but not exceeding ten years or to a fine (multa) of not less than two hundred liri but not exceeding ten thousand liri or to both such imprisonment and fine.

(3) Any person who fails to comply with the provisions of this Act or of any regulations made thereunder shall be guilty of an offence under this Act and shall, unless a particular penalty is provided for in this Act or is otherwise prescribed be liable, on conviction, to a fine (multa) of not less than fifty Liri and not more than five hundred Liri.

(4) The punishments provided in this Act shall be without prejudice to the application of the provisions of the Criminal Code or of any other law.

Prescription.

56. Notwithstanding any other law, proceedings for an offence under this Act may be commenced at any time within six years from the commission of the offence.

SCHEDULE 1
(Article 16)

List of facilities allocated to Clubs/Associations/Federations:

Club/Association/Federation	Facilities	Address
Marsaskala Sports Club	Waterpolo pitch and club house	Triq iz-Żonqor, Marsaskala
Marsaxlokk Aquatic Sports Club	Waterpolo pitch and club house	Ponta tal-Qrejten, Marsaxlokk
Neptunes Waterpolo & Swimming Club	Waterpolo pitch and club house	Triq il-Kbira, St Julians
San Giljan Aquatic Sports Club	Waterpolo pitch and club house	Triq Gorg Borg Olivier, St Julians
Barracudas Aquatic Sports Club	Waterpolo pitch and clubhouse	Triq Stella Maris, St Paul's Bay
Sirens Aquatic Sports Club	Waterpolo pitch and clubhouse	Xatt il-Lanċa, Triq S. Geraldu, St Paul's Bay
Sliema Aquatic Sports Club	Waterpolo pitch and club house	Taħt il-Fortizza, Sliema
Exiles Sports Club	Waterpolo pitch and club house	Triq it-Torri, Sliema
Ta' Xbiex Aquatic Sports Club	Waterpolo pitch and clubhouse	Triq ix-Xatt ta' Ta' Xbiex, Ta' Xbiex
Malta Football Association	National Stadium, car park training grounds and a piece of land	Ta' Qali
Assocjazzjoni Sportiva Hibernians	Football pitch and training ground (including premises annexed thereto) Sports pavilion and basketball court Piece of land 7-a-side football pitch (including premises annexed thereto)	Sport Complex, Kordin Triq l-Isqof Buhagiar, Kordin
Dingli Swallows Football Club	Football pitch and dressing rooms	Triq Carmelo Bugeja, Dingli
Marsaxlokk Football Club	Football pitch and dressing room	Triq it-Trunċiera, Marsaxlokk
Mellieha Sports Club	Football pitch and dressing rooms	Triq Vincenzo Ciappara, Mellieha
Mosta Football Club	Full size football pitch, five-a-side football pitch and dressing rooms	Triq Manwella, Mosta

Club/Association/Federation	Facilities	Address
Pieta Hotspurs Football Club	Football pitch and club house	Triq id-Duluri, Pietà
Luxol Sports Club (St Andrews)	Football pitch (including all premises annexed thereto) Administrative block 2 five-a-side football pitches (including all premises annexed thereto) Gymnasium	St Andrews Road, St Andrews
Santa Lucia Football Club	Full size football pitch with spectators' stand and club house including dressing rooms	Dawret it-Torri, Santa Lucija
Sirens Football Club	Football pitch and dressing rooms	Triq il-Wileġ, St Paul's Bay
Siggiewi Football Club	Full size football pitch (including premises annexed thereto)	l/o Wied Hesri, Siġġiewi
Tarxien Rainbows Football Club	Football pitch, club house and dressing rooms	Triq San Frangisk, Tarxien
Vittoriosa Stars Football Club	Football pitch	Tal-Fortini f'San Dwardu, Vittoriosa
Zabbar St Patrick's Football Club	Football pitch and dressing rooms	Barra s-Swar, Żabbar
Zurrieq Football Club	Football pitch and dressing rooms	Valletta Road, Żurrieq
Scouts Association of Malta	Land at Ghajn Tuffieha	Ghajn Tuffieha
Mosta Girl Guides	Premises at Mosta	Triq id-Dwar, Mosta
Birzebbugia Bocci Club	Bocci pitch and clubhouse	Triq San Patrizju, Birżebbugia
Birzebbugia Aquatic Sports Club	Waterpolo pitch and clubhouse	Triq il-Bajja s-Sabiha, Sports Club Birżebbugia
Lija Bocci Club	Bocci pitch and club house	Triq it-Trasfigurazzjoni, Lija
Lija Tennis Club	Tennis court Dressing room	Triq Karlu Darmanin, Lija Triq it-Trasfigurazzjoni, Lija
Marsa Regatta Club	Club house	Il-Moll tal-Braken, Marsa
Mosta Cycling Club	Club house	Triq id-Dwar, Mosta
Hockey Association Malta	Immovable property (including 2 hockey pitches and dressing rooms)	Hockey Complex, Kordin
Tennis Club Kordin	4 tennis courts, club house and dressing rooms	Sport Complex, Kordin
Vittoriosa Lawn Tennis Club	4 tennis courts, club house and dressing rooms	Sport Complex, Kordin

Club/Association/Federation	Facilities	Address
Paola Bocci Club	Bocci pitch and club house	Triq il-Wied, Paola
Pawla Wolves Sports Club	Bocci pitch and club house	Triq it-Telgha ta' Rahal Ġdid, Paola
Malta Judo Federation	Land at Pembroke	Pembroke
Melita Football Club	Football pitch	Pembroke
Pembroke Tennis Club	2 tennis courts	Triq Tunis, Pembroke
Pembroke Athleta Sports Club	Basketball pitch and clubhouse	Pembroke
Malta Tennis Federation	Land at Pembroke	Pembroke
BMX Association	Land at Pembroke	Pembroke
Island Radio Model Car Club	Land at Pembroke	Pembroke
Qormi Hockey Club	Hockey pitch and club house	Triq Manwel Dimech, Qormi
Senglea Bocci Club	Bocci pitch and club house	Triq il-Ħabs l-Antik, Senglea
Paola/Tarxien Bocci Club	2 Bocci pitches and club house	Triq it-Tempji Neolotiċi, Tarxien
Zabbar St Peters Bocci Club	Bocci pitch and clubhouse	Triq San Leonardu, Żabbar
Zabbar Bocci Club	Bocci pitch and clubhouse	Triq il-Kunvent, Żabbar
Zebbug Bocci Club	Bocci pitch and clubhouse	Triq Parizi, Żebbug
Zejtun Bocci Club	Bocci pitch and clubhouse	Triq id-Dahla ta' San Tumas, Żejtun
Guy Bocci Club Zurrieq	Bocci pitch and club house	Triq il-Mithna, Żurrieq
Sannat Lions Football Club	Football pitch, complete with spectators' stand and club house	Triq il-Marżiena, Sannat, Gozo
Malta Basketball Association	Basketball court, dressing rooms and office	Ta' Qali
Birkirkara Scout Group	Ex-camp site Bahar ic-Caghaq	Bahar iċ-Ċaghaq
Pembroke/St Andrews Scout & Pembroke/North District Girl Guides	Part of Sandhurst School grounds	Pembroke
South District Scouts Group	Part of ex-Rinella WT Station	Dahla tar-Rinella
Hamrun Liberty Sports Club	Bocci pitch and club house	Triq Mile End c/w Triq Schembri Hamrun
Birkirkara Football Club	Football pitch and dressing rooms 5-a-side football pitch	Triq Bonnadini c/w Triq P.P. Castagna, Birkirkara
Marsa Football Club	Football pitch and dressing rooms	Triq Diċembru 13, Marsa

Club/Association/Federation	Facilities	Address
Mqabba Football Club	Football pitch and dressing rooms	Triq il-Madonna tal-Ġilju, Mqabba
Pembroke Athleta Sports Club	Land at Pembroke	Pembroke
Qormi Football Club	Football pitch and dressing rooms	Triq Valletta, Qormi
St. Patrick's Athletics Club	Club house	Dawret il-Gudja, Gudja
Birkirkara Tennis Club	Land at Birkirkara	Ghar il-Gobon, Birkirkara
Rinella Tennis Club	Tennis court and club house	Ex-Rinella WT Station, Rinella
Malta Sports Council	Marsa Sports Complex	Marsa according to the attached plan marked Schedule 1A
Malta Sports Council	Cottonera Regional Sports Complex	Cottonera according to the attached plan marked Schedule 1B
Malta Amateur Athletic Association	Premises at Marsa	6 and 7 Triq it-Tigrija, Marsa
Kirkop Boċċi Club	Club House and *boċċi* pitch	Triq Salvu Sacco, Kirkop
Santa Lucia Boċċi Club	Club House and *boċċi* pitch	Vjal Oleander, Santa Lucia
Qrendi Boċċi Club	Club House and *boċċi* pitch	Triq Antonio Chircop, Qrendi
San Bastjan Boċċi Club	Club House and *boċċi* pitch	Ta' l-Istabar, Triq Manuel Dimech, Qormi
Pietà Boċċi Club	Club House and *boċċi* pitch	Triq Marina, Pietà
Wied il-Ghajn Boċċi Club	Club House and *boċċi* pitch	Triq Santa Tereża c/w Pjazza Dun Tarċis Agius, Wied il-Ghajn
Mosta Boċċi Club	Club House and *boċċi* pitch	Trejqa tal-Parroċċa, Mosta
Fgura Football Club	Football ground and Dressing rooms	Triq A.M. Valperga, Fgura
Żejtun Red Stars AFC	Club house and store	Triq San Girgor, Żejtun
Mellieha Sports Club	Land adjacent to football ground	Triq Qasam Barrani, Mellieha
Gozo Football Association	Footbal ground and premises	Triq l-Imġarr, Xewkija, Gozo
Birżebbuġa Shooters Club	Shooting club and shooting range	Hal Far
Regatta Club Cospicua	Club house and stores	Triq Santa Tereża, Cospicua

Club/Association/Federation	Facilities	Address
Ghaqda Sajjieda u Dilettanti Buġibba	Land adjacent to Triq il-Knisja	Buġibba l/o San Pawl il-Baħar
Rabat Scouts Group	Land at Rabat	Triq Rudolph Saliba, Rabat
Malta Playing Fields Association	Premises at Ta'Xbiex	Triq ix-Xatt ta' Ta' Xbiex, Ta' Xbiex
Paola Wolves Sports Club	Land at Paola	Telgħet Raħal Ġdid, Raħal Ġdid
Marsa Sports and Country Club	Land at Marsa	Marsa
Young Sailors Club	Site at St Paul's Bay	St Paul's Bay
Assoċjazzjoni Sport Floriana	Site at Floriana	Sport Complex, Triq Vinċenzo Dimech c/w Triq il-Mall, Floriana
Floriana Football Club	Football grounds and Dressing rooms/pump room	Sport Complex, Triq Vinċenzo Dimech c/w Triq il-Mall, Floriana
Young Stars Hockey Club	Hockey pitch	Sport Complex, Triq Vinċenzo Dimech c/w Triq il-Mall, Floriana
Floriana Basketball Club	Basketball court and dressing rooms	Sport Complex, Triq Vinċenzo Dimech c/w Triq il-Mall, Floriana
Floriana Boċċi Club	Club house and *boċċi* pitch	Sport Complex, Triq Vinċenzo Dimech c/w Triq il-Mall, Floriana
Drag Racing Association	Site at Hal Far	Hal Far
Island Karting Club	Site at Hal Far	Hal Far
Marsa Boċċi Club	Club house and *boċċi* pitch	Kumpless sportiv, Triq Diċembru Tlettax, Marsa
St George's Football Club	*Club house*	14 Blokk A, Triq il-Pellegrina Cospicua
Ċentru Boċċi Buġibba	Club house and *boċċi* pitch	Islet Promenade, Buġibba

Club/Association/Federation	Facilities	Address
Għaqda Sajjieda Dilettanti Birżebbuġa	Site at Birżebbuġa	Birżebbuġa
Birkirkara Scout Group	Land at Bahar iċ-Ċaghaq	Bahar iċ-Ċaghaq
Malta Model Aircraft Flying Association	Land at Ta' Qali	Ta' Qali

SCHEDULE 2
(Article 2)

STATUTE OF THE MALTA OLYMPIC COMMITTEE
(as amended on the 7th March 2001)

1 NAME

1.1 The Organisation shall be called "The Malta Olympic Committee" hereinafter referred to as the MOC and shall be the supreme and exclusive authority on matters relating to representation of Malta at the Olympic Games, Commonwealth Games, Mediterranean Games, Games of Small States of Europe and other International Games which fall under the jurisdiction of the Malta Olympic Committee.

1.2 The MOC is autonomous and shall resist all pressures of any kind whatsoever, whether political, religious, racial or economic, and commits itself to taking action against any form of discrimination and violence in sport. Moreover, this statute shall, at all times, be in accordance with the Olympic Charter. The MOC undertakes to comply with the rules and *bye-laws* of the IOC with regards to the participation of athletes in the Olympic Games.

1.3 The Malta Olympic Emblem is designed as follows: A Red Maltese Cross above five interlaced rings, known as the "Olympic Rings" - blue, yellow, black, green and red - arranged in that order from left to right, the blue colour being placed on the top left hand side. The Flag shall consist of the MOC Emblem on white background. These have been approved by the International Olympic Committee (IOC) and are the exclusive property of the MOC. Should an anthem be adopted by the MOC, this will have to be approved by the IOC. The address of the MOC shall be at the National Swimming Pool Complex, Gzira, or at any other address as the Executive Board may from time to time decide.

1.4 The language of the MOC is the Maltese language. The Maltese and English languages shall be the official languages of the MOC and the administration may for all official purposes use any of such languages.

2 OBJECTIVES

2.1 The objectives of the MOC shall be:

2.1.1 To encourage and promote interests in such sports as may form part of the Olympic Games, Commonwealth Games, Mediterranean Games, Games of the Small

State of Europe as well as any International Games, for which participation falls under the jurisdiction of the MOC.

2.1.2 To foster and if necessary subsidise the representation for Malta at the Olympic Games, Commonwealth Games and Mediterranean Games, Games of Small States of Europe as well as any International Games.

2.1.3 To ensure that preparations by prospective participants are of a standard that would ensure participation with honour in all events.

2.1.4 To contribute in any way to the propagation of the Fundamental Principles of the Olympic Movement. Consequently the MOC shall:

(a) Propagate the fundamental principles of Olympism at national level within the framework of sports activity and otherwise contribute, among other things, to the diffusion of Olympism in the teaching programmes of physical education and sport in schools and university establishments. The MOC is to see to the creation of institutions, which devote themselves to Olympic education and in particular to concern itself with the establishment and activities of National Olympic Academies, Olympic Museums and cultural programmes related to the Olympic Movement.

(b) Ensure the observance of the Olympic Charter.

(c) Encourage the development of sport.

(d) Help in the training of sports administrators.

(e) Fight against the use of substances and procedures prohibited by the IOC or the IFs.

(f) Work to maintain harmonious and cooperative relations with appropriate governmental bodies. Nevertheless, the MOC shall preserve its autonomy and resist all pressures of any kind, including those of a political, religious or economic nature, that may prevent it from complying with the Olympic Charter.

2.1.5 To offer solutions to the various problems of sport in Malta and to develop sport in general in Malta.

2.1.6 The Malta Olympic Committee, an organisation belonging to the Olympic Movement, hereby undertakes to respect the provisions of the Olympic Charter and the Olympic Movement Anti Doping Code and to abide by the decisions of the IOC.

The MOC undertakes, in accordance with its mission and role at national level, to participate in actions to promote peace and to promote women in sport, and to

support and encourage the promotion of sport ethics, to fight against doping and to demonstrate a responsible concern for environmental issues.

2.1.7 The mission of the MOC is to develop and protect the Olympic Movement in Malta in accordance with the Olympic Charter. In order to fulfil its mission, the MOC may cooperate with governmental or non-governmental bodies. However, the MOC must never associate itself with any activity, which would be in contradiction with the Olympic Charter.

3 AFFILIATION

3.1 The MOC shall be affiliated to the International Olympic Committee, Commonwealth Games Federation, Mediterranean Games Organisation and the Games of the Small States of Europe. The MOC may also affiliate to any other international sports organisation.

4 CONSTITUTION

4.1 The MOC shall consist of:

4.1.1 Affiliated Associations / Federations / Sport Unions.

4.1.2 The President and General Secretary of the MOC.

4.1.3 The Maltese member(s) of the IOC.

4.1.4 Olympians as specified in art 5.1.15.

4.1.5 Government or other public authorities shall not designate any members of an NOC.

4.1.6 The individual members of the MOC, with the exception of those who devote themselves to the administration of sport, shall accept no salary or bonus of any kind in consideration for the performance of their functions.

4.1.7 A member, honorary member or any person expelled from the IOC may not be a member of the MOC.

5 ELIGIBILITY FOR AFFILIATION

5.1 All properly constituted active local Associations / Federations / Sport Unions organising, on a national level, a sport which forms part of the programme of any Games that fall under the jurisdiction of the MOC, or a sport which is either recognised by the IOC or any other sport, including traditional sport, shall be eligible for affiliation to the MOC.

The MOC shall include all national federations affiliated to the IFs governing sports included in the programme of the Olympic Games or the representatives designated by them (with a minimum of five such national federations). Proof must be adducted that these national federations exercise a specific and real sport activity in their country and internationally, in particular by organizing and participating in competitions and implementing training programmes for athletes. The MOC shall not recognize more than one national federation for each sport governed by such IF.

Athletes or retired athletes having taken part in the Olympic Games; however, the latter must retire from their posts at the latest by the end of the third Olympiad after the last Olympic Games in which they took part.

The NOCs may also include as members:

a) National federations affiliated to IFs recognized by the IOC, the sports of which are not included in the programme of the Olympic Games.

b) Multi-sport groups and other sport-oriented organizations or their representatives, as well as nationals of the country liable to reinforce the effectiveness of the MOC or who have rendered distinguished services to the cause of sport of Olympism.

5.1.1 Each particular sport shall be represented in the Malta Olympic Committee by one Association/Federation/Sport Unions.

5.1.2 All applications for affiliation shall be examined by the Executive Board in order to verify whether such applications are in conformity with these Rules. The Board will then submit its recommendations to the Council for final decision.

5.1.3 If it results to the satisfaction of the MOC Executive Board that any affiliated Association/Federation/Sport Union is in default in respect of any of the criteria for affiliation as established in this article, the Executive Board will then recommend to the Council that such Association/Federation/Sport Union be either suspended or expelled. The Executive Board may also make such recommendation for any reason which it deems fit. The Council will then have the power to suspend for a definite time or expel such Association/Federation/Sport Union.

5.1.4 A motion of removal of an affiliated Association/Federation/Sport Union or any individual member must appear on the Agenda of the meeting and shall require the approval of at least two-thirds of the members present at the meeting for its adoption.

5.1.5 Any individual may be suspended or otherwise dealt with. He shall be notified by registered letter within seven days of suspension, the date and period of suspension.

5.1.6 An Association/Federation/Sport Union which is suspended shall be notified by registered letter by not later than seven days of the decision indicating the date and period of suspension.

5.1.7 A term of suspension commences from the time it is pronounced by the MOC unless otherwise stipulated and does not expire until the close of the day named in the decision.

5.1.8 Any properly constituted active local sports Association / Federation/Sport Union, which is not an MOC affiliated Association / Federation / Sport Union, and which must have been set up for at least two years, may be accepted by the Council, with a unanimous vote, as an Associate member of the Malta Olympic Committee.

5.1.9 An Association / Federation / Sport Union which potentially can become a full member of the MOC requires a two thirds majority vote of the Council to be accepted.

5.1.10 One representative of each Associate member shall have the right to attend Council Meetings, but shall not have the right to vote.

5.1.11 Associate and/or recognised members may benefit from any programme or project of the Malta Olympic Committee.

5.1.12 The MOC shall recognise the Olympians Club composed of athletes or retired athletes having taken part in the Olympic Games.

5.1.13 The Olympians Club shall be constituted according to Annex 'C'.

5.1.14 For the purpose of representing of the Olympians Club on the MOC Council, such athlete will only be eligible up to the third Olympiad after the last Olympic Games in which he/she took part.

5.1.15 The Olympians Club shall have one representative on the Council.

6 GOVERNING BODY

6.1 The Council shall be the highest organ of the MOC and will be the policy-making body.

6.1.1 The President of the MOC, the General Secretary of the MOC and the two representatives of each of the affiliated Associations/Federations/Sport Unions, whose fees are paid up, shall constitute the Council and shall have voting powers. The President shall also have a casting vote.

6.1.2 Legal representation of the MOC shall be vested in the person or persons so appointed for the particular issue by the Management Committee. All Elected members of the Executive shall assume office immediately after the meeting at which they are elected and remain in office until the end of their respective term of office or until they retire. Members will be eligible for re-election.

6.1.3 The Council shall have the power to co-opt not more than four members from outside the Organisation for a period of not more than one year. However, the Council may appoint any number of individuals to assist on any specific project which does not have a direct bearing on the administration of the MOC.

6.1.4 The President and General Secretary of the MOC shall relinquish their post as President, General Secretary or Treasurer of any affiliated Association/Federation/Sport Union, if they hold such posts on being elected as officers of the MOC. The President and General Secretary of the MOC cannot hold the post of President, General Secretary or Treasurer with any affiliated Association/Federation/Sport Union.

7 THE COUNCIL

7.1 The Council shall have the power to administer the affairs of the MOC and shall consist of the following:

7.1.1 The President of the MOC.

7.1.2 The General Secretary of the MOC.

7.1.3 The Maltese member/s of the IOC.

7.1.4 The co-opted members but without the right to vote.

7.1.5 Two representatives of each of the affiliated Associations/Federations/Sport Unions.

7.1.6 The members of the Executive Board who are not the Council Members, but without the right to vote.

7.1.7 Representative of the Olympians Club.

8 COUNCIL REGULATIONS

8.1 The Council will meet at least three times in a year, once during February / March, another time during June/July and the third time during November / December.

8.2 Documents to be discussed and approved by Council shall be submitted to all council members at least 30 days prior to the meeting.

8.3 Twenty-five per cent of all the members of the MOC having the right to vote shall form a quorum at all meetings. If the said quorum is not attained after one hour from the scheduled time, a second meeting shall be convened not before 7 days and not later than one month from the date of the first meeting and the quorum shall be the members present at the second meeting.

8.4.1 The following shall have the right to vote at all meetings: -

a) The President;
b) The General Secretary;
c) The Maltese Member/s of the IOC, if any;
d) Two representatives of each of the affiliated Associations / Federations/Sport Unions.
e) Representative of the Olympians Club.

8.4.2 The President and General Secretary have no vote in respect of the elections of the Executive Board members.

8.5.1 When dealing with questions relating to the Olympic Games, only the votes cast by national federations affiliated to IFs governing sports included in the programme of the Olympic Games are taken into consideration.

8.5.2 The MOC shall not recognise more than one national federation for each sport governed by such IF.

Furthermore, such national federations or the representatives chosen by them must constitute the voting majority of the MOC on Olympic matters.

When the representatives do not reach agreement on whether the subject discussed is an Olympic matter or otherwise, the President of person chairing the meeting shall rule on what constitutes an Olympic matter basing his decision on what is provided in the Olympic Charter. Such ruling shall not be subject to challenge by Council Members.

8.5.3 Save as specified on Art 8.8.2 all votes shall be determined by simple majority of the members present."

8.6 All voting at all council meetings shall be determined by the show of hands unless a secret vote is called by any member.

8.7 Council meetings shall be summoned by the Secretary General, following a discussion by the Executive. The Secretary General shall inform all those entitled to attend by means of a circular to be sent by not later than sixty (60) days prior to the meeting. The accidental non-receipt of the Agenda or any document attached to it shall not be considered in any way an infringement of this sub-section.

8.8.1 Amendments to the Statute can be proposed in the first council meeting of the year, by the Executive Board or by an affiliated Association/Federation/Sports Unions as long as they are submitted to the Secretary General of the MOC at least six weeks before the meeting in order to be sent to all members thirty (30) days prior to the council meeting.

8.8.2 Amendments carried require the approval of two-thirds of the members present with the right to vote. However amendments to the annexes shall only require a simple majority for amendments.

8.8.3 Any subsequent change to the statutes as originally approved by the IOC shall also be communicated to the latter with a request for approval.

8.9.1 In the last meeting in the year of the Olympic Games the Council will elect the President and the Secretary General of the MOC and the other members of the Executive Board consisting of the Deputy President, the Director of Finance, the Director of Sport and eight (8) other directors. This meeting shall be known as the Elective General Assembly.

8.9.2 Save as provided below, the eight persons polling the highest number of votes during the Elective General Assembly shall be declared elected. In the case of a tie for the last elected Director, there will be further elections between the candidates who obtained the same number of votes.

However, the gentleman and lady obtaining the highest number of votes from gentlemen or ladies standing for election, shall be declared elected notwithstanding that he/she is not included with the top eight, provided that he/she shall have obtained a minimum of 10% of the valid votes cast. In this latter case, the last elected candidate will be replaced by the gentleman / lady as specified in the sub-section. Should no gentleman/lady be elected as stated above, the Executive shall, during its first meeting co-opt its eighth director accordingly with full voting rights.

8.10 Notice of resolutions must reach the Secretary General of the MOC at least six weeks prior to the meeting. Resolutions not notified may not be discussed until the appropriate procedure is followed.

9 MOC EXECUTIVE BOARD

9.1.1 The Executive Board will be responsible to put into effect the policy as decided by the Council and to run the affairs of the MOC in conformity with that policy.

9.1.2 The Executive Board will consist of the persons elected as per article 8. They shall hold office from the moment they are declared elected up to the next Elective General Assembly. The Executive shall appoint from amongst its members, directors responsible for the various duties mentioned in 9.2 below or any other duty, which it feels fit to assign.

9.1.3 The Maltese IOC member/s shall be ex-officio member/s of the Executive Board.

9.1.4 The duties of the Executive Board, inter alia, are the following:

a) Deal with all business of the MOC (not policy);

b) Deal with urgent business of the MOC on behalf of the MOC. These decisions are to be ratified later at the first Council Meeting;

c) Raise funds and take charge of teams representing Malta.

9.1.5 The Executive Board is summoned by the President or Secretary General at least ten times a year or at the request of two members. Six members shall form a quorum.

9.1.6 There shall be a Management Committee of the MOC. This shall consist of the President, Deputy President, Secretary General, Director of Finance and Director of Sports.

9.1.7 The Management Committee shall be responsible for the day to day management of the MOC according to the policy established by the Council.

9.1.8 The Management Committee shall meet as often as required. Three shall constitute a quorum.

9.1.9 The minutes of the Management Committee shall be approved by the Management Committee. However, they shall be circulated to all Executive Committee Members.

9.1.10 The Management Committee shall not borrow or enter into any loan agreements totalling more than twenty-five thousand Malta liri without the prior approval of the Council. It cannot hypothecate MOC property without the prior approval of Council.

9.1.11 Once every six months the Management Committee shall hold a meeting with the Presidents of the Associations/Federations/Sports Unions whose sports is included in the next Olympiad, and of the other Sports Associations/Federations/Sports Unions separately. In special cases, if the President of an Association/Federation/Sports Union cannot attend, his/her Deputy President or his/her Secretary General can attend instead of him/her."

9.2 Specific Duties

9.2.1 The duties of Executive Board members are the following: -

9.2.2 The President will chair all meetings of the Council, the Executive Board and the Management Committee. The President shall be ultimately responsible for all matters and he has the right to exercise the casting vote.

9.2.3 The Deputy President will perform all the duties of the President in his absence. He will be responsible for the functioning of all the commissions of the MOC and also to act as co-ordinator in respect of such MOC Commissions.

9.2.4 The Secretary General will be responsible for the running of the secretariat and the day to day running of the MOC. He will also be responsible for the relations with member Associations/Federations/Sport Unions.

9.2.5 Director of Finance will be responsible for finance and will also present a yearly budget for approval to the Executive Board. The Director of Finance will present professionally audited accounts of the preceding year during the first Council Meeting of each year, except for the first Council Meeting of the Quadrennial. He shall present the professionally audited accounts for the Quadrennial, during the Elective General Assembly.

9.2.6 Director of Sport will be responsible for the sports programme and technical programme of the MOC. He will co-ordinate with member Associations/Federations/Sport Unions as far as technical matters are concerned. He will also be responsible for sports facilities. He will act as chairman of the sports commission. He will be responsible for all matters connected with the Olympic Games, Mediterranean Games, Commonwealth Games, Games of the Small States of Europe and the European Youth Olympic Days.

Other duties of members elected on the Executive Board, could include that of

9.2.7 Deputy Secretary General who will work in close collaboration with the Secretary General and will deputise for him in his absence.

9.2.8 Director of Marketing who will be responsible for the planning and execution of a marketing programme. He will be responsible for the relations with sponsors. He will safeguard the emblem and marks of the International Olympic Committee and of the Malta Olympic Committee.

9.2.9 Director of Media and Public Relations who will be responsible to project the right image of the MOC and to inform the public on all activities organised by the MOC. He will be responsible for all MOC publications and ancillary matters.

9.2.10 Director of Youth Programme who will be responsible to formulate a policy on young athletes and on the role of sport in education at all levels. He will be responsible for the organisation of the Loghob ghaz-Zghazagh (Malta Olympic Youth Sports Fest) and for all matters connected with the European Youth Olympic Days and Giochi della Gioventù.

9.2.11 Director of the Olympic Academy who will be responsible to set up the Academy and to hold regular courses and seminars for the promulgation of the Olympic Ideals and he will also be responsible for the Sports Library and the Museum.

9.2.12 Director of Relations with Government who shall be responsible to discuss and improve the relations with Government Departments (eg. Income Tax, VAT) and Authorities ((Planning, Tourism)), in order to improve the position of MOC , its affiliated federations, and sports Associations/Federations/Sport Unions in general in Malta.

9.2.13 Director responsible for Sport for All.

9.2.14 Director responsible for Ethics.

9.2.15 The Executive is empowered to assign the above-mentioned duties as well as other duties to be decided upon, to anyone of the Executive Directors, including members of the Management Committee, and may assign more than one of the above-mentioned duties to the same director, as well as assign part of these duties to one director and part to another director.

9.3 Vacancies

9.3.1 Vacancies of executive Board Members must be filled not later than two months from the date that the Council meets and acknowledges a resignation, or other reason that creates a vacancy. Meetings called for the purpose of election of officers must be notified to all members at least fifteen days in advance.

10 ELECTIVE GENERAL ASSEMBLY

10.1 The last Council meeting held in the year of the Olympic Games will be deemed as the Elective General Assembly. The Agenda shall only include the following:

a) Address by the President.

b) Review of activities by Directors.

c) Approval of audited accounts.

d) Election of the President, the Deputy President, the Secretary General, the Director of Finance, the Director of Sport and eight (8) other directors.

e) Appointment of a qualified Auditor.

10.2 Nomination for any post must to duly proposed by any one Association / Federation/ Sport Union and seconded by another member Association Federation/ Sport Union. The nominated candidate must signify his acceptance even if this is done by fax. All nominations are to be acknowledged in writing.

10.3 These nominations are to be submitted to the MOC secretariat at least 42 days in the case of the President and 28 days in the case of the other Directors prior to the Elective General Assembly or any Council Meeting where elections are to be made and will be circulated to all member federations ten days before such meetings.

11 EXTRAORDINARY COUNCIL MEETINGS

11.1 Extraordinary Council Meetings shall be called any time they are requested by the President, or by the Executive Board or by at least one fourth of all member Associations/ Federations/Sport Unions have the right to vote. The objectives of calling such a meeting must be clearly stated. No item other than that/those specified on the Agenda shall be decided. "Any other matter" is not to be considered as a specific item.

12 COMMISSIONS

12.1 The Executive Board shall nominate the following commissions and any other commission as the Board may deem fit: -

a) Medical;

b) Legal;

c) Athletes;

d) Women;

12.1.1 The Chairman of each Commission are to attend in an observer capacity to the Executive Board meetings whensoever they shall be called upon to do so.

12.1.2 The President, the Deputy President and General Secretary will be ex-officio members on all commissions.

12.1.3 All reports shall be presented to the Executive Board in writing. These reports will be presented also to the Council.

13 SUB-COMMITTEES

13.1 Sub-committees and/or special committees may be appointed by the Council to consider and report upon any question that may be referred to them. The number to form a special committee or sub-committee and the number to form a quorum shall be determined by the Council.

13.2 The President, the General Secretary and Deputy President shall be ex-officio members on all committees. All reports shall be presented to the Council in writing and after having been read and adopted shall be noted in the minutes.

14 APPEALS

14.1 Any decision taken by a Disciplinary Tribunal set up by the Malta Olympic Committee may be submitted exclusively by way of appeal to the Court of Arbitration for Sports in Lausanne, Switzerland, which will resolve the dispute definitely in accordance with the Code of Sports-Related Arbitration. The time limit for appeal is twenty-one days after reception of the decision concerning the appeal

15 RESIGNATIONS

15.1 Executive board members failing to attend three (3) consecutive meetings or a total of five (5) out of (9) meetings without justified reasons or fail to do their duties according to the terms of reference as stated in Rule 9.2, shall be considered as not in good standing. Such persons shall be considered as having resigned if they do not justify their case at the first Council Meeting after such default.

15.2 A registered letter should be sent to such persons to attend this Council Meeting.

16 RESOLUTIONS

16.1 A resolution shall not be rescinded unless the counter resolution has the support of two-thirds of the members present.

17 PRIVILEGED MATTERS

17.1 All matters discussed at MOC meetings shall be deemed as privileged. However, the MOC may from time to time inform any member Association/Federations/Sports Union, or the media about its decision.

18 ADJOURNMENT

18.1 Any business or motion not dealt with by the closing of the meeting shall be adjourned and given priority at the next meeting.

19 FINANCIAL YEAR

19.1 The financial year of the MOC will be from the beginning of November till the end of October.

20 OLYMPIC RULES

20.1 Matters relating to international participation and not provided for in the statute shall be dealt with in accordance with the IOC rules, or rules governing the international event at the time. Should there be any doubt concerning the interpretation of this constitution or omissions or discrepancies between it and the provisions of the "Olympic Charter", the latter shall prevail.

20.2 The MOC shall constitute, organise and lead its delegation at the Olympic Games and at the regional, continental or world multi-sports competitions patronised by the IOC. The MOC shall be responsible for the behaviour of the members of its delegations.

20.3 The Malta Olympic Committee shall have the exclusive powers for the representation of Malta at the Olympic Games and at the regional, continental or world multi-sports competitions patronized by the IOC.

The Malta Olympic Committee has the authority to apply to organize International Games in Malta. The MOC shall comply with rules 31 - 35 and the *bye-laws* to Rules 31 and 32 of the Olympic Charter.

21 SUSPENSION

21.1 Any member not conforming with any directive given by the Chairman during any meeting may be suspended by the Chairman.

22 RECOGNITION OF NATIONAL ASSOCIATIONS / FEDERATIONS / SPORT UNIONS

22.1. The MOC Council shall have the power to grant the status of Associate member to any Association / Federation/ Sport Union. Such associate member may attend Council Meetings but shall not have the right to vote. However, the President may grant the representative of such Association / Federation / Sports Union, the right to address the Council.

22.2 The MOC Council shall have the power to give recognition to the National Associations / Federations / Sports Union. A recognised Association / Federation / Sports Union may attend council meetings but shall not have the right to vote.

22.3 All affiliated associated, or recognised Associations/Federations/ Sports Unions must inform the Malta Olympic Committee whenever they hold a general meeting, at least fifteen days prior to the date of such General Meeting. The MOC

shall appoint a delegate to attend such General Meeting and to report on business conducted thereat.

22.4. All decisions taken at any General Meeting of an affiliated Association/Federation/Sport Union are to be notified to the Malta Olympic Committee within fifteen days.

23 SUBSCRIPTION FEES

23.1 The Annual subscription Fee shall be of twenty five Malta lira (Lm25) to be paid in advance by the 31st January of each year. A list of all Associations/Federations/Sport Unions affiliated to the MOC will be circulated during the first week of February and before the first Council Meeting. Associations/Federations/Sport Unions who are in arrears for two months shall after notice of such action be suspended. Such Associations/Federations/Sport Unions may however be reinstated should they bring their subscription up to date and pay a fine which the MOC may deem fit, but not exceeding one hundred Malta Lira (Lm100).

24 DISSOLUTION

24.1 In the event of the MOC being dissolved or disbanded the assets shall de divided equally between the affiliated Associations/Federations/ Sports Unions

25 INTERPRETATION OF THE RULES

25.1 The MOC is the sole interpreter of these rules but should there be any doubt concerning the interpretation of this Constitution or omission or discrepancies between it and the provisions of the "Olympic Charter", the latter shall prevail.

Mr. Justice Lino Farrugia Sacco
President

Joseph Cassar
Secretary General

Date

A 2300

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Passed by the House of Representatives at Sitting No. 817 of the 20th November, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives