L.N. 75 of 2004

LOTTERIES AND OTHER GAMES ACT, 2001
(ACT NO. XXIV OF 2001)

National Lottery Gaming Devices Regulations, 2004

IN exercise of the powers conferred by articles 1 and 78 of the Lotteries and Other Games Act, 2001, the Minister of Finance and Economic Affairs, after consultation with the Lotteries and Gaming Authority, has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is the National Lottery Gaming Devices Regulations, 2004.

(2) These regulations shall come into force on the 13th February, 2004.

Interpretation.

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

"the Act" means the Lotteries and Other Games Act, 2001;

"Licensable Activity" mean any of the activities of importing, manufacturing, maintaining or supplying a relevant gaming device;

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

(2) Any other term or expression used in these regulations which is defined in article 2(1) of the Act shall, unless otherwise expressly defined in these regulations or the context otherwise requires, have the same meaning as is assigned to it in the said article 2(1) of the Act.

Exemption in case of operation of the National Lottery by the Minister.

3. (1) Any person performing any licensable activity in respect of any National Lottery relevant gaming device shall, be exempt from the requirement to obtain a licence in terms of article 7(1) of the Act, unless the said licensable activity is performed by the Minister or is procured or requested from other persons by the

Minister for the purposes of such National Lottery relevant gaming device being used or continuing to be used, after the performance of such licensable activity, solely and exclusively for the purposes of and in connection with the operation of the National Lottery by the Minister in terms of the Act or as contemplated by the latest National Lottery licence issued in terms of article 26(3) of the Act, including, without prejudice to the generality of the foregoing, the operation by the Minister of the National Lottery or any activity authorised in terms of the said National Lottery licence during any period of suspension or after expiry or earlier cancellation or termination of such National Lottery licence as contemplated by the Act or by such National Lottery licence.

(2) The exemption contained in regulation 4(1) shall also apply to the performance by a National Lottery licensee, whose National Lottery licence has been suspended in terms of the Act or terminated by the expiry of its term or by its earlier cancellation or termination in terms of the Act or in terms of such licence, of:

(a) the licensable activity consisting of the supply of any National Lottery relevant gaming devices to the Minister, by way of permitting the Minister to use the same or by way of a transfer of the same to the Minister during the suspension or after the termination of such National Lottery licence as contemplated by such National Lottery licence, for the purposes referred to in regulation 3(1) of these regulations; and

(b) any other licensable activity in relation to any National Lottery relevant gaming devices performed by such licensee in the course of such licence providing any maintenance, technical and operational assistance and support or other services to the Minister during the suspension or after the termination of such National Lottery licence as contemplated by such licence, for the purposes referred to in regulation 3(1) of these regulations.

(3) Any person who is engaged or otherwise requested by the Minister to perform a licensable activity in respect of a National Lottery relevant gaming device may rely on the applicability of and benefit from the exemption granted under the foregoing provisions of this regulation in respect of such licensable activity if, prior to performing such licensable activity, he obtains a written declaration from the Minister that such licensable activity in respect of such National Lottery relevant gaming device is being procured or requested for the purposes referred to in regulation 3(1) of these regulations.

Power of Authority to exempt.

4. (1) The Authority is empowered, with the prior approval of the Minister, to exempt all persons or such categories of persons as may be determined by the Authority from the licensing requirement under article 7(1) of the Act in respect of all National Lottery relevant gaming devices or such categories of National Lottery relevant gaming devices or particular National Lottery relevant gaming devices as may be determined by the Authority.

(2) The Authority may grant such exemptions by means of directives issued by it and publicised in such manner as the Authority may deem appropriate and may, after issuing any such directive and with the prior approval of the Minister, amend, repeal or replace the same by means of another directive publicised in such manner as the Authority may deem appropriate.

(3) Any such directive issued and publicised as aforesaid shall be deemed to form part of these regulations for all intents and purposes of law and, in particular but without prejudice to the generality of the foregoing, any contravention of such directive shall be deemed to be a contravention of these regulations for the purposes of regulation 5 of these regulations.

Offences and penalties.

5. Any contravention of these regulations shall be considered as an offence and any person guilty of such an offence shall, on conviction, be liable to a fine (multa) of not more than one hundred thousand Malta lira.

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