

I assent.

(L.S.)

AGATHA BARBARA
President

3rd April, 1984

ACT No. VII of 1984

AN ACT to amend the Kursaal Ordinance, 1962

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:—

1. This Act may be cited as the Kursaal (Amendment) Act, 1984, and shall be read and construed as one with the Kursaal Ordinance, 1962, hereinafter referred to as "the principal law". Short title.

2. In sections 3, 7 and 8 of the principal law for the words "Minister responsible for tourism" wherever they occur there shall be substituted the words "Minister responsible for finance". Amendment of sections 3, 7 and 8 of the principal law.

3. Section 4 of the principal law shall be amended as follows: Amendment of section 4 of the principal law.

(a) in paragraph (a) thereof, immediately after the words "persons over the age of eighteen years" there shall be inserted the words "and who are not citizens of Malta,"; and

(b) in paragraph (b) thereof, immediately after the words "person over the age of eighteen years" there shall be added the words "and who is not a citizen of Malta,".

4. Immediately after section 4 of the principal law there shall be added the following new section: Addition of new section 4A to the principal law.

"Citizens of Malta may not have access to gaming rooms. 4A. (1) No person who is a citizen of Malta shall have access to any part of a kursaal where the playing of games of chance for money or money's worth is permitted in accordance with a licence granted under section 3 of this Ordinance.

(2) Subsection (1) of this section shall not apply to:

(a) employees during the course of their duties relative to their employment with the person to whom a licence has been granted under section 3 of this Ordinance, or with the person to whom such licence may have been lawfully assigned; or

(b) any person authorised in terms of section 8 of this Ordinance for the purpose of the performance of his duties in accordance with that section; or

(c) any employee or officer of a Government Department or any other authority established by law, during the course of his duties; or

(d) any person during such time and for such purpose as may be authorised by the Minister for the purpose of the performance of any work in connection with such person's trade, business or profession:

For the purpose of this paragraph Minister means the Minister responsible for finance and includes any public officer delegated by the Minister for such purpose.

(3) Any person who contravenes or allows or suffers any person to contravene subsection (1) of this section shall be guilty of an offence against this Act and shall be liable on conviction —

(a) in the case of the person to whom the licence has been granted or assigned —

(i) for a first conviction to a fine (*multa*) of not less than five hundred Maltese liri and not exceeding one thousand Maltese liri; provided that where the Maltese citizen having access to such part of the kursaal where the playing of games of chance for money or money's worth is permitted, also takes part in any of such games the fine shall be of not less than seven hundred Maltese liri and not exceeding one thousand five hundred Maltese liri;

(ii) for a second conviction to a fine (*multa*) of not less than seven hundred Maltese liri and not exceeding one thousand five hundred Maltese liri; and the Court shall order the forfeiture of the licence;

(b) in the case of any other person —

(i) for a first conviction to a fine (*multa*) of not less than one hundred Maltese liri and not exceeding three hundred Maltese liri; provided that if such person also participates in any game of chance for money or money's worth the fine shall not be less than two hundred Maltese liri and not exceeding five hundred Maltese liri;

(ii) for a second or subsequent conviction to a fine (*multa*) of not less than two hundred Maltese liri and not exceeding five hundred Maltese liri and to imprisonment for a term not exceeding three months;

(4) Where the person to whom a licence has been granted or assigned is a company or other association of persons, an offence shall be deemed to have been committed by such company or association of persons where such offence has been committed with the knowledge, of the secretary or any other person who from time to time has the management, administration, direction or control of the operations, for which a licence has been granted under section 3 of this Ordinance or where such secretary or such other person has not exercised all due diligence for the prevention of the commission of such offence.

(5) Any penalty to which a person to whom a licence has been granted or assigned may be liable in virtue of subsection (3) of this section shall be without prejudice to any liability, incurred in terms of the conditions of the licence.”.

Passed by the House of Representatives at Sitting No. 164 of the 2nd April, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives