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I assent.

(L.S.) **GEORGE VELLA**
President

30th July, 2021

ACT No. LIV of 2021

AN ACT to provide for the regulation of Sports Governance and Integrity and the establishment of an Authority to be known as the Authority for Integrity in Maltese Sport, to support the development and implementation of the objectives described in this Act and to promote consistent principles to uphold the principles of good governance and defend the integrity of Maltese sport and to exercise regulatory functions and perform related services and to make provision with respect to matters ancillary thereto or connected therewith.

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:-

SPORTS GOVERNANCE AND INTEGRITY ACT, 2021

ARRANGEMENT OF THE ACT

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PART I
Preliminary

Short title and commencement.

1. (1) The short title of this Act is the Sports Governance and Integrity Act, 2021.

(2) The provisions of articles 31 to 37, as well as the provisions of article 76 (but subject to the provisions therein contained) of this Act shall come into force on such date as the Minister responsible for sports may, by notice in the Gazette, establish:

Provided that the amendments referred to in paragraphs (d)(i), (d)(iii) and (f) of article 76(1) shall come into force upon the coming into force of this Act.

Interpretation.

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

"Academy" and, or "Sports School" means an organisation of a commercial nature having the scope of providing training to athletes under the age of sixteen (16), with the aim of providing an adequate ambience for their development and with the objective of encouraging participation of the aforementioned minors in events organised by the respective national sports organisations;

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"Act" means the Sports Governance and Integrity Act, 2021, and includes any regulations and rules made, and guidelines issued, thereunder;

"advisory committee" means an advisory committee established in accordance with article 30;

"anti-doping conventions" means the Council of Europe Anti-Doping Convention and the International Convention Against Doping in Sport of UNESCO;

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

"athlete" means any person who competes in sport at the international level as defined by each international federation or at the national level as defined by each national association, and any person who participates in sport under the authority of any country, government, or other sports organisation;

"athlete support person" means coach, trainer, manager, agent, team staff, official, medical or paramedical personnel, parent or any other person working with, treating or assisting an athlete participating in or preparing for a sports competition;

"Authority" means the Authority for Integrity in Maltese Sport established by article 5 and any references in this Act or any other law to the Authority shall, unless the context otherwise requires, be construed as including a reference to any person authorised by the Authority to act for or on its behalf;

"authorisation" shall include all forms of recognition as defined in this article;

"Board" means the Board of Directors of the Authority composed of the Chairperson and members appointed in accordance with the provisions of article 5(3);

"CAS" means the Court of Arbitration for Sport, which serves as an international arbitration and appeals tribunal for matters related to sport, which has its seat in Lausanne, Switzerland;

"Chairperson" means the Chairperson of the Authority as appointed in accordance with the provisions of article 5;

"Chief Executive Officer" means the Chief Executive Officer of the Authority appointed in accordance with the provisions of article 13(2);

"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;

"decision" includes any directive, determination, direction, condition, measure, requirement or specification, howsoever described, made by the Authority;

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"Deputy Chairperson" means the Deputy Chairperson or any other person appointed to act as a Deputy Chairperson in the circumstances mentioned in article 5(5);

"directorate" means any directorate established in accordance with the provisions of article 29;

"employee" means a person employed by the Authority;

"European Federation" means an association of national associations or federations which acts as the governing body of a sporting discipline in Europe and of which the Maltese national association or federation is a member;

"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;

"international federation" means an association of national associations or federations which acts as the governing body of a sporting discipline worldwide and of which the Maltese national association or federation is a member;

"licence" means a permit granted by the Authority to operators, without prejudice to the definition of this term, in order to run and administer a sports facility;

"licence holder" means a person who holds a permit issued in terms of this Act;

"Maltese Olympic Committee" means the Maltese Olympic Committee established on the 9th June 1928;

"Minister" means the Minister responsible for sports;

"operator" means any natural or legal person who operates and manages a sports facility. The term "operator", as used in this Act, and unless the context otherwise requires, may mean any of the two kinds of natural or legal persons, as hereunder:

(a) a registered person or government entity who holds an authorisation, permit or licence from the Authority in accordance with the provisions of this Act; or

(b) a private entity or person who operates sports facilities who, though not obliged to register with the Authority in accordance with the provisions of this Act, elects to apply for a licence;

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

"prohibited substances" means prohibited substances or methods as defined in the WADC;

"recognition" means the formal recognition by the Authority which is sought with reference to the suitability of licence holders and others involved in the operation of sports facilities to continue to be licensed for the relevant period and which the Authority is entitled to grant through or by the provision, issuance, validation, confirmation, certification or otherwise in writing to an applicant and includes any licence, permission, authorisation, approval, confirmation, certification by or registration with the Authority in terms of any special law which the Authority is entitled to administer or enforce and the terms "authorisation" or "authorisation holder" in the provisions of this Act shall be construed as a reference to the relevant form of recognition, or the holder thereof, as the case may be;

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

"registered person" means a person registered in the Register of Sport Persons under Part VII;

"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 SportMalta prescribe;

"SportMalta" means the body established in accordance with article 4 of the Sports Act; Cap. 455.

"sports facilities" means enclosed areas of sports pavilions, outdoor stadiums, gymnasiums, fitness centres, boxing arenas, swimming pools and sea-bound waterpolo pitches, snooker and billiard halls, bowling alleys, athletics facilities, artificial or natural turf pitches, and other similar places where athletes and other persons assemble to engage in physical exercise, participate in athletic competition, or witness sporting events;

"sport governance" means the exercise of power, with consideration given to influence, authority, and the nature of decision making in sport at club, national and international level. This includes

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the creation of policies, the setting up of structures and the administration of sport at grassroot, amateur and professional level from their technical, physical, financial and organisational aspects, whether in or out of competition and in the organisation of sporting competitions and events;

"sport integrity" means the manifestation of the ethics and values which promote the confidence of the public in sport, including fair and honest performances and outcomes by athletes and athlete support persons, unaffected by illegitimate enhancements or external interests, and positive conduct by athletes, administrators, officials, and other athlete support personnel, both in and out of competition, which enhances the reputation and standing of the sporting contest and of sport overall;

"sports 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 sporting discipline or sporting disciplines;

"testing" means the parts of the doping control process involving test distribution planning, the sample collection from an athlete, sample handling, and sample transport to a laboratory;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act; Cap. 490.

"undesirable person" means a person who:

(a) has been convicted of a crime, wherever committed:

(i) against the safety of the Government in terms of articles 55, 56, 57, 58 and 59 of the Criminal Code; or Cap. 9.

(ii) against public safety in terms of articles 311, 312, 313, 314, 315, 316 and 317 of the Criminal Code; or Cap. 9.

(iii) specified in the Schedule to the Extradition Act, and liable to a term of imprisonment of more than three (3) years; or Cap. 276.

(iv) against the Prevention of Money Laundering Act; or Cap. 373.

(v) in violation of articles 307, 308, 309, 310, 311, 312, 313, 314, 315 of the Companies Act, or in violation of article 191 of the Criminal Code; or Cap. 386. Cap. 9.

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(vi) against Sub-Titles IVA and B of Title IX of Part II of Book First of the Criminal Code; or Cap. 9.

(vii) against the Prevention of Corruption in Sport Act; or Cap. 593.

(viii) against the laws or by the courts of another country with respect to the crimes substantially equivalent to those specified in sub-paragraphs (i), (iv), (v) and (vii);

(b) is the subject of sanctions or restrictions issued by the United Nations, the European Union or other international governmental body of which Malta is a member and which are adopted or applied by the Government in terms of the National Interest (Enabling Powers) Act, and, or any other applicable law, and this for such time as such sanctions remain in force; Cap. 365.

(c) is the subject of an international arrest warrant or of a European Arrest Warrant or is otherwise wanted by INTERPOL or by another equivalent trans-national police organisation, and this for such time as he so remains;

(d) is insolvent or bankrupt and unable to pay his debts as they fall due;

(e) being a legal entity, the director, the administrator or other officer or the controlling shareholder of which is:

(i) an undesirable person, or

(ii) in case of a director or officer disqualified to be a director of a company in terms of the Companies Act or of a similar law of a jurisdiction of which the director or officer is a national or a resident and this for as long as such person remains so disqualified; Cap. 386.

"WADA" means the World Anti-Doping Agency, being a foundation constituted under the Swiss Civil Code in Lausanne on 10 November, 1999;

"WADC" or "Code" means the World Anti-Doping Code first adopted by WADA on 5 March, 2003, and any other subsequent amendments;

"whereabouts" means information provided by selected athletes about their location to either the national association or federation, or an international federation governing their practised sporting

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discipline or the Authority, which has included such athletes in their respective registered testing pool as part of the selected athletes' responsibilities.

(2) The Minister, acting on the advice of the Authority, may by regulations, and the Authority, with the consent of the Minister, may by guidelines, clarify any definition in sub-article (1) or provide additional definitions in support of the definitions in sub-article (1).

PART II
Objectives of the Act

Objectives.

3. The Government shall, through the establishment of the Authority, seek to regulate the recognition of sports organisations by the Government and sports integrity issues in collaboration with sports persons and other relevant stakeholders, to ensure that all persons involved in the provision or in the practice of sport in Malta respect those rules, regulations and policies and for upholding the principles of good governance, fair play and equality across the sporting community, and shall have as its objectives:

(a) the regulation of Maltese sport, ensuring to keep and update a register for sports persons and establish criteria based on the principles of transparency and integrity for the eligibility of government funding by registered national associations, federations, clubs or any other person organising and running sports events in Malta;

(b) the achievement of the highest possible regulatory standards for the establishment and operation of premises and facilities being used for sporting purposes;

(c) the establishment and continued scrutiny of the status of athletes, coaches and other officials whether professional or amateur, in collaboration with the relevant national associations and federations;

(d) the running of a national anti-doping programme in full respect of the Council of Europe Anti-Doping Convention and the International Convention Against Doping in Sport of UNESCO, to which Malta is a signatory, the World Anti-Doping Code and the International Standards set-out by the World Anti-Doping Agency, in order to achieve fair and honest sporting performances and results, without the use of performance-enhancing and prohibited substances or methods as defined by the WADC;

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(e) the establishment and administration of the Sports Integrity Unit, as envisaged by Part II of the Prevention of Corruption in Sports Act, in order to help stakeholders fight against the manipulation of sports competitions; Cap. 593.

(f) the establishment of rules and policies in order to ensure that registered sports persons implement regulations and policies within their regulatory frameworks that promote and regulate sports integrity issues, such as good governance principles in administration, anti-doping, anti-manipulation, the protection of children and other sports integrity principles;

(g) the creation and implementation of education programmes on sports integrity issues, for all persons, particularly children in schools, in order to instil the principles of sports integrity in future generations; and

(h) the representation of the interests of national sport in international fora and the exchange of relevant information with international competent authorities to safeguard the public interest and sport integrity.

4. The Government shall determine Malta's policies and objectives with regard to integrity in Maltese sport and shall appropriate such funds and provide such resources as it considers necessary to achieve such aims. Policies.

PART III
Establishment, Functions and Conduct of Affairs of the Authority

5. (1) There shall be a body, to be known as the Authority for Integrity in Maltese Sport, the affairs and business of which shall be carried out by a Board of Directors, consisting of a Chairperson and six (6) other members, who shall be persons of integrity and who are fit and proper to assume the responsibilities of the Authority under this Act or under any special law which the Authority is entitled to administer or enforce. Establishment and composition of the Authority.

(2) Members of the Board shall be appointed by the Minister, and shall hold office for such term not exceeding three (3) years, and under such conditions as may be set out in their respective letter of appointment:

Provided that on the expiration of the term for which a person is appointed under this sub-article, the person shall be eligible for re-appointment.

(3) The Board, which shall be nominated entirely by the

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Minister, except for the member described in paragraph (b), shall consist of:

(a) a Chairperson and five (5) other members nominated by the Minister; and

(b) a member nominated by the Maltese Olympic Committee.

(4) The Minister and the Maltese Olympic Committee shall appoint members to the Board, in accordance with sub-article (3), who have experience and knowledge in sport integrity issues.

(5) The Chairperson may designate one (1) of the members of the Board as Deputy Chairperson and the member so designated shall have all the powers and perform all the functions of the Chairperson during the Chairperson's absence or inability to act as Chairperson or during any vacancy in the office of Chairperson.

(6) The number of members present at meetings of the Board necessary to form a quorum shall be the Chairperson or Deputy Chairperson and two (2) other members, but, subject to the presence of a quorum, the Board may act notwithstanding any vacancy amongst its members.

(7) The Board may also designate a suitably qualified person to act as a secretary, but the secretary shall not have a vote.

(8) The Board may invite such professionals or other persons to attend meetings of the Board and to provide information and documentation as the Board may deem appropriate.

(9) In order to carry out its functions, the Board shall make use of such funds as the Minister may from time to time make available to it, as well as such funds as it may, by means of regulations made under this Act, collect as fees or otherwise.

(10) The Board may make its own rules and regulate its own procedure.

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

(a) is a Minister, Parliamentary Secretary or a member of the House; or

(b) is a judge or magistrate of the Courts of Justice; or

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(c) is an elected or appointed executive committee member, or an employee of a national association or federation, or club; or

(d) fails the due diligence checks as may be established by order of the Minister from time to time; or

(e) is serving or has served a period of ineligibility from being an athlete, athlete support person, official or administrator due to disciplinary sanctions in relation to either doping or sports corruption; or

(f) is an undesirable person.

(12) 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) upon his resignation; or

(c) upon his death; or

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

(13) A member of the Board may only be removed from office by the Minister for any one or more of the following reasons:

(a) if the member, due to infirmity of mind or of body or for any other cause, is effectively unable to continue to discharge his duties as a member; or

(b) if the behaviour or performance of the member brings into question his suitability or ability to continue as a member, in particular for behaviour that affects or may affect his reputation, independence or autonomy, or the reputation, independence or autonomy of the Authority; or

(c) if the member fails to perform his duties for a prolonged period without any valid justification, and it shall be a cause for the removal of a member if that member for any reason fails to perform his duties, including attending Board meetings, for a continuous period exceeding six (6) months.

(14) If the Minister removes a member of the Board from office, such removal shall be made public by no later than the

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effective date of removal from office. At the same time, the Minister shall provide the member concerned with a statement of reasons for his removal, and the member shall have the right to request that the statement of reasons for his removal be made public, in which case the Minister shall publish such statement.

(15) If a member resigns or if the office of a member of the Board is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Board and any person so appointed shall cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(16) Any member of the Board who has any direct or indirect interest in any decision or contract made or proposed to be made by the Board, 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 decision or 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 the person from remaining a member, the person shall report the fact immediately to the Minister and tender his resignation.

(17) With reference to conflicts of interest, the Board shall, with the consent of the Minister, issue guidelines which shall determine which conflicts of interest require a Board member's resignation.

(18) Subject to the other provisions of this Act and to any directions of the Board, the executive conduct of the Authority, its administration and organisation and the administrative control of its officers and employees, 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 Authority 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 Authority, 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.

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(19) 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.

Purpose, functions and powers of the Authority.

6. (1) It shall be the purpose of the Authority to achieve the principles and objectives outlined in Part II.

(2) It shall also be the duty of the Authority to exercise such regulatory functions in sports integrity as may from time to time be assigned to the Authority by any special law.

(3) The Authority shall, without prejudice to any other power or function conferred upon it by this Act or any other law, and in accordance with any laws which may be applicable to it, be responsible:

(a) to develop and implement policies and strategies for the furtherance of its objectives and functions, to initiate, encourage and facilitate research and development in relation to sport governance and sport integrity, in particular good governance in sport administration, anti-doping, prevention of corruption in sports competitions and the safeguarding of children;

(b) to develop and implement educational programmes in sport integrity or sport governance for all persons;

(c) when so directed by the Minister, to represent the Government internationally or regionally in matters related to sport governance and sport integrity as may be designated by the Minister;

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

(e) to consult and co-operate with the Maltese Olympic Committee, national associations, national federations, clubs, athletes, athlete support persons and other officials on matters relating to the promotion and safeguarding of sport governance and sport integrity;

(f) to raise money and to administer and expend money appropriated by the House or otherwise received from other sources;

(g) to provide advice on matters related to sport governance and sport integrity to persons, bodies or associations involved in sport;

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(h) to establish and act as the Maltese National Anti-Doping Organisation, and carry out its functions according to the objectives and obligations set out by the Council of Europe Anti-Doping Convention, the International Convention Against Doping in Sport of UNESCO, the World Anti-Doping Code and its international standards, and the Anti-Doping Regulations that may be made from time to time;

(i) to co-operate with national and international sporting organisations with the aim of fostering a sporting environment that is run according to good governance principles, is free from the unsanctioned use of performance enhancing drugs and doping methods, that respects the unpredictability of the sporting outcome of a competition and that safeguards children who are active in sport;

(j) to establish and act as the Sports Integrity Unit, and carry out its functions as stipulated by Part II of the Prevention of Corruption in Sport Act;

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(k) to issue, amend and revoke, a certificate of registration to *bona fide* sports bodies, entities and other persons who qualify for registration with the Authority under the provisions of this Act and keep a register of such registered bodies, entities or other persons;

(l) to draw up, develop and amend, from time to time, a Code of Ethics, including the setting of minimum standards, to be followed by local sports administrators, athletes, athlete support persons and officials, and sport organisations;

(m) 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;

(n) to monitor and keep under review and evaluate all practices, operations and activities relating to sport governance and sport integrity;

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

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

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facilities;

(q) to issue, amend and revoke licences to sports organisations or third-party operators in order to establish and operate sport facilities, including sport schools, and any type of enterprise or undertaking providing training services or other sport services;

(r) to inform any authority or entity that it deems appropriate of any sanctions or restrictions imposed by it or of any other matters which the Board considers necessary to protect the public interest, in respect of any person under the remit of this Act;

(s) to publish guidelines on the interpretation of this Act and the regulations made, and directives issued, thereunder;

(t) 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.

(4) In the exercise of its function in accordance with sub-article (3)(k) and (q), the Authority shall establish such criteria, terms and conditions for the provision of such assistance as it considers appropriate.

(5) It shall be the duty of the Authority to carry out its functions as established by or under this Act or any other law in an impartial, transparent and timely manner and to ensure compliance therewith. Without prejudice to the generality of the foregoing, it shall also be the duty of the Authority to ensure that, to the extent they are so bound, persons comply with this Act and with any other special law which the Authority is entitled to administer or enforce, and with any decisions issued by or under this Act or any such other special law.

(6) The Authority shall also have such other functions, responsibilities and powers as are set out by or under this Act or as may be assigned to it by or under any other law from time to time, including all such powers as are necessary for or incidental to the performance of its functions by or under this Act or any other law.

(7) The Authority shall, in the carrying out of its functions, seek to ensure that the measures taken are proportionate to the objectives of the Authority and the aims which such measures are intended to achieve.

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Conduct of the affairs of the Authority.

7. (1) The affairs and business of the Authority shall be the responsibility of the Board which responsibility shall be exercised through the Chairperson:

Provided that the Board may delegate or devolve all or part of the executive conduct of the Authority, its administration and organisation and the administrative control of its officers and employees, to the Chief Executive Officer or any other officer or officers of the Authority, who shall also have such other powers as may from time to time be delegated or devolved to him or to them by the Board.

(2) The Authority shall exercise its functions through such officer or officers as the Board may from time to time designate in accordance with the provisions of sub-article (1).

(3) The Authority may exercise any one or more of its functions either directly or through any of its officers or employees or through an agency authorised for that purpose, or through a contractor or other person with whom an agreement for the performance of any one or more of such functions has been entered into:

Provided that nothing in this sub-article shall authorise the Authority to contract out or delegate any of:

(a) its regulatory functions; or

(b) its recognition or authorisation functions, unless such functions are expressly delegated to another public authority established by law.

Autonomy of the Authority and relations between the Minister and the Authority.

8. (1) Except as expressly provided for in other provisions of this Act, the Authority shall act independently and shall not seek or take instructions from any other body or person.

(2) (a) The Minister may, in relation to matters that appear to affect the public interest, from time to time give to the Authority policy directions in writing of a general character, not inconsistent with the provisions of this Act, on the policies to be followed in the carrying out of the functions vested in the Authority by or under this Act.

(b) In determining policies which are the subject of Ministerial direction, the Board shall respect the principles reflected by the policy direction given to it by the Minister.

(c) The Authority shall afford to the Minister facilities for obtaining information with respect to its property and activities,

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other than matters which are confidential to any applicant or regulated person, and furnish the Minister with returns, accounts and other statistical information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

Legal personality and representation of the Authority.

9. (1) The Authority shall be a body corporate having a distinct legal personality 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.

(2) The legal and judicial representation of the Authority shall vest in the Chairperson or the Chief Executive Officer:

Provided that the Board and the Chief Executive Officer may appoint one (1) or more officers of the Authority to appear in the name or on behalf of the Authority in any judicial proceedings and in any act, contract, instrument or other document whatsoever.

(3) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairperson, or such other member of the Board, the Chief Executive Officer, if any, or officer of the Authority as may, in accordance with sub-article (2), be vested by the Board with the legal and judicial representation of the Authority, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

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

(5) The Authority may:

(a) obtain commercial sponsorship for the Authority and participate in marketing arrangements involving the endorsement by the Authority 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 Authority; and

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(c) provide, whether for profit or otherwise, goods and services to persons using, or otherwise attending at any facility being used by the Authority.

(6) The Authority 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 of programmes, services, information or advice;

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

Meetings.

10. (1) The meetings of the Board shall be called by the Chairperson as often as may be necessary but at least once (1) a month either on the Chairperson's own initiative or at the request of any two (2) of the other members of the Board.

(2) Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairperson, or in his absence the Deputy Chairperson or any other person appointed to act as Chairperson, shall have an initial vote and, in the event of an equality of votes, a casting vote.

(3) Subject to the foregoing provisions of this article, no act or proceeding of the Authority shall be invalidated merely by reason of the existence of any vacancy amongst the members of the Board.

(4) 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 be afterwards discovered. No act or proceeding of the Authority shall be questioned on the ground of the contravention, by a member, of the provisions of article 5(11).

Committees.

11. (1) The Board may establish committees, composed of at least one (1) member of the Board and other persons who may be invited to participate in the committee, to address particular issues as may be assigned to it by the Board.

(2) The Board shall also establish the committees required to be composed either by this Act, by the Anti-Doping Regulations, by the Prevention of Corruption in Sport Act, or by any other special law which requires the Authority to establish such committees.

Cap. 593.

Competence of the Authority.

12. In carrying out its functions under this Act and any special

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law that the Authority is entitled to administer or enforce, the Authority shall pay regard to the nature and features the subject matter of which falls within its competence and shall seek to reflect such elements in its policies and administration.

PART IV
Officers and Employees of the Authority

Employment of officers and employees of the Authority.

13. (1) Without prejudice to the other provisions of this Act, the Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may establish, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

(2) The Chief Executive Officer shall be appointed for a period not exceeding three (3) years, and such period may be extended for further periods not exceeding three (3) years each:

Provided that until the first Chief Executive Officer is so appointed the Minister may for a period not exceeding six (6) months appoint an individual to perform the functions of Chief Executive Officer.

Officers of the Authority.

Cap. 595.

Cap. 9.

14. All officers and employees of the Authority, including the Chief Executive Officer, shall be deemed to be public employees within the meaning of the Public Administration Act and shall be considered to be public officers as defined in article 124 of the Constitution for the purposes of the Criminal Code or any other law of a criminal nature.

PART V
Financial Provisions

Authority to meet expenditure out of revenue.

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

(2) In furtherance of the provisions of sub-article (1), the Authority shall levy all fees, rates and other payments prescribed under this Act or any other law related to the powers and functions of the Authority.

(3) The Authority shall be paid by Government out of the Consolidated Fund such sums as the House may from time to time authorise to be appropriated to meet the operational costs and other costs to enable the Authority to carry out its functions:

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Provided that any subvention received from Government shall be exempted from any liability for the payment of income tax and duty on documents under any law for the time being in force.

(4) 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 Authority to the formation of reserve funds to be used for the purposes of the Authority and without prejudice to the generality of the powers given to the Minister by this sub-article, any direction 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 direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2) or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to meet expenditure may be invested by the Authority in such manner as may from time to time be approved by the Minister.

Power to borrow or raise capital.

16. (1) For the purpose of carrying out any of its functions under this Act or any other special law which the Authority is entitled to administer or enforce, the Authority may, with the approval in writing of the Minister given with the concurrence of 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 approve in writing.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act or any other special law which the Authority is entitled to administer or enforce.

Advances from Government.

17. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act or any other special law which the Authority is entitled to administer or enforce, 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.

Borrowing from Government.

18. (1) The Minister, with the concurrence of the Minister responsible for finance, may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such

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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 and the relative documentation shall be laid on the Table of the House as soon as practicable.

Estimates of the Authority.

19. (1) The Authority shall cause to be prepared in every financial year, and shall not later than three (3) months after the end of each such year adopt, estimates of the income and expenditure of the Authority for the next following financial year:

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

(2) In the preparation of such estimates the Authority 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 of an appropriation Act or of any other law and the Authority shall prepare the said estimates so as to ensure that the total revenues of the Authority 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 Authority, be sent forthwith by the Authority to the Minister.

(5) The Minister shall, at the earliest opportunity and not later than three (3) months after receiving a copy of the estimates from the Authority, approve the same with or without amendment.

Expenditure to be according to approved estimates.

20. (1) No expenditure shall be made or incurred by the Authority unless provision therefor has been made in the estimates approved as provided in article 19.

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

(a) until the expiration of six (6) 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

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date, the Authority may make or incur expenditure for carrying out its functions under this Act or any other special law which the Authority is entitled to administer or enforce 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 with the concurrence of 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 Authority 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 Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall *mutatis mutandis* apply and as near as practicable apply to the supplementary estimates.

Publication of approved estimates.

21. The Minister shall, at the earliest opportunity and not later than three (3) months after receiving a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House is not in session, within three (3) months from the beginning of the next following session, cause such estimates to be laid on the Table of the House.

Accounts and audit.

22. (1) The Authority 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 Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister may, prior to approving the accounts, require the books and accounts of the Authority 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 certifications as he may deem necessary.

(3) The Authority shall, not later than three (3) months after the end of each financial year, cause a copy of the statement of

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accounts duly audited to be transmitted to the Minister together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall, at the earliest opportunity and not later than three (3) months after receiving a copy of every such statement and report, or if at any time during that period the House is not in session, within three (3) months from the beginning of the next following session, cause every such statement and report to be laid on the Table of the House.

Deposit of revenues and payment by the Authority.

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

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

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

(4) The Authority 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 Authority are to be paid, and the transfer of funds from one account to another;

(c) the method to be adopted in making payments out of funds of the Authority,

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 Authority.

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Contracts of supply or works.

24. Without prejudice to any directions communicated by the Minister under article 8(2)(a), the Authority 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 Authority, which is estimated by the Authority to exceed one hundred and forty-four thousand euro (€144,000) in value, or such other amount as the Minister responsible for finance may by regulations prescribe, except after notice of the intention of the Authority to enter into the contract has been published and in conformity with the provisions of the Public Finance Management Act and regulations made thereunder.

Cap. 601.

Annual report.

25. The Authority shall, not later than three (3) months 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 Authority during that financial year and containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Minister shall, at the earliest opportunity and not later than three (3) months after he has received a copy of every such report, or if at any time during that period the House is not in session, within three (3) months from the beginning of the next following session, cause a copy of every such report to be laid on the Table of the House.

Money laundering.

26. (1) An authorisation holder or persons acting on his behalf or under an arrangement with him shall fulfil any prevention of money laundering and the combating of funding of terrorism obligations as may be imposed on them by means of regulations made under article 12 of the Prevention of Money Laundering Act.

Cap. 373.

(2) Where the Authority discovers facts or obtains information that is related to transactions which are known or suspected to be related to proceeds of criminal activity or the funding of terrorism, or to a person who may have been, is or may be connected with money laundering or the funding of terrorism, the Authority shall disclose those facts or that information, supported by the relevant documentation that may be available, to the Financial Intelligence Analysis Unit in a timely manner.

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(3) Where through its monitoring, or through any other means, the Authority notices that there are areas of arrangements and services which are vulnerable to money laundering or the funding of terrorism, the Authority shall inform the National Coordinating Committee on Combating Money Laundering and the Funding of Terrorism established under article 12A of the Prevention of Money Laundering Act of its concerns and provide it with any analysis, statistics, studies, or any other information relative thereto. Cap. 373.

Exclusion of liability.

27. The Authority and any Board member, officer or employee of the Authority, and any other person appointed to perform a function under this Act or any other special law which the Authority is entitled to administer or enforce, or under any rules or regulations made thereunder, shall not be liable in damages for anything done or omitted to be done in the discharge or purported discharge of any functions under this Act, or any other special law which the Authority is entitled to administer or enforce, or rules or regulations aforesaid, unless the act or omission is shown to have been done or omitted to be done in bad faith.

Exemption from tax.

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

PART VI
Directorates and Advisory Committees

Directorates within the Authority

29. (1) The Board may, with the concurrence of the Minister, establish separate directorates within the Authority for the purpose of ensuring the better performance by the Board of any or all of its functions. Such directorates shall be accountable to the Board 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 Board with the concurrence of the Minister for a period not exceeding three (3) years and such period may be extended for further periods not exceeding three (3) years each.

(2) The Board may delegate to such directorates and require them to perform such of its functions under such conditions as the Board may deem appropriate. The Board 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 Board, the directorates may regulate their own proceedings.

Advisory committees.

30. (1) The Minister may, from time to time by Order in the Gazette, appoint an advisory committee or committees as may be

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specified in such Orders. An advisory committee shall, for the better carrying out of the provisions of this Act, advise the Authority 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 (1) Board member representing the Authority as Chairperson and such other members as the Minister may deem fit to appoint.

(3) The provisions of article 5(11) to (15) 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 Authority. Subject to the provisions of this Act, each advisory committee can regulate its own proceedings.

PART VII
Register of Sports Persons

Register of Sport Persons.

31. (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 from any Ministry, Government Authority, Agency, Entity, Foundation or Company, in which the Government holds a controlling interest, or to make use of or acquire under any title any sport facilities or land for use as a sports facility from the Government unless it is registered in the Register of Sport Persons in accordance with the provisions of this Part, is of good standing and complies with such regulations as may from time to time be prescribed.

(2) Without prejudice to any other provision of this Part, in order to register in terms of the previous sub-article, an association of persons, partnership, civil or commercial, or other entity recognised according to law has to be duly registered in accordance to law with the relative local competent authority:

Provided that no association of persons, partnership, civil or commercial, or other entity recognised according to law, having sport as one of its aims or objectives, shall be registered by any competent authority in Malta, including the Malta Business Registry or the Commissioner for Voluntary Organisations, as a sport organisation or having sport as one of its objects or aims, without the prior approval of the Authority.

(3) Registration under this Part may be effected by submission

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of an application form to the Authority for registration in the form as may be prescribed with the accompanying documents as specified in the regulations prescribed for such registration:

Provided that all sports persons already registered in the Register prior to the coming into force of this Act, shall be deemed to be registered with the Authority.

(4) The Authority 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 Authority may from time to time determine for the purpose of distinguishing the nature of the registered person.

(5) Upon registering the applicant, the Authority shall, through the Chief Executive Officer, 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.

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

(7) When the applicant for registration is a national association or federation claiming to represent a particular sport discipline or associated sport disciplines, the Authority shall, before registering the applicant, ensure that such association or federation is recognised as such by the international organisation representing such sporting discipline or disciplines, and can show to the satisfaction of the Authority that it enjoys affiliation of at least seventy-five per cent (75%) of clubs and academies in Malta practising the respective sporting discipline or disciplines at that point in time.

Maltese Olympic Committee and other national associations and federations.

32. (1) The Maltese Olympic Committee as well as the Malta Paralympic 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 Authority 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 Authority in the Register without any further formality. A list of such federations and associations so registered shall be published without delay in the Gazette.

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Statutes of sports organisations.

33. (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, whether companies or non-profit making organisations, associations and federations, as well as such other entities that are or may be required to be registered with the Authority under this Act shall be regulated by their Statute. All clubs which are non-profit making, 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, democracy in electing the committee members and accountability of the members taking decisions on behalf of the organisation:

Provided that clubs that are constituted as companies or commercial partnerships, although not being bound to be organised in a democratic manner, shall respect their constitution according to the law under which they shall have been constituted.

(2) For the purpose of sub-article (1) 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* salaries, wages or *honoraria*, to its administrators; and

(c) in the case where the organisation carries out an economic activity, including economic activities deriving from other legal structures it may own from time to time, this is to be done as an ancillary activity for the purpose of or in connection with assisting the organisation to carry out its main objects and purposes in accordance with its statute.

Other powers of the Authority.

34. Where, in the opinion of the Authority, a person fails to observe any of the applicable criteria, terms or conditions established in connection with any assistance given by a Government entity to such person, or in connection with the use of any sport facilities granted to it by the Government or by SportMalta, or otherwise fails to comply with the provisions of this Part, the Authority may institute instructions to any Government entity providing assistance to that person to:

(a) withhold the provision of any assistance or benefit to that person;

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

(c) terminate any agreement with regard to any sports facility; and

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

Publication of documents and information.

35. Any document or information required to be filed with the Authority in accordance with article 31 and with regulations made under article 38(2) (g) and (h) 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 Chief Executive Officer of the Authority.

Investigation of and assistance to registered persons.

36. (1) The Authority may by letter of authority signed by the Chief Executive Officer appoint one or more inspectors to investigate the affairs of any registered person and to report thereon in such manner as the Chief Executive Officer shall direct in the following cases:

(a) on the specific request of the administrators or managers of the registered 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 sports facility granted to it under any title by any Government entity;

(c) where the registered person has not applied funds or benefits received from any Government entity 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 Authority may also, in the instances referred to in sub-article (1)(a) to (d), 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 Authority may direct.

(3) In the case of a demand or request for the voluntary dissolution and consequential winding up of a registered person, the

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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 Authority of such demand or request. On being notified with such a request or demand, the Authority 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 carrying out their functions in accordance with the provisions of this article, the Authority, 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 Civil Court, First Hall 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 winding up by the Court 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) When the registered person dissolving or consequentially winding up is either a company established under the Companies Act, Cap. 386. or is not a non-profit making organisation but such organisation has been established under a different Act, or other legislation, with its main objective and function being the practice of one or more sporting disciplines, sub-articles (1) to (5) shall not apply, and such organisation shall be dissolved or wound up according to the rules set out in the legislation under which it has been established:

Provided that in this particular case the Authority shall

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have the right, by letter of authority signed by the Chief Executive Officer, to appoint one or more inspectors in order to obtain all necessary information, from any person appointed by law to oversee such dissolution or consequential winding up of that organisation, to make sure that the Authority, other Government entities falling under the remit of the Minister, all other registered persons and Maltese sport are not adversely affected by such dissolution or consequential winding up. The inspectors appointed by the Authority for this purpose shall be given all the information and given access to all documentation necessary in order for the Authority to achieve its aims under this sub-article.

Regulations under this Part of the Act.

37. The Minister may, after consultation with the Authority, make regulations for the purposes of giving effect to this Part of the Act, and may also without prejudice to the generality of the aforesaid by such regulations provide for:

(a) criteria for registration, processes for registration, granting of legal personality to any organisation distinct from that of its members, the setting up of the Registry, and administrative fees;

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

(c) the requirements of any person, partnership, company or other entity, academy, sports school or federation or association not already mentioned in this Part of the Act to qualify for registration;

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

(e) subject to the provisions of any applicable law relating to the protection of personal data, the power of the Authority 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;

(f) the power of the Authority to suspend, terminate or withdraw the registration at any time, of the partnership, company or entity that is in breach of any regulations under this Act, or where circumstances arise where such body, entity or

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other person would have not qualified for registration;

(g) the filing by registered persons of annual audited 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;

(h) the filing with the Authority 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

(i) the requirements for any registered person to be granted assistance and benefits from Government entities.

PART VIII
Sports Integrity

Anti-Doping.

38. (1) The Minister shall, after consultation with the Authority, make regulations empowering the Authority to adopt and implement anti-doping rules and policies which make sure that Malta conforms with the Anti-Doping Conventions, the WADC and the International Standards set out by the same WADC.

(2) The regulations shall, as a minimum, contain the following:

(a) all anti-doping rule violations arising from the Code;

(b) the procedures in relation to testing and investigation of athletes and their whereabouts information, in-competition and out-of-competition and the authorisation to the Authority to carry out testing and investigations and ask for athletes' whereabouts;

(c) the procedure in relation to the attainment of a therapeutic use exemption, the establishment of an independent Therapeutic Use Exemption Committee to decide on such requests and appeals from the Committee's decisions;

(d) the procedures in relation to the collection and analysis of samples collected from athletes and the authorisation to the Authority to collect and analyse such samples;

(e) rules and procedures in relation to results management pertaining to samples collected from athletes;

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(f) the establishment of a National Anti-Doping Disciplinary Panel and a National Anti-Doping Appeals Panel, and the rules of procedure for cases of anti-doping rule violations and the standard of proof required;

(g) the sanctions to be imposed on athletes and athlete support persons and the consequences to teams as provided for by the Code;

(h) rules and procedures in relation to confidentiality, public disclosure and data privacy in relation to testing and investigations, the collection and analysis of samples and the publication of decisions of the Committee established in paragraph (c) and the Panels established in paragraph (f);

(i) procedures as to the implementation of the decisions of the Committee established in paragraph (c) and the Panels established in paragraph (f); and

(j) provisions as to the establishment of an educational programme and research by the Authority on anti-doping.

Criminal liability for doping.

(3) Any athlete who is found to have made use of prohibited substances with intent and without a valid therapeutic use exemption, or any person who is found to have administered prohibited substances, with intent, to an athlete whilst acting as that athlete's support person, or any person who is found to have trafficked prohibited substances, or who is found to have allowed the use, provision or trafficking of prohibited substances in a sports facility, shall on conviction be liable to imprisonment for a term of not less than three (3) months but not exceeding ten (10) years or to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding twenty-five thousand euro (€25,000) or to both such imprisonment and fine.

Associations and federations may run anti-doping activities.

39. (1) Registered national associations and federations may be in charge of anti-doping activities as defined in the regulations prescribed by sub-article (2), provided that they obtain a permit, for a period not exceeding five (5) years, from the Authority to run such anti-doping activities. The Authority shall grant such permit if it is satisfied that the requesting national association or federation's regulations and procedures are fully compliant with the Code.

(2) The Minister may, after consultation with the Authority, make regulations prescribing the procedure for the attainment of a permit, and the consequences as to the decision taken by the Authority to grant or refuse a permit under sub-article (1).

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National Compliance Platform Against Doping.

40. (1) The Authority shall cooperate with other relevant national organisations and agencies and other international anti-doping organisations by promoting reciprocal testing of athletes and anti-doping education between anti-doping organisations.

(2) There shall be a National Compliance Platform Against Doping in sport, coordinated by the Authority, which shall be composed of the national stakeholders which are mostly affected by the risk of doping, which shall share information and best practices and collaborate in the fight against doping.

(3) The Minister shall, after consultation with the Authority, make regulations as to the composition of the National Compliance Platform and the powers that are to be granted to this platform in order to achieve its objectives:

Provided that the National Compliance Platform shall contain at least one (1) representative each from the Authority, the Superintendence for Public Health, the Ministry responsible for sport, the Police, SportMalta, and the Maltese Olympic Committee.

Anti-doping education.

41. (1) The Authority shall plan, implement, evaluate and promote anti-doping education in line with the requirements of the International Standard for Education of the Code.

(2) The Authority shall act as the authority on anti-doping education in Malta.

Individuals bound by the Act in relation to doping.

42. All Board members and employees of the Authority, and of any national association or federation in possession of a permit to run anti-doping activities according to article 39, who are involved in any aspect of doping control, shall be bound by this Act and any anti-doping regulations made under this Act.

Cooperation with WADA and other ADOs.

43. The Authority shall cooperate fully with WADA and other anti-doping organisations in connection with investigations conducted and shall respect the operational independence of laboratories as provided in the International Standard for Laboratories of the Code.

Prevention of corruption in sport.
Cap. 593

44. (1) The Authority shall act as the Sports Integrity Unit prescribed by Part II of the Prevention of Corruption in Sport Act and shall carry out its functions according to that Act.

(2) There shall be a National Platform for the Prevention of Corruption in Sport, coordinated by the Authority, which shall be composed of the national stakeholders which are mostly affected by the risk of corruption in sport, which shall exchange information and

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best practices and collaborate in the fight against corruption in sport with other national and international organisations and public authorities.

(3) The Minister shall, after consultation with the Authority, make regulations as to the composition of the National Platform against Corruption in Sport and the powers that are to be granted to this platform in order to achieve its objectives:

Provided that the National Platform shall contain at least one (1) representative each from the Authority, the Malta Gaming Authority, the Police, the Ministry responsible for sport, the Ministry responsible for the home affairs, the Maltese Olympic Committee, and the Malta Football Association.

Research and education on corruption in sport.

45. (1) The Authority shall conduct research on how to better prevent corruption in sport, and shall assist all registered national associations and federations in implementing regulations and policies in order to protect those associations and federations from the threat of corruption in their respective sporting disciplines.

(2) The Authority shall plan, implement, evaluate and promote educational programmes for all persons in Malta on the subject of anti-manipulation of sports competitions.

(3) National associations and federations shall organise educational programmes for their athletes, athlete support persons, officials and administrators on the subject of anti-manipulation of sports competitions and shall be assisted by the Authority in the implementation of such educational programmes.

Withholding of Government funding and permits for the organisation of sports events.

46. (1) Ministries, Government Authorities, Agencies, Entities, Foundations and Companies in which the Government holds a controlling interest, shall not provide or grant any type of sports-related assistance or benefit to any athlete, athlete support person or any other person, both legal and natural, whenever such athlete, athlete support person or any other person is serving a period of ineligibility for anti-doping rule violations and, or sport corruption violations following a definitive decision by the National Anti-Doping Disciplinary Panel, the National Anti-Doping Appeals Panel, any disciplinary board pertaining to a national association or federation or of a European or international federation, the CAS, or any other competent tribunal, panel or judicial authority around the world competent in dealing with anti-doping rule and, or sport corruption violations according to this Act, any regulations prescribed by this Act, regulations of national or international associations and, or federations or the Code.

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(2) Government Authorities, Agencies and Entities empowered by law to grant permits or authorisations to any person or body corporate for the staging of a sporting event in Malta, including the Police, shall not grant such permit or authorisation, whenever such event shall feature the participation of one or more persons who are currently serving a period of ineligibility for anti-doping rule violations or sport corruption violations according to sub-article (1).

(3) Prior to issuing a permit or authorisation to any person or body corporate for the staging of a sporting event in Malta, the Authorities, Agencies and Entities described in sub-article (1), including the Police, shall request the Authority to confirm that such event shall not feature the participation of one or more persons who are currently serving a period of ineligibility for anti-doping rule violations or sport corruption violations according to sub-article (1).

(4) A permit or authorisation issued following the provisions of sub-articles (2) and (3) shall include a specific condition that during such sporting event the Authority may carry out doping control procedures on the athletes taking part in that event, prior to, or during, or after the event.

(5) Any person who has been found guilty of an anti-doping rule violation or a sport corruption violation and is serving a period of ineligibility for such violation following a definitive decision by the National Anti-Doping Disciplinary Panel, the National Anti-Doping Appeals Panel, any disciplinary board pertaining to a national association or federation or of a European or international federation, the CAS, or any other competent tribunal, panel or judicial authority around the world competent in dealing with anti-doping rule or sport corruption violations according to this Act, any regulations prescribed by this Act, regulations of national or international associations or federations or the Code, and had in the two (2) years prior to such definitive decision received any monetary assistance related to sport, from any Ministry, Government Authority, Agency, Entity, Foundation or Company in which the Government holds a controlling interest, shall return such monies to the entity upon receiving communication of the definitive decision.

PART IX
Licensing of Sports Facilities

Need for a license to operate a sport facility.

47. (1) No person shall operate any premises as a sports facility, by whatever name it is called, unless there is in respect of such premises a valid licence for the purpose issued by the Authority and no person as aforesaid may open or carry on, as the case may be, any activity for any of the purposes aforesaid unless he is in

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possession of a valid licence and a certificate of approval for such purpose issued by the Authority.

(2) No licence or certificate of approval shall be granted or renewed under sub-article (1) if the premises, equipment and facilities as well as the personnel, do not reach the standard as the Authority deems to be satisfactory.

(3) The Authority may, in granting or renewing any licence or certificate of approval under sub-article (1), impose any such conditions as the Authority may deem fit and may restrict the services and the activities that may be provided or carried on in the licensed sports facility.

(4) Where any premises are used or any act is done in contravention of any condition or restriction, contained in a licence or certificate of approval granted or renewed under sub-article (1), any premises so used and any act so done shall be deemed to have been used or done without a valid licence or certificate of approval required by this article.

(5) Any licence or certificate granted under sub-article (1) shall have a validity of three (3) years from the date on which it is issued but may be renewed by the Authority for further periods of three (3) years each, provided that the licensee has complied with the provisions of this Act and with any regulations made thereunder.

Applications.

48. (1) A person may apply to the Authority, in the prescribed form, in order to be granted a licence to operate a sports facility.

(2) When an application for a licence is received in terms of sub-article (1) the Authority shall inspect the premises to ensure the suitability of the premises.

(3) The Authority may, at any time during the processing of the application, require the applicant to provide any documents and information deemed necessary and shall visit the premises intended to be used for the provision of service in order to make its assessment and ascertain whether the licence should be granted or not.

(4) Upon granting a licence under this Act, the Authority shall issue a Licence Certificate.

(5) A licensee wishing to renew a licence which is due to expire, shall at least six (6) months before such expiry, apply to the Authority for such licence to be renewed.

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(6) The Authority shall renew the licence if it is satisfied that the premises are being used in accordance with the provisions of this Act and following an assessment conducted by the Authority confirming adherence with the provisions of the Act.

(7) The decision of the Authority on the renewal of the licence shall be served on the licensee by registered mail not later than thirty (30) days from the application for renewal.

(8) The licensee shall ensure that the licence, or a copy of it, is kept affixed in a prominent place in the principal office of the premises from which the sports activity is provided. The licensee shall provide access to the licence to service users or potential service users upon request.

(9) The issuing and renewal of a licence shall be without prejudice to the requirement of any other licence or authorisation required under any other law.

(10) An authorisation, permit or licence granted by the Authority cannot be assigned or transferred unless prior consent has been granted by the Authority.

Refusal to grant a licence.

49. (1) The Authority may refuse an application to grant a licence in terms of this Part if it deems that the applicant or licensed person is either not fit to carry out the activity regulated by this Act or does not meet the standards set out by the Authority to operate a sports facility. The refusal, together with reasons for such refusal, shall be served in writing by registered mail to the applicant or licensed person applying for the licence within ninety (90) days from the date of application.

(2) The applicant or licensed person shall have the right to request a reversal of the decision of the Authority by filing an appeal before the Tribunal.

(3) The applicant or licensed person shall have the right to re-apply to the Authority for a licence if the reason for the refusal no longer subsists.

Revocation of a licence.

50. The Authority shall have the right to revoke a licence, granted in terms of the Act at any time, if the licensed person:

(a) files a request in writing for revocation;

(b) ceases to comply with the criteria of eligibility for licensing or the Authority realises that the person's licence has been renewed when it did not satisfy the criteria of eligibility for

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licensing;

(c) is no longer deemed suitable to provide the service for which he is licensed and if the licensee has been convicted of an offence for which the penalty is imprisonment or for any offences contemplated under this Act;

(d) is in breach of the conditions for licensing in accordance with the provisions of this Act or wilfully neglects or refuses to comply with any of the provisions of this Act or any other Act, or obstructs, impedes or hinders any person carrying out duties or responsibilities thereunder.

Method of revocation.

51. (1) The Authority shall revoke the licence in accordance with article 50(b), (c) or (d) following a report drawn up by the Chief Executive Officer containing recommendations on whether the licence should be revoked. The report shall include evidence of due warning to the licensed person that the licence may be revoked unless appropriate action is taken in accordance with a procedure established under this Act.

(2) The written revocation, together with the reasons therefor, shall be served on the licensed person by registered mail. Such revocation shall have effect from the date of service.

(3) If the licence of a licensed person is revoked, the Licence Certificate and all the records and documentation relating to that licence shall become the property of the Authority.

Publication in the Gazette.

52. During the month of March of every year the Authority shall publish in the Gazette:

(a) a list of licensed persons including their full name, registered address and other relevant contact details; and

(b) a list of licensed persons whose licence has been revoked throughout the previous calendar year and any changes in the conditions required for licensing or renewal.

PART X
Revocation, Cancellation and Suspension of Registrations and Licences

Power of the Authority to revoke, cancel or suspend authorisations, licences and permits.

53. (1) The Authority may at any time revoke, cancel or suspend certificates of approval in respect of sports facilities or in respect of an operator in accordance with the provisions of this Act or any other special law which the Authority is entitled to administer or enforce.

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(2) The Authority may revoke, cancel or suspend certificates of approval in accordance with sub-article (1):

(a) if it considers it desirable to cancel or suspend the approval for the protection of the general public and the reputation of Malta; or

(b) if it considers that the standard of the sports facility is not fit and proper to guarantee the safety of its users; or

(c) if it considers that the requirements of any provision of this Act, or any other special law which the Authority is entitled to administer or enforce, are not being fulfilled, or there has been a contravention of any such provision as aforesaid, or an obligation or condition to which the authorisation is subject by virtue of or under this Act, or any other special law which the Authority is entitled to administer or enforce, has not been satisfied or complied with.

(3) The Authority may revoke, cancel or suspend certificates of approval or other permits, in respect of an operator who manages a sports facility:

(a) if it considers that the persons who assume any responsibility towards the Authority with reference to the approved sports facility are not fit and proper persons to carry out the functions required of them in connection with the arrangement or if there are no such persons in office as stipulated or required by the sports facility authorisation; or

(b) if it considers that the requirements of any provision of this Act, or any other special law which the Authority is entitled to administer or enforce, are not being fulfilled, or there has been a contravention of any such provision as aforesaid, or an obligation or condition to which the authorisation is subject by virtue of or under this Act, or any other special law which the Authority is entitled to administer or enforce, has not been satisfied or complied with; or

(c) if information has been furnished to the Authority by or on behalf of or in relation to the sports facility which is false, inaccurate or misleading; or

(d) if the operator has not commenced the activities within the time provided for in the authorisation or has ceased to carry on such activities; or

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(e) at the request of the operator; or

(f) in any of the circumstances under which the Authority would have been precluded from issuing the authorisation to act as an operator under this Act or any other special law which the Authority is entitled to administer or enforce or where under this Act or any other special law which the Authority is entitled to administer or enforce it would have been entitled to refuse the grant of such authorisation; or

(g) after proper communication and investigation, at the written request of another national competent authority which is carrying out regulatory functions in relation to regulated and other activities carried out by the operator at the sports facility simultaneously with the Authority.

(4) Revocations, cancellations and suspensions shall be reflected in the register of authorisations appearing on the website of the Authority. The Authority shall have the power to publicise more widely the revocation, cancellation or suspension of its authorisations should it consider that this would be necessary for the protection of the general public.

(5) No action shall lie against the Authority in terms of law, or any other law relating to defamation or slander, for the issuing of *bona fide* public statements in terms of this article.

(6) The Authority may issue guidelines on how this article is to apply.

Procedure when taking a measure under article 53.

54. (1) The Authority shall, before proceeding to take any of the measures under article 53, write to the person concerned, warning the person of the measure that may be taken and the specific reason why it may be taken, requiring the person to cease or rectify such acts or omissions and, or to make his submissions thereto within such period, not being less than twenty-five (25) days, which period, without prejudice to the provisions of sub-article (4), may be abridged if the Authority considers that the continuance of the infringement impacts negatively the effective exercise by the Authority of its regulatory functions and, or warrants the immediate intervention of the Authority:

Provided that when issuing a warning under this sub-article, the Authority may impose such conditions as it may consider reasonable in the circumstances.

(2) If the person concerned remedies the infringement within the period established by the Authority in accordance with sub-article

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(1), and agrees in writing to abide by any condition that the Authority may impose, the Authority may at its discretion desist from proceeding any further.

(3) If, after the lapse of the period mentioned in sub-article (1), the Authority considers that the person concerned has not given any valid reasons to demonstrate why no measure should be taken against him, the Authority shall notify the person concerned in writing, specifying the nature of the infringement, stating the measure being taken.

(4) Notwithstanding the provisions of sub-article (1), where the Authority has *prima facie* evidence that the infringement:

(a) represents an immediate and serious threat to the public interest or to the application of mandatory rules of law; or

(b) creates or may create serious economic or operational problems for other operators or users of sports facilities; or

(c) would result in significant harm to persons using the sports facility,

the Authority may take urgent interim measures to remedy the situation in advance of reaching a final decision, including ordering the immediate cessation of the act or omission giving cause to the infringement:

Provided that the person against whom such measures are contemplated shall, thereafter, be given a reasonable opportunity to state his view and propose any remedies:

Provided further that the interim measures shall be valid for a maximum of three (3) months, subject to extension for a further period of three (3) months, in circumstances where enforcement procedures have not been completed.

(5) Notwithstanding the provisions of any law, no precautionary warrant or order shall be issued by any court restraining the Authority from taking any material prevention or management measure under this Act, or under any regulations made hereunder or any other law. Without prejudice to the power of the Authority to declare to the court that a measure is one contemplated by this article, the Minister may from time to time make regulations to better define what constitutes a material prevention or management

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measure for the purposes of this Act.

Notification of proposed refusal, revocation, cancellation or suspension of a permit or licence or authorisation.

55. (1) Where the Authority proposes to refuse an application for a permit or licence or authorisation or to cancel or suspend a permit or licence or authorisation, it shall give the applicant or, as the case may be, the permit or licence or authorisation holder, notice in writing of its intention to do so, setting out the reasons for the decision it proposes to take.

(2) Every notice given under sub-article (1) shall state that the recipient of the notice may, within such reasonable period after the service thereof as may be stated in the notice, being a period of not less than forty-eight (48) hours, make representations in writing to the Authority giving reasons why the proposed decision should not be taken, and the Authority shall consider any representation so made before arriving at a final decision.

(3) The Authority shall as soon as practicable notify its final decision in writing to any of the persons to whom notice is to be given under sub-article (1).

Publication of policy guidelines.

56. (1) Saving the provisions of any other law relating to the protection of data, the Authority shall seek to regularly publish information relating to its rulings, determinations and policy positions when they affect applications, interpretation of the provisions of this Act, or any special law which it is entitled to administer or enforce, so as to ensure that applicants and the public in general are aware of the position taken by the Authority on matters of general interest relating to its activities.

(2) The publication of such information shall not in any way limit the freedom of the Authority to vary its policies or approach on any issue based on further review and experience or development of technology or law generally. When such variations take place the Authority shall notify in later publications the connection and review to previous publications.

PART XI
Enforcement and Sanctions

Provision of information.

57. (1) Without prejudice to the enforcement powers that it has at law, the Authority may require any registered person or licensed sports facility operator to provide it with any information that the Authority considers necessary for the purpose of ensuring the quality and integrity standards required by this Act for purposes of recognition or compliance with the provisions of this Act or any other special law which the Authority is entitled to administer or enforce, or decisions or directives made in accordance with this Act or such

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other special law.

(2) Any information required by the Authority under sub-article (1) shall be proportionate to the performance of its functions and obligations under this Act or any other special law which the Authority is entitled to administer or enforce and, in requiring any information as aforesaid, the Authority shall state why it requires the information requested.

(3) Except in cases where the recipient of a request may refuse to provide such information, which refusal shall be in writing and shall state the basis for such refusal, a person who is notified with a requirement under sub-article (2) shall comply promptly with the requirement within the time-scales and according to any level of detail as may be required by the Authority:

Provided that any such person may, in complying with the provisions of this sub-article, state clearly to the Authority if any information provided by him is to be considered as confidential for commercial reasons and the Authority shall respect the confidentiality requested subject to the provisions of the Professional Secrecy Act.

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(4) The same rules stated above shall apply to the registered persons or the permit and licence holders who, in carrying out the authorised services, may review or receive information as described in the proviso to sub-article (3). Such registered person or permit and licence holder shall not be required to provide information to the Authority if such information was obtained under confidence or under non-disclosure obligations whilst carrying out their functions for the benefit of any applicant.

Enforcement powers of the Authority.

58. (1) For the purposes of the exercise by the Authority of any of its functions under this Act or under any other special law which the Authority is entitled to administer or enforce, the Authority may, as may be applicable in the context and subject to the limitations in the applicable laws on professional secrecy:

(a) enter, at any reasonable time, any premises open to the public other than a place of residence, or any other place or any sports facility where any activity regulated by or under this Act or any other special law which the Authority is entitled to administer or enforce, takes place, or in the opinion of the Authority takes place, and search and inspect the premises, place, and any books, documents or records found therein;

(b) require any person to produce for inspection and take extracts or copies from any books, documents or records

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relating to any activities regulated by or under this Act or any other special law which the Authority is entitled to administer or enforce, which are under the control of that person and, in the case of information in a non-legible form to reproduce it in a legible form, and to give to the Authority such information as the Authority may reasonably require in relation to any entries in such books, documents or records;

(c) remove and retain such books, documents or records for such period as may be reasonable for further examination;

(d) require any person to maintain such books, documents or records for such period as may be reasonable as the Authority directs;

(e) require any person to give to the Authority any information that may be required with regard to any arrangement regulated by or under this Act or any other special law the Authority is entitled to administer or enforce;

(f) make such inspections, including site inspections, to enable the Authority to carry out its functions at law and in doing so the Authority may also undertake tests and measurements of any machinery, apparatus, appliances and other equipment at any place as the Authority may consider necessary:

Provided that where the person concerned fails to abide by any requirements made by the Authority under this sub-article, the Authority may then take any such measures referred to in articles 53 and 54 as it may consider appropriate in the circumstances.

(2) Any officer of the Authority or any other person duly authorised by the Authority to act on its behalf, when exercising a power conferred by this Act or by any other special law which the Authority is entitled to administer or enforce, shall, if requested by any person thereby affected, produce to that person for inspection a certificate issued by the Authority stating that he is duly authorised to act for and on behalf of the Authority.

(3) Any persons who are or have been in charge of the sports facility falling under the supervisory or regulatory functions of the Authority shall assist and shall collaborate with the Authority in order to enable it to discharge its functions, and shall collate and transmit without any undue delay such information and documentation as the Authority may reasonably request from time to time.

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(4) Any person who:

(a) obstructs, impedes or assaults an officer of the Authority or any other person duly authorised by the Authority to act on its behalf in the exercise of any of the powers conferred by this Act or by any other special law which the Authority is entitled to administer or enforce; or

(b) falsely represents himself to be an officer of the Authority or a person authorised by the Authority to act on its behalf; or

(c) furnishes any information to the Authority which it may require in the exercise of its functions under any special law it is entitled to administer or enforce, which he knows, or has reasonable cause to believe to be false or misleading,

shall be guilty of an offence under this article and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand euro (€2,000), and, in the case of a continuing offence, to a further fine (*multa*) not exceeding twenty euro (€20) for each day during which the offence continues.

Disclosure of confidential information.

59. (1) Except where otherwise provided by law, a person shall not knowingly disclose confidential information obtained by him while performing the duties of a member of the Board, or of an officer or employee of the Authority or of an adviser or consultant to the Authority, unless he is duly authorised by the Authority to do so:

Provided that any such person shall remain bound by the requirements of this article even after his appointment or employment, howsoever described, with the Authority has come to an end.

(2) In this article "confidential information" means any information, howsoever described, which is considered by the Authority to be confidential, or has been notified of such status by the person providing it, and in relation to which the Authority has notified the persons concerned of their duty of non-disclosure.

(3) A person who acts in violation of the provisions of sub-article (1) shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding two thousand euro (€2,000).

(4) Nothing in this article shall prevent the disclosure of any information to the Authority or by or on behalf of the Authority to the Minister or as may be required at law.

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Infringements by bodies corporate.

60. Where an infringement of any provision of this Act or any other special law which the Authority is entitled to administer or enforce is committed by a body corporate and is proved to have been committed with the consent or involvement of or to be attributable to the gross negligence on the part of a person being an administrator of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be liable to proceedings being taken against him and sanctioned as if he was responsible for the said infringement.

Prescription for offences and infringements.

61. The prosecution of a criminal offence or the initiation of proceedings to impose a sanction under this Act or under any other special law which the Authority is entitled to administer or enforce shall be prescribed by the lapse of four (4) years from the date on which the offence or infringement is alleged to have been committed.

Service of notices.

62. Unless otherwise provided in the Act, where a notice, howsoever described, is required to be given by the Authority to any person, whether under this Act or under any other law administered by the Authority, the notice shall be addressed to that person and shall be given to the person in any of the following ways:

(a) by delivering it to the person; or

(b) by leaving it at the address at which the person ordinarily resides or carries on business; or

(c) by sending it by registered post to the person at the address at which the person ordinarily resides or carries on business; or

(d) if an address for the service of notices has been provided by the person, by leaving it at such address, or sending it by registered post addressed to the person to that address; or

(e) in any case where the Authority considers that the immediate giving of the notice is required, by sending it by electronic mail to a device or facility for the reception of electronic mail located at the address at which the person ordinarily resides or carries on business or, if an address for the service of notices has been furnished by the person, that address, provided that the facility of the sender for the reception of electronic mail generates a message confirming receipt of the electronic mail:

Provided that the provisions of this paragraph shall not apply to the notification of documents filed before the Tribunal or any Court.

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Proceedings for debts due to the Authority.

63. (1) Where the Authority desires to sue for the recovery of a debt due to the Authority under any other special law which it is entitled to administer or enforce, the Chairperson or an officer of the Authority duly authorised by the Authority to act on its behalf may make a declaration on oath before the registrar of the Courts, a judge or a magistrate wherein he states the nature of the debt and the name of the debtor and confirm that it is due.

(2) The declaration referred to in sub-article (1) shall be served upon the debtor by means of a judicial act and it shall have the same effect as a final judgement of the competent court unless the debtor shall, within a period of twenty (20) days from service upon him of the said declaration, oppose the claim by filing an application demanding that the court declare the claim unfounded.

(3) The application filed in terms of sub-article (2) shall be served upon the Authority, which shall be entitled to file a reply within a period of twenty (20) days. The court shall appoint the date of hearing on a date after the lapse of that period.

(4) Any debts due to the Authority in accordance with this article shall be prescribed by the lapse of the period of five (5) years from the date on which the debt was due.

Name of the Authority not to be used in any advertisement and prohibition of mis-representation.

64. (1) No person shall make or cause to be made any advertisement or other representation, in any visual or aural form, whether the advertisement is made in Malta or otherwise, either specifically or by implication, to the effect that:

(a) any registration of a sports person, sports facility authorisation or permit or licence have the recognition or approval of the Authority when it is not the case; or

(b) any activity carried out by any person or provided by the sports facility operator has the recognition or approval or is conducted with the co-operation or assistance of the Authority when it is not the case; or

(c) any activity is being carried out in or from Malta in accordance with the regulatory framework applicable to registered persons or to sports facilities or services when the relevant arrangement is not certified or the relevant service provider is not registered under the Act,

or similar statements based on the circumstances from time to time, and in case of breach such person shall be guilty of an offence under this article.

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(2) In relation to persons recognised by the Authority, the provisions of sub-article (1) shall not apply when an advertisement or other representation is issued with the prior written consent or instructions of the Authority, or is permitted in general guidelines issued by the Authority on the subject matter, and shall constitute an offence only if a misrepresentation is made regarding the Authority, or any recognition granted by it, to a licensed operator or registered person.

(3) Where the name, trade name, trademark or the designation of any registered person or licensed operator appears in relation to a representation referred to in sub-articles (1) or (2), that person shall be deemed for the purposes of this article to have caused the representation to be made unless such person proves that the representation was made without his knowledge or connivance.

(4) A person convicted under this article shall be liable in accordance with this Act, unless provided otherwise by or under this Act or any special law which the Authority is entitled to enforce, to an administrative fine which shall not exceed the amount of two thousand euro (€2,000) for each breach and twenty euro (€20) for each day during which failure to observe the provisions of this Act or of any regulation made thereunder persists.

PART XII
Administrative Review Tribunal

Administrative Review Tribunal.

65. (1) The Administrative Review Tribunal shall be competent to hear and determine appeals from decisions of the Authority as provided in this Act or in any law or regulations.

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(2) The provisions of the Administrative Justice Act, in so far as they apply to the Administrative Review Tribunal, shall apply to any proceedings before the said Tribunal and the words "public administration" in the said enactment shall be construed as a reference to the Authority.

Appeals from decisions of the Authority other than the imposition of administrative fines.

66. (1) Unless otherwise provided by law, a decision of the Authority made under this Act, or any other decision that the Authority may take under any other special law which the Authority is entitled to administer or enforce, or any decision taken by or on behalf of the Government or by any public authority in relation to or having a substantial bearing on services or arrangements may be appealed before the Tribunal.

(2) The right of appeal before the Tribunal shall be available to any person aggrieved by the decision:

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Provided that, in any case, a person lodging an appeal before the Tribunal shall also explain his juridical interest in impugning the decision appealed therefrom.

(3) An appeal from a decision of the Authority shall be made by application and shall be filed with the Secretary of the Tribunal within twenty (20) days from the date on which the said decision has been notified.

(4) There shall be a right of appeal from decisions of the Tribunal to the Court of Appeal in accordance with the provisions of Part IV of the Administrative Justice Act.

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Appeals against an administrative fine imposed by the Authority.

67. (1) Without prejudice to the provisions of this Part, the procedure to be followed in relation to appeals against sanctions imposed by the Authority shall be regulated by the provisions of this article.

(2) A person who is notified with a notice in writing given under article 54(5) may, within twenty (20) days from the date of such notification, lodge an appeal before the Tribunal objecting to the sanctions so imposed.

(3) The Tribunal shall not annul a sanction as aforesaid unless it results to it that such sanction could not at law be imposed in the circumstances of the case, or could not at law be imposed in the amount established by the Authority, due account being given to the principle of proportionality.

(4) The Tribunal shall, without delay, set down the appeal for hearing at an early date, which date shall in no case be later than forty (40) days from the date of service of the appeal on the Authority.

(5) The appeal, and the notification of the date fixed for hearing, shall be notified to the Authority without delay, and the Authority shall file its reply thereto within twenty (20) days from the date of the notification of the appeal.

(6) The decision of the Tribunal upon an appeal referred to in sub-article (2), confirming the imposition of a sanction established by the Authority or reducing any such sanctions, shall upon becoming *res judicata* be deemed to be a decision of the Tribunal.

(7) There shall be a right of appeal on points of law to the Court of Appeal (Inferior Jurisdiction) in terms of the Administrative Justice Act to any of the parties to the proceedings before the Tribunal.

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Decisions of the Appeals Tribunal.

68. In determining an appeal the Tribunal shall take into account the merits of the appeal, and may, in whole or in part, confirm or annul the decision appealed from, giving in writing the reasons for its decision and shall cause such decision to be made public and communicated to the parties to the appeal.

Procedure of the Tribunal.

69. (1) The Tribunal shall endeavour to determine an appeal expeditiously.

(2) The Tribunal may, in order to assist it in the exercise of its functions, appoint independent and impartial experts to advise it on any issue that may be relevant to any appeal lodged before it. In such cases the Tribunal shall be entitled to make both provisional and final orders in respect of the payment of the costs and fees of such experts by any of the parties to the appeal.

(3) The Minister may, subject to the provisions of this Act, by regulations prescribe the procedure to be followed before the Tribunal, and subject thereto and to any other provisions of this Act, the Tribunal may regulate its own procedure.

Decisions.

70. (1) The decision of the Authority, pending an appeal, whether before the Tribunal or the Court of Appeal, shall stand and shall be adhered to by all the parties to whom the decision applies.

(2) The Tribunal or the Court of Appeal, as the case may be, where it considers it to be appropriate, may, on the application of a party to the appeal, suspend in whole or in part the decision which is the subject of the appeal pending the final determination of the appeal. The Tribunal or the Court of Appeal in deciding whether or not to suspend the decision shall state its reasons and shall take into account all the relevant circumstances, including:

(a) the urgency of the matter;

(b) the effect on the party making the request if the application for suspension is not upheld; and

(c) the effect on the integrity of sport or on a sports facility if the application is upheld:

Provided that a party, in making an application under this article, shall state the factual and legal grounds establishing a *prima facie* case for the suspension of the decision. The Tribunal or the Court of Appeal, as the case may be, shall on receipt of any such application order the notification thereof to the other party or parties to the appeal affording them reasonable opportunity to make their reply thereto:

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Provided further that the Tribunal, in determining any such application, may include such conditions as it considers necessary in the circumstances.

PART XIII
Miscellaneous

Public officers. Cap. 9.

71. For the purposes of the Criminal Code and of any provisions of a penal nature, the members of the Authority, and of any directorate, management committee, advisory committee, and every officer or employee of the Authority, shall be deemed to be public officers.

Publication of names of members of the Authority, etc.

72. The names of the members of the Authority, of the Chief Executive Officer, and of the heads of any directorate and members of any committee established under this Act shall be published in the Gazette.

Power of the Minister to make regulations and of the Authority to issue guidelines.

73. (1) The Minister may, acting on the advice of the Authority, make regulations to give effect to the provisions of this Act, or to prescribe anything that is to be or which may be prescribed in terms of this Act, any special law which the Authority is entitled to administer or enforce or any other regulatory instrument and provide for any matter consequential, incidental to or connected therewith.

(2) Without prejudice to the generality of the foregoing, the Minister may, by such regulations:

(a) regulate recognition and authorisation processes under this Act or any other special law which the Authority is entitled to administer or enforce and the overall requirements and conditions for such recognition and authorisations, their grant, amendment, renewal, suspension, revocation and termination and other similar actions;

(b) regulate persons involved in activities regulated by or under this Act or any other special law which the Authority is entitled to administer or enforce and all matters related thereto including the exemption of certain persons or categories of persons from any or all requirements of recognition and authorisations;

(c) establish methods of review relating to the processes and procedures adopted by the Authority in carrying out its functions;

(d) implement any international convention or any EU Regulation or Directive, to the extent necessary, to which Malta

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has adhered to in the context of sports integrity;

(e) lay down rules establishing any fees which may be levied by the Authority in relation to the recognition of any arrangements or services under the provisions of this Act or any special law which the Authority is entitled to administer or enforce; and

(f) lay down rules for the better carrying out of any of the provisions of this Act.

(3) The Minister may direct or authorise the Authority to establish all necessary details to meet any of the above requirements and conditions by way of guidelines and other binding regulatory instruments to be issued by the Authority which shall be ancillary to or independent of any regulations made under the above powers.

Offences. Cap. 9.

74. The penalties provided in this Act shall be without prejudice to the application of the provisions of the Criminal Code or of any other law.

Conflict between texts.

75. In this Act and in any regulations made thereunder, if there is any conflict between the English and Maltese texts, the English text shall prevail.

Consequential amendments to the Sports Act. Cap. 455.

76. (1) Subject to the provisions of sub-articles (2) and (3), the Sports Act shall be amended as follows:

(a) in the Arrangement of the Act thereof, the words "Part VII Register of Sport Persons 35 - 42" shall be deleted;

(b) article 2 thereof shall be amended as follows:

(i) the definition "Register" shall be deleted; and

(ii) the definition "registered person" shall be substituted by the following new definition:

" "registered person" means a person registered in the Register of Sport Persons under the Sports Governance and Integrity Act, 2021;";

Act No. LIV of 2021.

(c) sub-article (6) of article 3 thereof shall be deleted;

(d) sub-article (1) of article 6 thereof shall be amended as follows:

(i) in paragraph (g) thereof, the words "any person"

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shall be substituted by the words "any registered person";

(ii) paragraph (i) thereof shall be deleted;

(iii) paragraph (n) thereof shall be deleted;

(iv) paragraphs (o) and (p) thereof shall be deleted;

(v) paragraphs (s) and (t) thereof shall be deleted;

(e) Part VII thereof, comprising articles 35 to 42, both included, shall be deleted; and

(f) sub-article (2) of article 55 thereof shall be deleted.

Passed by the House of Representatives at Sitting No. 488 of the 13th July, 2021.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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