VERŻJONI ELETTRONIKA

L.N. 141 of 2023

SPORTS GOVERNANCE AND INTEGRITY ACT (CAP. 626)

Registration of Sports Persons Regulations, 2023

IN EXERCISE of the powers conferred by article 37 of the Sports Governance and Integrity Act, the Minister responsible for sports, after consultation with the Authority responsible Integrity in Maltese Sports, has made the following regulations:-

Citation.

1. The title of these regulations is the Registration of Sports Persons Regulations, 2023.

Interpretation.

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

Cap. 626.

"Act" means the Sports Governance and Integrity Act;

"Authority" means the Authority for Integrity in Maltese Sport established by article 5 of the Act and any references in these regulations or in any other law or regulations 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;

"applicant" means a Federation or National Federation or an Association or National Association or a club or a foundation having sport as its principal objective or an academy or sport school or any other person applying for registration in the Register with the Authority. For the purposes of these regulations, "applicant" does not include an athlete or any other individual;

"application form" means the application form prescribed in the First Schedule and Second Schedule;

"Register" means the Register of Sport Persons;

"registered person" means a person registered in the Register of Sport Persons in accordance with Part VII of the Act;

"Regulation (EU) 2016/679" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the

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processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

"statute" means the statute or constitutive act belonging to the applicant or registered person.

(2) Without prejudice to the provisions of sub-regulation (3), unless the context otherwise requires, words and expressions used in these regulations shall have the same meaning as assigned to them in the Act.

(3) The definitions prescribed in the Act shall apply, *mutatis mutandis*, unless they are inconsistent with these regulations.

Establishment of a Register.

3. The Authority shall establish and keep updated an internal Register as provided in Part VII and Part X of the Act, and the said Register may have any such categories distinguishing the nature of registered persons, as the Authority deems necessary from time to time to keep a distinction on the type of registered persons:

Provided that the Authority shall make publicly available the list of registered persons.

Application form.

4. (1) No person shall be registered in the register category it falls under unless it submits an application form to the Authority.

(2) An applicant shall apply for registration by submitting the application form set out in the First Schedule and Second Schedule to the Authority and addressed to the Registrar of the Authority, together with all documents so required by the Act and these regulations.

Cap. 455.

(3) Any registration made by the applicant with the Kunsill Malti għall-Isport and, or SportMalta in accordance with the Sports Act and any respective regulations made thereunder shall be deemed to be a valid registration subject to the applicant presenting an application form in accordance with the First Schedule and Second Schedule to the Registrar of the Authority by not later than 31st December 2023.

(4) In the event that an applicant does not submit the required application form as stipulated in sub-regulation (3), the registration shall be revoked and the applicant shall be required to submit a fresh application in accordance with these regulations:

Provided that the registration form shall be erased after the lapse of thirty (30) days from the date of the final refusal decision or from any appeal decision to such refusal.

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Legal personality.

Cap. 492.

5. Any person registered with the Authority and enrolled with the Office of the Commissioner for Voluntary Organisations in accordance with the Voluntary Organisations Act and regulations made thereunder shall be endowed with legal personality and may perform any judicial act:

Provided that the above shall not apply to applicants registered or which may be registered as a legal person in accordance with:

Cap. 16.

(a) the Second Schedule to the Civil Code; or

Cap. 386.

(b) the Companies Act.

Obligation relating to giving notice in cases of changes in the registered person.

6. (1) A registered person shall notify the Registrar of the Authority by means of an application in accordance with the Third Schedule and signed by the official who is endowed with legal representation of the registered person about any of the following changes:

(a) any amendment or change made to its statute;

(b) any change in its leadership, administration or representation;

(c) any change in its official address or that of its office.

(2) The registered person or the official endowed with its legal representation shall be obliged to inform the Authority of any of the changes referred to in sub-regulation (1) by submitting the said changes in accordance with the Third Schedule by not later than forty (40) days from the date of such change taking place, together with:

(a) a copy of the amendment or change in the statute of the registered person, together with an updated and revised copy of the statute;

(b) a statement of any change in the official address, that of its office as well as in the facilities of the registered person;

(c) a statement of any change in the members or Committee officials, Board or Council of the registered person, as the case may be, which specifies the names and residential address of the officials being appointed;

(d) a statement specifying any other change in the information currently filed in its registration.

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Obligations and timeframes for annual submissions.

7. (1) Any registered person shall, by not later than ninety (90) days from the end of a financial year, submit to the Registrar of the Authority a copy of the financial report for the preceding year, an auditor's report in accordance with sub-regulation (2), an administrative report and the Annual General Meeting minutes signed by the Secretary and in the absence of such, the official endowed with the legal representation of the registered person.

(2) The financial report referred to in sub-regulation (1) shall be certified by an auditor, in accordance with the register person's statute and any information provided shall be in conformity with the information submitted to the Commissioner for Voluntary Organisations in accordance with the provisions of the Voluntary Organisations Act and any regulations made thereunder.

Cap. 492.

(3) Any person may request to examine and acquire copies of the documents and other information gathered by the Authority in accordance with the provisions of this regulation and may request that such copies be authenticated by the Chief Executive Officer of the Authority.

Data protection.

Cap. 586.

8. (1) Nothing in these regulations shall prejudice the applicability of Regulation (EU) 2016/679, the provisions of the Data Protection Act and the regulations made thereunder, and the fundamental rights and freedoms of the data subjects.

(2) The Authority acting in its capacity of a controller in accordance with the provisions of Article 4(7) of Regulation (EU) 2016/679, shall perform the relevant data processing operations which are limited to the extent necessary and proportionate to the objectives pursued by the Authority.

(3) The processing of personal data for the purposes of these regulations shall fully comply with the principles relating to the processing of personal data pursuant to Article 5 of Regulation (EU) 2016/679.

Appropriate safeguards.

9. (1) The Authority, taking into account the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity of the rights and freedoms of the data subjects, both at the time of the determination of the means for processing and at the time of the processing itself, shall implement appropriate technical and organisational measures, in an effective manner and integrate the necessary safeguards into the processing, in order to protect the rights of the data subjects and to ensure a level of security appropriate to the risk.

(2) The data protection officer designated by the Authority in

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accordance with the provisions of Article 37 of Regulation (EU) 2016/679 shall be involved and consulted in a timely manner on all issues in relation to the protection of personal data processed for the purposes of these regulations.

(3) For the purpose of ensuring and of being able to demonstrate that the processing of personal data is performed in accordance with the provisions of Regulation (EU) 2016/679, the controller shall implement the appropriate data protection policies, which policies shall be periodically reviewed and updated where necessary.

Information.

10. The Authority may, from time to time, request any registered person to furnish it with such data and information relating to athletes, coaches, officials and its facilities which the applicant or registered person has in its possession and in the case of a national association or federation or any other registered person, any or all information relating to organisations registered or affiliated with it and relating to its officials, as the Authority deems necessary for the performance of its functions in accordance with the Act.

Administrative fees.

11. Every applicant shall pay administrative fees with respect to the provisions of regulation 7(3) and late submissions. The said fees shall become due as stipulated in the Fourth Schedule.

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FIRST SCHEDULE

The Registrar

Authority for Integrity in Maltese Sport

APPLICATION FOR REGISTRATION IN THE REGISTER OF SPORT PERSONS (SPORTS ORGANISATIONS)

OFFICIAL NAME:
OFFICIAL ADDRESS:
OPERATING ADDRESS OF THE ORGANISATION:
FACILITIES ADDRESS:

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MAIN OBJECTS:

SPORTS ACTIVITIES / DISCIPLINES:

DATE OF CONSTITUTION / SETTING UP:

NATURE OF ORGANISATION:

(ATTACH ALL AVAILABLE DOCUMENTATION ENDORSED BY LEGAL REPRESENTATIVE OF APPLICANT)

1. List of members: Yes/No
   (mark as Annex A)

2. Letter stipulating recognition (affiliation) by a National Association/National Federation: Yes/No
   (mark as Annex B)

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3. Letter stipulating recognition (affiliation) by an International Sport Body: Yes/No
(mark as Annex Ċ)

4. Letter stipulating affiliation with Malta Olympic Committee: Yes/No
(mark as Annex D)

5. Statute/Memorandum and Articles: Yes/No
(mark as Annex E)

6. Declaration in the Statute relating to the commitment against doping and corruption in sport: Yes/No
(mark as Annex F)

7. Regulations and bye-laws: Yes/No
(mark as Annex G)

8. Latest Annual Report and Annual General Meeting minutes: Yes/No
(mark as Annex H)

9. Latest Financial Report: Yes/No
(mark as Annex I)

10. Auditor's Report: Yes/No
(mark as Annex J)

11. List of Coaches: Yes/No
(mark as Annex K)

12. Coaches' Qualifications: Yes/No
(mark as Annex L)

13. Coaches' *Curriculum Vitae*: Yes/No
(mark as Annex M)

14. Stamped Beneficial Owners Register Form 1: Yes/No
(mark as Annex N)

15. Certificate from the Office of the Commissioner for Voluntary Organisations / Malta Business Registry stipulating that the organisation is eligible for enrolment/registration, subject to acceptance for registration with the Authority: Yes/No
(mark as Annex O)

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16. Certificate from the Directorate for Quality & Standards in Education stating that the organisation is eligible for the issuance of a School Leaving Certificate number, subject to the Authority's acceptance: Yes/No
(mark as Annex P)

17. Organigram of the organisation and a list of members
(mark as Annex Q)

18. Valid sport facility licence issued by the Authority: Yes/No
(mark as Annex R)

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OFFICIALS AND COMMITTEE MEMBERS OF THE ORGANISATION:

President/*Chairperson*

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

Secretary

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

Treasurer

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

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Public Relations Officer

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

Integrity Officer

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

Other Members:

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

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Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

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Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

If there are other committee members, list and give details on a separate attachment.

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DETAILS OF INDIVIDUALS IN WHOM THE REPRESENTATION OF THE ORGANISATION IS VESTED:

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

Name and Surname:

Identity Card Number:

Residential Address:

Telephone Number:

E-mail:

If there are other members in whom representation is vested, list and give details on a separate attachment.

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DETAILS ABOUT THE OFFICIAL PREMISES:

1. Legal title held: .....

2. Land privately owned: Yes/No

3. Land Government Owned: Yes/No

4. Term of title (if of a temporary nature): .....

5. Specify what the premises consists of: .....
.....
.....

6. Required development/works/maintenance: Yes/No
(attach the Report and BOQ and mark as Annex S)

7. Any valid trading licenses for premises: Yes/No
(mark as Annex T)

8. Planning permit applications or already issued development permits: Yes/No
(mark as Annex U)

9. Kindly attach five (5) photos of the premises, a google satellite view (marked in yellow) and a Land Registry site plan marked in red and signed by a Perit (mark as Annex V)

DETAILS ABOUT THE OPERATING PREMISES / SPORTS FACILITIES:
(if different from the official premises)

1. Legal Title held: .....
2. Land privately owned: Yes/No
3. Land Government Owned: Yes/No
4. Term of title (if of a temporary nature): .....
5. Specify what the premises consists of: .....
   .....
   .....
6. Required development/works/maintenance: Yes/No
   (attach report and BOQ and mark as Annex W)
7. Any valid trading licenses for premises: Yes/No
   (mark as Annex X)
8. Planning permit applications or already issued development permits: Yes/No
   (mark as Annex Y)
9. Kindly attach five (5) photos of the premises, a google satellite view (marked in yellow) and a Land Registry site plan marked in red and signed by a Perit (mark as Annex Z)

DETAILS OF PROJECTS OF A CAPITAL NATURE FOR THE NEXT TWO (2) YEARS:
(*attach the signed detailed declaration and mark as Annex AA*)

DETAILS OF UPCOMING EVENTS/COMPETITIONS FOR THE NEXT TWO (2) YEARS:
(*attach the signed detailed report and mark as Annex AB*)

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FORECASTED REQUESTS FOR ASSISTANCE THROUGH SPORTMALTA AND OTHER GOVERNMENT SCHEMES FOR THE NEXT TWO (2) YEARS: (*attach the signed detailed report and mark as Annex AC*)

MEMBERS OF THE ORGANISATION: Individuals: Yes/No Organisations: Yes/No The number of individuals and, or organisations that have a right to vote in the applicant organisation (resident in Malta holding a valid identity card issued by the Commissioner of Police or other government competent authority and, or registered legal person in Malta with the competent authority, respectively):

	Organisations		Individuals

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CURRENT REGISTRATIONS / LICENCES ISSUED BY MALTESE AUTHORITIES:

1. Malta Business Registry: Yes/No
   (mark as Annex AD)

2. Commissioner for Voluntary Organisation: Yes/No
   (mark as Annex AE)

3. Commissioner of Police: Yes/No
   (mark as Annex AF)

4. Other Authority / Government Entity: Yes/No
   (mark as Annex AG)

I, the undersigned, being the person in whom the legal representation of the applicant is vested, do hereby apply for/request renewal of registration of the applicant in the Register of Sports Persons kept by the Authority.

I also declare that the contents and information given in this application are true and correct and that the documents submitted together with this application are true and correct copies of the originals updated to the date of this application.

I also declare that the applicant is aware of its obligations towards the Authority and the requirement for request of renewal for registration on a yearly basis and that on default of such, the applicant shall be suspended from the Register, whereby all benefits of such registration shall cease to apply with immediate effect.

.....

Name and Surname:
Identity Card Number:
Capacity/Office held:

Date of application/request for renewal: .....

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FOR OFFICE USE ONLY:

Eligible for registration/renewal: Yes/No

Reason for refusal of the application (if not eligible): .....
.....
.....
.....

Requested additional documentation prior to registration/renewal: .....
.....
.....
.....

Category of Registration: .....

Registration Number: .....

Date of Registration: .....

Date when renewal for upcoming year is due: .....

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SECOND SCHEDULE

The Registrar

Authority for Integrity in Maltese Sport

CATEGORISATION OF SPORTS ORGANISATIONS

TYPE OF ORGANISATION

Please tick boxes which correspond to the objectives of the sports organisation:

□ Physical activity

□ Mental activity

□ Casual participation (recreational) (forming social relationships)

□ Organised participation (in local national competition and international recognised events)

□ Training activities only (no competition)

□ Obtaining results in competition

□ Therapeutic or clinical purpose

□ Health institution or centre

STRUCTURE

Please tick boxes which apply to the sports organisation:

□ The organisation is governed by a board/committee which is collectively responsible for the success of the organisation

□ The organisation is governed by a board/committee which has the power to take decisions to lead the organisation

□ The organisation is governed by a board/committee which is properly constituted and operated effectively

□ Diversity is a priority within the organisation

□ When engaging staff, account is taken of experience, skills, knowledge and qualifications

□ The persons engaged and the organisation’s members are given the

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opportunity to voice out their independent opinion in decision making processes of the organisation, while taking into account the organisation's objectives and goals

□ The organisation's annual and financial reports are made available to the public

□ The organisation's annual and financial reports are made available only to members

□ The organisation's annual and financial reports are made available only to members attending the annual general meeting

□ The organisation's financial operations are audited by a certified auditor

□ Open debates about the organisation's operations and decision making are held during meetings at committee and various subcommittee meetings

□ Stakeholder involvement and input are at the core of discussions organised regularly by the organisation

□ The organisation provides stakeholders with all the information related to the organisation, its values, targets and its results

□ Integrity is a priority for the organisation and regular discussions and evaluations are held in order to verify our standards and review integrity policies, where necessary

□ The organisation seeks to respond swiftly to new challenges, opportunities and scenarios which require changes, in particular, taking into account the dynamicity of sport

□ The organisation has a sport integrity officer

□ The organisation is aware of all anti-doping and match fixing obligations and legislation and duly complies with all legislative requirements and obligations

□ The organisation conducts educational programmes in relation to sports integrity for members on a regular basis

□ The organisation requires that all its athlete support persons are qualified and possess a recent (valid) first aid certificate

□ The organisation has in place a Code of Ethics

□ The organisation seeks to comply with all legislation, rules and

regulations issued by the authorities

□ The organisation often seeks updates from its respective governing body in order to keep up with changes required in its statute and operations in general, relating to integrity in sport and in order to combat match fixing

CATEGORISATION OF ORGANISATION

Please tick the boxes which correspond to the nature of the sports organisation (please tick only one):

□ The organisation is an association of a number of National Associations of the same sport activity or of associated sport activities

□ The organisation is 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

□ The organisation is 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

□ The organisation is one 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

□ The organisation is an undertaking, organisation or enterprise, by whosoever 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

I, the undersigned declare that the contents and information given in this application are true and correct.

.....

Name and Surname:
Identity Card Number:
Capacity/Office held:

Date of application: .....

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FOR OFFICE USE ONLY:

Type of organisation: Eligible / Not eligible

Category: .....

Structure:

□ Excellent

□ Good

□ Fair

□ Poor

Eligible for Registration: YES/NO Date of registration: .....

Registration number .....

Date when renewal for upcoming year is due: .....

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THIRD SCHEDULE

The Registrar

Authority for Integrity in Maltese Sport

NOTIFICATION RELATING TO CHANGES AND AMENDMENTS IN THE SPORTS ORGANISATION

□ Statute amendments

I hereby inform the Authority that the subsequent amendments have taken place following the approval of the Annual General Meeting which was held on ..... (*date*) (*please annex signed copy of the Annual General Meeting minutes and mark as Annex A*)

The amendments have been made to clause number/s:

.....

.....

.....

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.....

A copy of the amendments as proposed for the approval of the Annual General Meeting and a signed copy of the statute as approved is hereto being attached (*attach the proposed amendments and the signed statute and marked as Annex B*)

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□ Change in its leadership, administration or representation

I hereby inform the Authority about the following changes which have taken place after elections were held during the Annual General meeting held on ..... (*date*) (*for voluntary organisations*) / by virtue of an administrative board / committee resolution dated ..... (*date*) (*for commercial organisations*) (attach a copy of the Annual General Meeting minutes or administrative board / committee resolution, as applicable, and mark as Annex C)

Changes:

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.....

.....

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□ Change in official or office *(mark as applicable)*

A change in the official address took place on ..... (*date*)

Reason: .....

New Address: .....

.....

□ Change in address of sports facilities

A change in the sports facilities address took place on .....(*date*)

Reason: .....

New Address: .....

.....

□ Change in any other information

.....

.....

.....

.....

.....

I, the undersigned declare that the content and information given in this application form is true and correct.

.....
Name and Surname:
Identity Card number:
Capacity/Office held:

Date of Application: .....

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FOURTH SCHEDULE

The Registrar

Authority for Integrity in Maltese Sport

SCHEDULE OF ADMINISTRATIVE FEES

Requests for copies of public documents in accordance with regulation 7(3)	€0.10 for each page
Requests for copies of public documents signed by the Chief Executive Officer in accordance with regulation 7(3)	€0.10 for each page
Late submissions of documentation	€20 for each day

Administrative fees shall become due without notification by the Authority and shall be paid by the registered person in order to remain registered with the Authority. No de-registrations and, or new applications for existing registered persons shall be accepted.

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