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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Ministru tal-Finanzi, Dwana u Investimenti Finanzjarji tal-Poplu u moqri għall-Ewwel darba fis-Seduta tat-22 ta' Ġunju, 1981.

A BILL introduced by the Honourable Joseph Cassar, M.P., Minister of Finance, Customs and People's Financial Investments and read the First time at the Sitting of the 22nd June, 1981.

ATT biex jiprovdi li jsiru Lotteriji tal-Gvern.

AN ACT to provide for the holding of Government Lotteries.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIGI

msejjah

ATT biex jipprovi li jsiru lotteriji tal-Gvern.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'ligi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1981 dwar il-Lotteriji tal-Gvern.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġ xort'oħra —

“aġent” tfisser persuna maħtura mid-Direttur biex tmexxi l-bejgħ ta' biljetti barra minn Malta;

“bejjiegh” tfisser persuna maħtura mid-Direttur biex tbiegħ biljetti f'Malta;

“biljett” tfisser biljett li jiehu sehem f'lotterija li ssir taħt id-disposizzjonijiet ta' dan l-Att;

“biljett rebbieh” tfisser biljett li jkollu l-ittra u/jew in-numri li jitolgħu f'lotterija partikolari.

“Dipartiment” tfisser id-Dipartiment tal-Lottu Pubbliku;

“Direttur” tfisser id-Direttur tal-Lottu Pubbliku u tinkludi kull persuna msemmija mill-Ministru biex taqdi kull funzjoni jew dmir tad-Direttur;

“gogatur” tfisser persuna li tixtri jew ikollha biljett;

“lotterija” tfisser kull twettieq wieħed ta' xi proġett magħmul u immexxi taħt id-disposizzjonijiet ta' dan l-Att u kull regolamenti magħmula bis-saħħa tiegħu għat-tqassim ta' premjijiet li jintrebħu bix-xorti minn gogaturi li jieħdu sehem f'dak il-proġett;

“Ministru” tfisser il-Ministru responsabbli għall-finanzi;

“sena finanzjarja” għandha l-istess tifsir kif mogħti lilha fil-Kostituzzjoni.

3. Bla ħsara għad-disposizzjonijiet ta' dan l-Att u ta' kull regolamenti magħmula bis-saħħa tiegħu, il-Ministru jista' jawtorizza lid-Direttur biex jagħmel u jmessxi lotterija tal-Gvern skond dawk id-direttivi li l-Ministru jidhirlu xierqa li jagħti għal hekk u, bla ħsara għall-ġeneralità ta' dak li ntqal qabel, jista' jawtorizza lid-Direttur biex jagħmel ix-xogħol kollu għat-tnejn kif id-Direttur jidhirlu meħtieġ biex jagħmel u jmessxi kull lotterija bħal dik.

Bidu ta' lotterija tal-Gvern.

4. Il-Ministru jista' jagħmel regolamenti biex jagħti effett lil kull waħda mid-disposizzjonijiet ta' dan l-Att, u b'mod partikolari, u bla ħsara għall-ġeneralità ta' dak li ntqal qabel, dawk ir-regolamenti jistgħu jippreskrivu —

Setgħa għall-egħmil ta' regolamenti.

(a) in-numru ta' lotteriji li għandhom isiru f'kull sena u l-jum, hin u post tat-tluġ ta' kull lotterija tal-Gvern;

(b) il-proċedura li biha għandha titmexxa kull lotterija bħal dik;

(c) in-numru u l-valur tal-premijiet li għandhom jingħataw dwar kull tluġ u l-mod kif jithallsu l-premijiet;

(d) is-setgħat u d-dmirijiet ta' kull persuna li l-preżenza tagħha tkun meħtieġa waqt it-tluġ;

(e) il-prezz li bih kull biljett li jista' jintuza f'xi lotterija bħal dik jista' jinbiegħ, u l-biljetti u d-dokumenti l-oħra li jistgħu jintużaw f'xi lotterija bħal dik;

(f) in-numru ta' biljetti li għandhom jinħarġu għall-bejgħ f'xi tluġ partikolari;

(g) iż-żmien li fih u l-mod kif premijiet tista' ssir talba għalihom jew jithallsu;

(h) il-kondizzjonijiet li taħthom premijiet li ma ssirx talba għalihom jintilfu favur il-Gvern;

(i) il-penali, li ma tkunx iżjed minn multa ta' mitt lira, li tista' tingħata għal kull ksur ta' xi regolament magħmul skond id-disposizzjonijiet ta' dan l-Att;

(j) kull haġa li għandha jew li tista' tiġi preskritta taħt dan l-Att u biex jipprovdi aktar dwar kull haġa bħal dik hekk kif jidhirlu xieraq.

5. (1) Id-Direttur jista' jġieġel li biljetti ta' lotterija jinbiegħu permezz ta' kull uffiċjal pubbliku mpjegat fid-Dipartiment u jista' jaħtar bejjieġha u aġenti għal dak iż-żmien li jiġi speċifikat fil-ħatra u jista' jagħti dawk id-direttivi u jimponi dawk il-kondizzjonijiet li d-Direttur jidhirlu xierqa dwar id-dmirijiet ta' dawk il-persuni, iż-żmien li fih għandu jintbagħat id-dhul mill-bejgħ tal-biljetti, il-prospetti, il-formuli u r-rapporti li jistgħu jsiru u t-tagħrif li jista' jiġi mitlub mingħand dawk il-persuni mid-Direttur fil-qadi tal-funzjonijiet tiegħu taħt dan l-Att.

ħatra ta' bejjieġha u aġenti.

(2) Id-Direttur jista' fid-diskrezzjoni tiegħu jirrifjuta kull talba minn kull persuna għall-ħatra bħala bejjieġ jew bħala aġent u jista' mingħajr ma jidhul f'xi responsabbiltà u mingħajr ma jagħti xi raġuni, jirrevoka kull ħatra bħal dik f'kull żmien:

Izda l-persuna li għaliha jirreferi dak ir-rifjut jew tħassir tista' tapplika għand il-Ministru biex jikkonsidra l-każ tagħha.

Oggetti
mibghuta
bil-posta
ghar-riskju
ta' min
jibghathom.

Id-Direttur
jiġi avżat
b'biljett
rebbieh.

Setgħa tad-
Direttur li
jirrifjuta biljett
bhala validu.

Hlas ta'
premju għal
biljett rebbieh.

6. Rimessi, biljetti u kull haġa oħra li għandha x'taqsam ma' lotterija, li jintbagħtu bil-posta jmorru għar-riskju tal-ġogatur.

7. (1) Avviż ta' biljett rebbieh għandu jingħata lid-Direttur f'dak iż-żmien u b'dak il-mod li jiġi preskritt mill-Ministru b'avviż fil-Gazzetta.

(2) Il-biljett rebbieh għandu jiġi pprezentat lid-Direttur biex jivverifikah skond l-istruzzjonijiet tiegħu.

(3) Id-Direttur għandu joħroġ riċevuta dwar kull biljett rebbieh li hu hekk jirċievi.

8. (1) Id-Direttur jista' jeħtieġ mingħand min ikollu biljett rebbieh dik il-prova li jidhirli meħtieġa sabiex jistabbilixxi l-identità ta' dik il-persuna.

(2) Min ikollu biljett li jidher li jkun biljett rebbieh ma jkollux jedd għal premju jekk id-Direttur ikun sodisfatt li dak il-biljett —

(a) ikun fih xi tibdil, korrezzjoni, tħassir jew brix tan-numru u/jew ta' ittra li tkun stampata fuqu, jew

(b) ikun mutilat, rikostitwit, ma jinqarax jew stampat ħażin, jew

(ċ) ma jgħaddix minn xi wieħed mill-eżamijiet ta' validazzjoni konfidenzjali tad-Dipartiment:

Iżda meta d-Direttur ikun sodisfatt li żewġ biljetti jew iktar li jkunu ġenwini jkollhom l-istess numru rebbieh dwar xi premju partikolari fit-tluġ partikolari, dak il-premju għandu jinqasam indaq bejn dawk li jkollhom dawk il-biljetti rebbieha.

(3) Id-deċiżjoni tad-Direttur dwar xi haġa li taqa' taht id-disposizzjonijiet tas-subartikoli (1) u (2) ta' dan l-artikolu tkun finali.

9. (1) Id-Direttur għandu jhallas il-premju għal biljett rebbieh lill-persuna li tipprezentalu dak il-biljett għal hekk.

(2) Meta d-Direttur ikun avżat b'att ġudizzjarju li hemm jew li se jkun hemm litigazzjoni dwar ta' min hu biljett rebbieh jew lil min għandu jthallas il-premju, id-Direttur għandu jiddepożita l-ammont tal-premju fir-Registru tal-Qorti Ċivili kompetenti u dak il-premju ma jiġix rtirat sakemm il-kwistjoni tkun deċiża finalment mill-Qorti jew il-kwistjoni tinqata' xort'oħra. Id-Direttur għandu jieħu ħsieb li kopja ta' Ċedola tad-Depożitu tiġi notifikata lill-persuna li fl-interess tagħha jiġi preżentat l-att ġudizzjarju.

(3) Meta jsir xi depożitu mid-Direttur kif provdut taht isubartikolu (2) ta' dan l-artikolu u ma tinbeda ebda azzjoni ġudizzjarja minn ebda parti li jkollha interess fil-qorti kompetenti fuq l-ammont hekk depożitat fi żmien disghin jum minn dak id-depożitu, dak l-ammont jintilef favur il-Gvern.

(4) Kull drittijiet u spejjeż ġudizzjarji li jsiru mid-Direttur biex iħares id-disposizzjonijiet tas-subartikoli (2) u (3) ta' dan l-artikolu għandu jnaqqashom mill-ammont hekk depożitat jew irtirat, skond il-każ.

10. (1) Il-flus kollha li jiġu riċevuti mill-bejgħ ta' biljetti jew li jintilfu favur il-Gvern taħt id-disposizzjonijiet ta' dan l-Att għandhom jithallsu lit-Teżor mid-Direttur u għandhom jiġu akkreditati f'kont li jinżamm f'dak id-Dipartiment li jissejjaħ "il-Fond għal Lotteriji tal-Gvern".

Fond għal
Lotteriji
tal-Gvern.

(2) Għandhom jithallsu mill-Fond għal Lotteriji tal-Gvern, mingħajr approprjazzjoni oħra hlief dan l-Att, il-premjijiet, l-ispejjeż ta' amministrazzjoni u l-hlasijiet l-oħra kollha li għandhom x'jaqsmu ma' dan.

(3) Kull bilanċ ta' kreditu wara l-egħluq tal-kontijiet meta tispicċa s-sena finanzjarja għandu jithallas fil-Fond Konsolidat.

(4) Jekk f'xi żmien il-flus akkreditati fil-Fond għal Lotteriji tal-Gvern ma jkunux biżżejjed biex jithallsu, jew għal kollox jew f'parti, il-premjijiet, l-ispejjeż ta' amministrazzjoni u l-hlasijiet l-oħra li għandhom x'jaqsmu ma' dan, dak in-nuqqas għandhom jagħmlu tajjeb għalih avvanzi mill-Fond ta' Helsien tat-Teżorerija, b'warrants iffirmati mill-Ministru.

(5) Dikjarazzjoni tad-dhul fi u ta' l-infieq mill-Fond għal Lotteriji tal-Gvern, għandha kemm jista' jkun malajr wara l-egħluq ta' kull sena finanzjarja u f'kull każ mhux iktar tard minn tliet xhur wara l-egħluq ta' dik is-sena, tintbagħat mill-*Accountant General* lid-Direttur ta' Verifika.

11. Kull persuna li tbiegħ xi biljett ta' lotterija tal-Gvern bi prezz ogħla jew inqas minn dak stabbilit taħt id-disposizzjonijiet ta' dan l-Att tkun hatja ta' reat kontra dan l-Att u teħel, meta tinsab hatja, multa ta' mhux inqas minn hamsin lira u mhux iżjed minn mitejn lira.

Projbizzjoni
ta' bejgħ ta'
biljetti hlief
bil-prezz
stabbilit.

12. Kull bejgiegħ jew aġent li jagħmel użu hażin minn xi flus fdati f'idejha minhabba l-funzjonijiet tiegħu taħt dan l-Att ikun hatja ta' reat kontra dan l-Att u jehel, meta jinsab hatja, multa li tkun daqs tliet darbiet l-ammont hekk użat hażin, jew prigunerija għal żmien ta' mhux iżjed minn sena, jew dik il-multa u prigunerija flimkien.

Serq ta'
flejjes pubbliċi.

13. (1) Kull min jiffalsifika xi biljett, matrici, riċevuta jew xi dokument ieħor maħruġ dwar lotterija tal-Gvern ikun hatja ta' reat kontra dan l-Att u jehel, meta jinsab hatja, prigunerija għal żmien ta' minn tlettax-il xahar sa erba' snin.

Falsifikazzjoni
ta' dokumenti
ta' lotterija
tal-Gvern.

(2) Meta r-reat isir minn bejgiegħ jew aġent jew, ufficjal pubbliku li jkun qed jaqdi d-dmirijiet fid-Dipartiment, il-piena ta' prigunerija tkun għal żmien ta' mhux inqas minn sentejn iżda mhux iżjed minn hames snin.

14. Meta l-fatt li jikkostitwixxi reat taħt id-disposizzjonijiet ta' dan l-Att jikkostitwixxi wkoll reat taħt xi liġi oħra u li dwaru jkun hemm piena ogħla taħt dik il-liġi, għandha tiġi applikata dik il-piena ogħla.

Meta tingħata
piena ogħla.

15. Il-kwistjonijiet kollha li jinqalgħu dwar kull haġa li għaliha jirreferi dan l-Att għandhom jiġu deċiżi mill-Qrati f'Malta skond il-liġi ta' Malta bl-esklużjoni ta' kull liġi oħra.

Gurisdizzjoni
eskluziva
tal-Qrati ta'
Malta.

16. L-azzjoni ċivili fuq kull haġa li għandha x'taqsam ma' l-għoti jew mal-hlas ta' xi premju taħt id-disposizzjonijiet ta' dan l-Att jew ma' xi tluġġ, ma tistax tinbeda wara li jgħaddu sittin jum mid-data tat-tluġġ.

Preskrizzjoni.

Thassir u
riżerva.
Att XXVI ta'
1-1948

17. (1) L-Att ta' 1-1948 dwar il-Lotteriji tal-Gvern għandu jit-
hassar.

(2) Sakemm isiru regolamenti ġodda taħt dan l-Att, ir-
Regolamenti ta' 1-1977 dwar il-Lotteriji tal-Gvern għandhom jibqgħu
jseħħu u għandhom, sakemm ikunu jaqblu mad-disposizzjonijiet ta' dan
l-Att, jitqiesu li saru taħt dan l-Att u jistgħu jiġu varjati, mibdula jew
revokati skond hekk.

Għanijiet u Ragunijiet

L-Għan ta' dan l-Abbozz huwa li tiġi implimentata s-sistema proposta għal lotterija
ġdida kif tħabbar fil-*Budget* għall-1981. B'din is-sistema l-ġdida tkun tista' ssir lotterija
kull ġimgħa u żewġ lotteriji kull sitt xhur li jsiru f'Ġunju u f'Diċembru ta' kull sena.

A BILL**entitled**

AN ACT to provide for the holding of Government lotteries.

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

1. This Act may be cited as the Government Lotteries Act, 1981. Short title.

2. In this Act, unless the context otherwise requires — Interpretation.

“agent” means a person appointed by the Director to promote the sale of tickets outside Malta;

“Department” means the Department of Public Lotto;

“Director” means the Director of Public Lotto and includes any person designated by the Minister to perform any function or duties pertaining to the Director;

“financial year” shall have the same meaning as is assigned to it in the Constitution;

“lottery” means each single actuation of any scheme promoted and conducted under the provisions of this Act and of any regulations made thereunder for distributing prizes which are won by chance by stakers participating in such a scheme;

“Minister” means the Minister responsible for finance;

“seller” means a person appointed by the Director to sell tickets in Malta;

“staker” means a person who purchases or holds a ticket;

“ticket” means a ticket participating in a lottery held under the provisions of this Act;

“winning ticket” means a ticket bearing the letter and/or numbers drawn in a particular lottery.

Initiation of
the Government
Lottery.

3. Subject to the provisions of this Act and of any regulations made thereunder, the Minister may authorise the Director to promote and conduct a Government lottery in accordance with such directions as the Minister may deem fit to give for such purposes and, without prejudice to the generality of the above, may authorize the Director to do all such preparatory acts as the Director may deem necessary for promoting and conducting any such lottery.

Powers to make
regulations.

4. The Minister may make regulations to give effect to any of the provisions of this Act, and in particular, and without prejudice to the generality of the foregoing, such regulations may prescribe:

(a) the number of lotteries to be held during any year and the day, time and place of the draw in any Government lottery;

(b) the procedure to be followed in the conduct of any such lottery;

(c) the number and the value of the prizes to be allotted in respect of each draw and the mode of payment of the prizes;

(d) the powers and duties of any person whose presence is required during the draw;

(e) the price at which any ticket which may be used in any such lottery may be sold, and the tickets and other documents which may be used in any such lottery;

(f) the number of tickets to be issued for sale in any particular draw;

(g) the time within which and the manner in which prizes may be claimed or paid;

(h) the conditions under which unclaimed prizes shall be forfeited to Government;

(i) the punishment, not exceeding a fine (*multa*) of £100, which may be awarded for any contravention of any regulation made in accordance with the provisions of this Act;

(j) any matter which is to be or may be prescribed under this Act and to make any further provision in respect of such matter as he may deem appropriate.

Appointment of
sellers and
agents.

5. (1) The Director may cause lottery tickets to be sold through any public officer employed in the Department and may appoint sellers and agents for such time as may be specified in the instrument of appointment and may give such directions and impose such conditions as the Director may deem fit in relation to the duties of such persons, the time for the remittance of the proceeds of the sale of tickets, the returns, forms and reports which may be made and the information which may be requested of such persons by the Director in the execution of his functions under this Act.

(2) The Director may in his discretion refuse any request by any person for appointment as seller or as agent and may without incurring any liability and without giving any reason, revoke any such appointment at any time:

Provided that the person in relation to whom such refusal or revocation refers may apply to the Minister for consideration of his case.

6. Remittances, tickets and any other matter connected with a lottery, which are sent through the post shall travel at the risk of the staker.

Objects sent by post at risk of sender.

7. (1) Notice of a winning ticket shall be given to the Director within such time and in such manner as may be prescribed by the Minister by notice in the Gazette.

Director to be notified of winning ticket.

(2) The winning ticket shall be presented to the Director for examination in accordance with his instructions.

(3) The Director shall issue a receipt in respect of every winning ticket so received by him.

8. (1) The Director may require from the holder of a winning ticket such proof as he may deem necessary to establish the identity of that person.

Power of Director to refuse ticket as valid.

(2) The holder of a ticket purporting to be a winning ticket shall not be entitled to a prize if the Director is satisfied that such ticket —

(a) contains any alteration, correction, erasure or abrasion of the number and/or letter printed thereon, or

(b) is mutilated, reconstituted, unreadable or misprinted, or

(c) fails in any of the Department's confidential validation tests:

Provided that where the Director is satisfied that two or more genuine tickets have the same winning number in respect of any particular prize in a particular draw, that prize shall be apportioned equally among the holders of such winning tickets.

(3) The decision of the Director in respect of any matters dealt with under the provisions of subsections (1) and (2) of this section is final.

9. (1) The Director shall pay the prize due to a winning ticket to the person who presents to him such ticket for that purpose.

Payment of prize to winning ticket.

(2) Where the Director is intimated by a judicial act that the ownership of a winning ticket or the prize due is or is about to form the subject of litigation, the Director shall lodge the amount of the prize due in the Registry of the competent Civil Court and such prize shall not be withdrawn until the matter is finally determined by the Court or the dispute is otherwise settled. The Director shall cause a copy of the Schedule of Deposit to be served on the person in whose interest the judicial act is filed.

(3) Where any lodgment is made by the Director as provided under subsection (2) of this section and no judicial action is instituted by any interested party in the competent court on the amount so deposited within ninety days from such deposit, such amount shall be forfeited to Government.

(4) Any judicial fees and expenses incurred by the Director to comply with the provisions of subsections (2) and (3) of this section shall be deducted by him from the amount so deposited or withdrawn, as the case may be.

Government Lotteries Fund.

10. (1) All monies received from the sale of tickets or forfeited to Government under the provisions of this Act shall be paid by the Director into the Treasury and shall be credited to an account to be kept in that Department to be styled "Government Lotteries Fund".

(2) There shall be paid out of the Government Lotteries Fund, without any further appropriation other than this Act, the prizes, the expenses of administration and all other charges connected therewith.

(3) Any credit balance after the closing of the accounts at the end of the financial year shall be paid into the Consolidated Fund.

(4) If at any time the money to the credit of the Government Lotteries Fund is insufficient to meet, either wholly or in part, the payment of prizes, the expenses of administration and other charges connected therewith, such deficit shall be made good by temporary advances from the Treasury Clearance Fund, by warrants under the hand of the Minister.

(5) A statement of the receipts and expenditure of the Government Lotteries Fund, shall, as soon as possible after the close of each financial year and in any case not later than three months after the close of such year, be forwarded by the Accountant General to the Director of Audit.

Prohibition of sale of tickets other than the established price.

11. Any person who sells any Government lottery ticket at a price either exceeding or less than that established under the provisions of this Act shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine (*multa*) of not less than £50 and not exceeding £200.

Embezzlement.

12. Any seller or agent who misapplies any money entrusted to him by reason of his functions under this Act shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine (*multa*) amounting to treble the amount so misapplied, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Forgery of Government Lottery documents.

13. (1) Whosoever shall forge any ticket, counterfoil, receipt or any other document issued in connection with a Government lottery shall be guilty of an offence against this Act and shall, on conviction, be liable to imprisonment for a term of from 13 months to 4 years.

(2) Where the offence is committed by a seller or agent or, public officer performing duties in the Department, the punishment shall be of imprisonment for a term of not less than 2 years but not exceeding 5 years.

Higher punishment to be applied.

14. Where the fact which constitutes an offence under the provisions of this Act also constitutes an offence under any other law and is liable to a higher punishment under that law, such higher punishment shall be applied.

Exclusive jurisdiction of Maltese Courts.

15. All disputes arising on any matter to which this Act refers shall be determined by the Courts in Malta in accordance with Maltese law to the exclusion of any other law.

16. The Civil action on any matter relating to the award or payment of any prize under the provisions of this Act or to any draw, may not be instituted after the lapse of sixty days from the date of the draw. Limitation of action.

17. (1) The Government Lotteries Act, 1948, shall be repealed. Repeal and saving.

Act XXVI of
1948

(2) Until such time as new regulations are made under this Act, the Government Lotteries Regulations 1977, shall continue in force and shall, in so far as they are not incompatible with the provisions of this Act, be deemed to have been made under this Act and may be varied, altered or revoked accordingly.

Objects and Reasons

The Object of this Bill is to implement the proposed new lottery system as announced in the Budget Speech for 1981. Such new system will allow for a weekly lottery and two six-monthly lotteries in June and December of each year.