

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,959, 9 ta' Marzu, 2018

Taqsimha C

Nru. 30

9. 03. 2018

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Clifton Grima, M.P., Segretarju Parlamentari għaż-Żgħażaġh, Sport u Għaqdiet Volontarji, f'isem il-Ministru għall-Edukazzjoni u x-Xogħol, u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Marzu, 2018

A BILL introduced by the Honourable Clifton Grima, M.P., Parliamentary Secretary for Youth, Sport and Voluntary Organisations, on behalf of the Minister for Education and Employment, and read the First time at the Sitting of the 5th March, 2018.

ATT biex jipprovi għall-prevenzjoni tal-korruzzjoni fl-isport.

AN ACT to provide for the prevention of corruption in sport.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

Abbozz ta' Liġi msejjah

ATT biex jipprovi għall-prevenzjoni tal-korruzzjoni fl-isport.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2018 dwar il-Prevenzjoni tal-Korruzzjoni fl-Isport. Titolu fil-qosor.

2. F'dan l-Att sakemm ir-rabta tal-kliem ma teħtieġ xort'oħra: Tifsir.

"assoċjazzjoni nazzjonali" għandha l-istess tifsira bħal dik mogħtija lilha fl-Att dwar l-Isports; Kap. 455.

"atleta" tfisser kwalunkwe persuna jew grupp ta' persuni li jipparteċipaw f'avveniment sportiv;

"avveniment sportiv Malti" tfisser:

(i) avveniment sportiv organizzat minn organizzazzjoni sportiva; jew

(ii) avveniment sportiv li fih ikun qed jipparteċipa klabb jew tim Malti;

"informazzjoni privileġġjata" tfisser informazzjoni importanti ta' natura preċiża li hija direttament jew indirettament relatata ma' kwalunkwe avveniment sportiv, li persuna tipposjedi bis-saħħa tal-pożizzjoni tagħha fir-rigward ta' xi sport jew avveniment sportiv, iżda ma tinkludi l-ebda informazzjoni li diġà giet ippubblikata jew li hija għarfien komuni, li tista' tiġi

faċilment aċċessata minn membri interessati tal-pubbliku jew żvelata skont ir-regoli u r-regolamenti li jkopru l-avveniment sportiv rilevanti:

Iżda li:

(i) għall-finijiet ta' din it-tifsira, l-informazzjoni għandha titqies li hija importanti jekk tkun tali illi, li kieku kienet pubblika, x'aktarx li jkollha effett sinjifikanti fuq il-perċezzjoni tal-pubbliku dwar l-eżitu l-aktar verosimili, jew il-progress ta' avveniment sportiv;

(ii) għall-finijiet ta' din it-tifsira, l-informazzjoni għandha titqies li hija ta' natura preċiża jekk tindika ċirkostanza jew sett ta' ċirkostanzi li jeżistu jew li hemm aspetattiva raġonevoli li ser iseħħu, jew avveniment li seħħ jew li hemm aspetattiva raġonevoli li ser iseħħ u/jew jekk hija, b'mod ieħor, speċifika biżżejjed li tippermetti li tinsilet konkluzjoni dwar l-effett potenzjali ta' dik iċ-ċirkostanza jew sett ta' ċirkostanzi jew avveniment, fir-rigward tal-eżitu jew tal-progress l-aktar verosimili ta' avveniment partikolari sportiv;

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"klabb" għandha l-istess tifsira mogħtija lilha fl-Att dwar l-Ispports;

"manipulazzjoni ta' avveniment sportiv" tfisser att jew ommissjoni li permezz tagħhom persuna tagħmel arrangament intenzjonat, li jkollu l-għan jew iwettaq b'suċċess:

(a) il-bidla deliberata tal-eżitu ta' kwalunkwe avveniment sportiv;

(b) il-bidla deliberata ta' kwalunkwe mill-aspetti tal-avveniment sportiv u tan-natura imprevedibbli tal-avveniment sportiv, irrispettivament minn jekk dik il-bidla taffetwax l-eżitu finali tal-avveniment sportiv u jekk dik il-bidla, jekk isseħħ, titwettaqx bħala konsegwenza diretta jew indiretta tal-att jew ommissjoni;

(ċ) il-provvista ta' informazzjoni privileġġjata lil terzi persuni b'mod li tassisti jew tiffaċilita it-twerttieq ta' reat kontra dan l-Att;

(d) il-kisba attwali ta' informazzjoni privileġġjata bl-intenzjoni li dik l-informazzjoni tiġi provduta lil terzi persuni; jew

(e) l-għajnuna, il-komplicità, l-inkuraġġiment u/

jew b'xi mod ieħor l-inċitament ta' terzi persuni sabiex jitwettaq xi wieħed mill-atti, jew aktar, imsemmijin aktar 'il fuq,

li jistgħu jirriżultaw f'vantagg indebitu jew gwadann għal dik il-persuna jew għal oħrajn;

"Ministru" tfisser il-Ministru responsabbli mill-isport;

"operatur tal-logħob" tfisser operatur li jipprovdi servizz tal-logħob, kif definit fl-Att dwar il-Logħob;

Kap. 400.

"organizzazzjonijiet sportivi" tfisser l-organizzazzjonijiet kollha tal-isport li huma rreġistrati bhala tali ma' SportMalta taħt l-Att dwar l-Ispports;

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"persuna" tfisser kwalunkwe persuna fiżika jew korp ġuridiku;

"persunal għas-sostenn tal-atleti" tfisser kwalunkwe kowċ, persuna li tħarreġ, maniger, agent, persunal tat-tim, uffiċjal tat-tim, persunal mediku jew paramediku li jaħdem ma' jew idewwi atleti li jkunu qed jipparteċipaw fi jew iħejju għal avveniment sportiv, u kwalunkwe persuna oħra li taħdem mal-atleti;

"uffiċjal tal-klabb" tfisser kwalunkwe persuna li hija l-propjetarja ta', azzjonista fi, membru tal-eżekuttiv jew membru tal-persunal ta' klabb;

"uffiċjal tal-logħob" tfisser kwalunkwe persuna li hija propjetarja, azzjonista, membru tal-eżekuttiv jew membru tal-persunal ta' assoċjazzjoni nazzjonali jew kwalunkwe entità oħra li torganizza u, jew tippromwovi avvenimentni sportivi u tinkludi arbitri, membri tal-ġurija u kwalunkwe persuni oħra li r-rwol tagħhom huwa li jaċċertaw l-osservanza tar-regoli tal-avveniment sportiv, jew li jevalwaw il-prestazzjoni tal-atleti, jew li jwettqu funzjonijiet li huma anċillari jew li jwasslu għal dan;

"uffiċjal pubbiku" għandha l-istess tifsira mogħtija lilha fl-artikolu 124 tal-Kostituzzjoni.

3. Ir-reati stabbiliti taħt dan l-Att għandhom ikunu suġġetti għall-ġurisdizzjoni Maltija u għandhom jitqiesu bhala reati anke meta jitwettqu barra minn Malta u, mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 5 tal-Kodiċi Kriminali, l-azzjoni kriminali fir-rigward ta' reat taħt dan l-Att tista' titmexxa f'Malta u skont il-liġijiet ta' Malta kontra kwalunkwe persuna li twettaq jew tipparteċipa f'reat stabbilit f'dan l-Att, fil-każijiet li ġejjin:

Ġurisdizzjoni.

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(a) meta r-reat iseħħ, anke jekk parzjalment, f'Malta jew fuq il-baħar fi kwalunkwe post fil-gurisdizzjoni territorjali ta' Malta; jew

(b) meta persuna li hija prezenti f'Malta xjentement tassisti jew tincita persuna oħra sabiex twettaq ir-reat; jew

(c) meta r-reat ikun konness ma' avveniment sportiv Malti; jew

(d) meta l-ħati huwa ċittadin Malti jew persuna resident f'Malta b'mod permanenti u l-fatt jikkostitwixxi wkoll reat kriminali skont il-ligijiet tal-Istat fejn seħħ:

Iżda li għall-finijiet ta' dan il-paragrafu, "resident permanenti" għandu jkollha l-istess tifsira mogħtija lilha taht l-artikolu 5(1)(d) tal-Kodiċi Kriminali.

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Manipulazzjoni ta' avveniment sportiv.

4. Kull min jinvolvi ruħu fil-manipulazzjoni ta' avveniment sportiv kif imfissra f'dan l-Att, ikun ħati ta' reat u għandu, meta jinsab ħati, ikun sugġett għall-prigunerija għal perijodu ta' mhux aktar minn tliet snin u għal multa minn ħamest elef euro (€5,000) sa tletin elf euro (€30,000) jew għal dik il-multa u prigunerija flimkien.

Obbligu ta' rappurtar.

5. (1) Kull persuna li għandha għarfien, sew jekk verbali, bil-miktub jew xort'oħra, li twettaq reat kontra kwalunkwe mid-dispożizzjonijiet tal-artikolu 4, għandha tgħaddi dak l-għarfien lill-Kummissarju tal-Pulizija u jekk tonqos mill-tagħmel dan fi żmien erbatax-il jum mid-data li fiha tkun saret taf dwar dak il-fatt, tkun ħatja ta' reat:

Iżda li dan l-artikolu ma għandux japplika għar-raġel jew għall-mara, sieheb f'unjoni ċivili jew koabitanti, axxendenti jew dixxendenti, ħu jew oħt, il-kunjatu jew il-kunjata, ir-raġel tat-tifla jew il-mara tat-tifel, iz-ziju jew iz-zija, in-neputi jew in-neputija u ħu jew oħt tar-rispett tal-awtur jew tal-kompliċi f'reat mhux żvelat.

(2) Il-piena għar-reat stabbilit fis-subartikolu (1) għandha tkun dik ta' prigunerija għal perijodu ta' mhux aktar minn sena jew multa ta' mhux anqas minn elfejn u ħames mitt euro (€2,500) u mhux aktar minn ħamsa u għoxrin elf euro (€25,000), jew dik il-multa u prigunerija flimkien.

Ċirkostanzi aggravanti.

6. (1) Ir-reati stabbiliti fl-artikoli preċedenti huma meqjusa aggravati kull meta jitwettqu:

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(a) bħala skop ta' u fi ħdan organizzazzjoni kriminali kif stabbilit fl-artikolu 83A tal-Kodiċi Kriminali; jew

(b) bl-intenzjoni li l-eżitu tagħhom jintuża għal gwadann mil-logħob; jew

(ċ) bl-użu ta' theddid, vjolenza privata jew fastidju skont is-Sub-Titolu IX tat-Titolu VIII tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; jew

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(d) l-att huwa kommess minn persuna li hija:

(i) uffiċjal jew impjegata ta' assoċjazzjoni nazzjonali;

(ii) uffiċjal pubbliku;

(iii) impjegata ta' operatur tal-logħob;

(iv) impjegata ta' SportMalta;

(v) atleta;

(vi) membru tal-persunal għas-sostenn tal-atleti;

(vii) uffiċjal tal-logħob;

(viii) uffiċjal ta' klabb;

(ix) ex-atleta, ex-membru tal-persunal għas-sostenn tal-atleti, ex-uffiċjal tal-logħob, jew ex-uffiċjal ta' klabb;

(e) l-att iwassal għall-gwadann ta' benefiċċju monetarju ta' aktar minn għaxart elef euro (€10,000).

(2) Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan is-subartikolu, meta r-reati msemmija fl-artikoli preċedenti ikunu akkumpanjati minn ċirkostanza waħda aggravanti jew aktar, kif stabbilit fis-subartikolu (1), il-piena għal tali reat aggravat għandha tkun dik ta' priġunerija għal perijodu ta' mhux anqas minn sena u mhux aktar minn ħames snin:

Iżda li:

(i) jekk il-gwadann tal-benefiċċju monetarju jiġi stabbilit u kwantifikat, il-piena għandha wkoll tinkludi multa ta' ħmistax-il elf euro (€15,000) jew ta' ammont li jkun ugwali għal tliet darbiet il-gwadann tal-benefiċċju monetarju, skont liema jkun l-ogħla;

(ii) jekk ikun stabbilit li l-gwadann tal-benefiċċju monetarju jammonta għal aktar minn għaxart elef euro (€10,000)

izda ma jigix kwantifikat, il-piena għandha wkoll tinkludi multa ta' mhux anqas minn għaxart elef euro (€10,000) u mhux aktar minn mija u hamsin elf euro (€150,000);

(iii) jekk hemm piena akbar applikabbli taht xi ligi oħra, għandha tapplika l-akbar piena:

Izda wkoll li meta l-avveniment sportiv manipulat huwa avveniment li fih ikun qed jipparteċipa tim nazzjonali Malti jew atleta li jkun qed jirrappreżenta lil Malta f'avveniment sportiv internazzjonali, il-piena għandha tiżdied bi grad.

Esklużjoni ta' ċerti pieni.
Kap. 446.
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7. (1) Id-dispożizzjonijiet tal-Att dwar il-*Probation* u tal-artikolu 28A tal-Kodiċi Kriminali ma għandhomx japplikaw fir-rigward ta' reat kontra l-artikoli 4 sa 6.

(2) Minbarra l-pieni stabbiliti taht l-artikoli 4 u 6, persuna li tinsab hatja ta' reat kontra l-imsemmija artikoli għandha tiġi skwalifikata milli tipparteċipa fi u tattendi għal kwalunkwe avveniment sportiv u milli tkun preżenti fil-bini ta' kwalunkwe organizzazzjoni sportiva, għal mhux anqas minn għaxar snin.

(3) Kwalunkwe persuna li ma tosservax l-iskwalifika stabbilita fis-subartikolu (2) tkun hatja ta' reat kontra dan l-Att u għandha tkun sugġetta, meta tinsab hatja, għal piena ta' massimu sitt xhur prigunerija u għal multa ta' elf euro (€1,000), jew għall-prigunerija u multa flimkien.

Konfiska tar-rikavat.

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8. Il-qorti għandha, minbarra kwalunkwe piena li tista' tiġi imposta fuq il-persuna li tkun nstabet hatja ta' kwalunkwe mir-reati stabbiliti fl-artikoli preċedenti u minbarra kwalunkwe piena li għaliha jista' jkun soġġett korp ġuridiku taht l-artikolu 121D tal-Kodiċi Kriminali:

(a) tordna l-konfiska favur il-Gvern ta' Malta tar-rikavat tar-reat jew ta' dik il-propjeta li l-valur tagħha jikkorrispondi għall-valur ta' dak ir-rikavat, sew jekk il-persuna li tkun giet misjuba hatja, jew il-korp ġuridiku imsemmi fl-artikolu 121D ikunu rċevew dak ir-rikavat u sew jekk le; u

(b) tordna l-interdizzjoni perpetwa generali tal-hati.

L-Avukat Ġenerali jista' jeżenta minn proċedimenti kriminali.

9. (1) Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-artikolu, l-Avukat Ġenerali jista', fuq rakkomandazzjoni tal-Kummissarju tal-Pulizija, kemm-il darba fil-ġudizzju individwali tiegħu jkun sodisatt bil-parir mogħti lilu fir-rigward, johrog ċertifikat bil-miktub li jeżenta lil kwalunkwe persuna imsemmija fih minn proċedimenti kriminali fir-rigward ta' reat kontra dan l-Att jew reat

konness miegħu, bil-kundizzjoni li dik il-persuna tagħti x-xhieda tagħha skont il-liġi dwar il-fatti kollha magħrufa lilha, relatati ma' reat kontra dan l-Att jew kwalunkwe reat konness miegħu quddiem Qorti ta' ġurisdizzjoni kriminali u hekk kif jinħareġ dan iċ-ċertifikat u tingħata l-evidenza f'konkordanza miegħu mill-persuna li għalih jirreferi, ma jkunu jistgħu jittieħdu l-ebda proċedimenti quddiem Qorti ta' ġurisdizzjoni kriminali kontra tali persuna, b'rabta ma' dak ir-reat jew reat konness miegħu.

(2) It-talba mill-Kummissarju tal-Pulizija għandha ssir bil-miktub u għandu jkun fiha d-dettalji kollha rilevanti li jistgħu jintalbu mill-Avukat Ġenerali, liema talba għandha tintbagħat lill-Avukat Ġenerali b'mod kunfidenzjali.

(3) Iċ-ċertifikat maħruġ mill-Avukat Ġenerali skont id-dispożizzjonijiet ta' dawn l-artikoli għandu, l-ewwel darba li tkun ser tingħata x-xhieda quddiem il-qorti, jiġi esebit fil-qorti minn rappreżentant tal-Avukat Ġenerali.

(4) L-Avukat Ġenerali jista' joħroġ ċertifikat taħt id-dispożizzjonijiet ta' dan l-artikolu minkejja kwalunkwe oppożizzjoni mix-xhud.

(5) L-eżenzjoni minn proċedimenti kriminali taħt dan l-artikolu ma tista' tinħareġ favur l-ebda persuna wara li jkunu nbdew tali proċedimenti, ladarba jkunu haġru l-akkużi kontra l-persuna.

10. L-Att dwar il-Prevenzjoni ta' Xiri ta' *Players*, qiegħed jiġi rrevokat mingħajr preġudizzju għal kwalunkwe haġa magħmula jew li għad trid issir taħtu. Thassir u riżerva. Kap. 263.

Izda li l-Att dwar il-Prevenzjoni ta' Xiri ta' *Players*, għandu jitqies li għadu fis-seħħ fir-rigward ta' kwalunkwe reati mwettqa qabel id-dhul fis-seħħ ta' dan l-Att. Kap. 263.

Għanijiet u Raġunijiet

L-Għanijiet u r-Raġunijiet ta' dan l-Abbozz jikkonsistu fl-aġġornament tad-dispożizzjonijiet tal-liġi Maltija fir-rigward tal-ġlieda kontra l-korruzzjoni fl-isport.

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**A Bill
entitled**

AN ACT to provide for the prevention of corruption in sport.

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:-

Short title. **1.** The short title of this Act is the Prevention of Corruption in Sport Act, 2018.

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

"athlete" means any person or group of persons participating in a sporting event;

"athlete support staff" means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating athletes participating in or preparing for a sporting event, and all other persons working with athletes;

Cap.455. "club" has the same meaning assigned to it by the Sports Act;

"club official" means any person who is the owner of, a shareholder in, an executive or a staff member of a club;

Cap. 400. "gaming operator" means an operator providing a gaming service as defined in the Gaming Act;

"inside information" means important information of a precise nature relating, directly or indirectly, to any sporting event that a person possesses by virtue of his position in relation to a sport or sporting event, but does not include any information already published or which is common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant sporting event:

Provided that:

(i) for the purpose of this definition, information shall be deemed to be important if it is such that, if it were public, it would be likely to have a significant effect on the public's perception of the more likely outcome and, or progress of a sporting event;

(ii) for the purposes of this definition, information shall be deemed to be of a precise nature if it indicates a circumstance or set of circumstances which exists or may reasonably be expected to come into existence, or an event which has occurred or may reasonably be expected to occur and/or if it is otherwise specific enough to enable a conclusion to be drawn as to the possible effect of that circumstance or set of circumstances or event on the more likely outcome or progress of a particular sporting event;

"Maltese sporting event" means:

(a) a sporting event organised by a sports organisation; or

(b) a sporting event in which a Maltese club or team is participating;

"manipulation of a sporting event" means an act or omission by virtue of which any person makes an intentional arrangement, aiming at or successfully accomplishing:

(a) the deliberate alteration of the outcome of any sporting event;

(b) the deliberate alteration of any of the aspects of a sporting event and the unpredictable nature of the sporting event, irrespective of whether such alteration affects the final outcome of the sporting event and whether such alteration, if any, is achieved as a direct or indirect

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consequence of the act or omission;

(c) the provision of inside information to third parties in a manner that assists or facilitates the commission of an offence against this Act;

(d) the actual acquisition of inside information with the intent of providing such information to third parties; or

(e) the aiding, abetting, encouragement and/or inducement in any other way, of third parties to commit any one or more of the aforementioned acts,

which may result in an undue advantage or gain for that person or for others;

"match official" means any person who is the owner of, a shareholder in, an executive or a staff member of a national association or any other entity which organises and, or promotes sporting events, and includes referees, jury members and any other persons whose role is to ensure observance of the rules of the sporting event, or to assess the performance of the athletes, or to carry out functions which are ancillary or conducive thereto;

"Minister" means the Minister responsible for sport;

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"national association" has the same meaning assigned to it by the Sports Act;

"person" means any physical person or body corporate;

"public officer" has the same meaning assigned to it by article 124 of the Constitution;

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"sports organisations" means all sports organisations registered as such with SportMalta under the Sports Act;

Jurisdiction.

3. The offences provided under this Act shall be subject to Maltese jurisdiction and shall be deemed to be offences even when committed outside Malta and, without prejudice to the provisions of article 5 of the Criminal Code, a criminal action in respect of an offence under this Act may be prosecuted in Malta and according to the laws of Malta against any person who commits or participates in an offence provided for in this Act, in the following cases:

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(a) when the offence takes place, even if only in part, in Malta or at sea in any place within the territorial jurisdiction of

Malta; or

(b) when a person present in Malta knowingly assists or induces another person to commit the offence; or

(c) when the offence is connected with a Maltese sporting event; or

(d) when the offender is a Maltese citizen or a person permanently resident in Malta and the fact also constitutes a criminal offence according to the laws of the State where it took place:

Provided that for the purposes of this paragraph "permanent resident" shall have the same meaning assigned to it under article 5(1)(d) of the Criminal Code.

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4. Whosoever engages in the manipulation of a sporting event as defined in this Act shall be guilty of an offence, and shall, on conviction, be liable to imprisonment for a period of not more than three years and to a fine (*multa*) from five thousand euro (€5,000) to thirty thousand euro (€30,000) or to both such fine and imprisonment.

Manipulation of a sporting event.

5. (1) Any person who has knowledge, whether verbally, in writing, or otherwise, that an offence has been committed against any of the provisions of article 4, shall communicate such knowledge to the Commissioner of Police and, if he fails to do so within a period of fourteen days from the date on which he became aware of such fact, he shall be guilty of an offence:

Duty to report.

Provided that this article shall not apply to the husband or wife, partner in a civil union or cohabitant, ascendants or descendants, the brother or sister, the father-in-law or mother-in-law, the son-in-law or daughter-in-law, the uncle or aunt, the nephew or niece and the brother-in-law or sister-in-law of a principal or an accomplice in the offence so not disclosed.

(2) The punishment for the offence referred to in sub-article (1) shall be that of imprisonment for a period of not more than one year or a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than twenty-five thousand euro (€25,000), or both such imprisonment and fine.

6. (1) The offences referred to in the preceding articles are considered aggravated whenever they are committed:

Aggravating circumstances.

(a) within the scope of a criminal organisation as referred to in article 83A of the Criminal Code; or

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(b) with the intent of making use of the outcome thereof to profit from gaming; or

(c) by the use of threats, private violence or harassment according to Sub-Title IX of Title VIII of Part II of Book First of the Criminal Code; or

(d) the act is committed by a person who is:

(i) an official or employee of a national association;

(ii) a public officer;

(iii) an employee of a gaming operator;

(iv) an employee of SportMalta;

(v) an athlete;

(vi) an athlete support staff;

(vii) a match official;

(viii) a club official;

(ix) a former athlete, athlete support staff, match official, or club official;

(e) the act provides a gained monetary benefit of more than ten thousand euro (€10,000).

(2) Subject to the provisions of this sub-article where the offences referred to in the preceding articles are accompanied by any one or more of the aggravating circumstances laid down in sub-article (1), the punishment for such aggravated offence shall be imprisonment for a period of not less than one year and not more than five years:

Provided that:

(i) if the gained monetary benefit is established and quantified, the punishment shall also include a fine (*multa*) of fifteen thousand euro (€15,000) or of an amount equal to three times the gained monetary benefit, whichever is the higher;

(ii) if the gained monetary benefit is established as amounting to more than ten thousand euro (€10,000) but is not quantified, the punishment shall also include a fine (*multa*) of not less than ten thousand euro (€10,000) and not more than one

hundred and fifty thousand euro (€150,000);

(iii) if a greater punishment is applicable under any other law, then the greater punishment shall apply:

Provided further that where the manipulated sporting event is an event in which a Maltese national team or an athlete representing Malta at an international sporting event is participating the punishment shall be increased by one degree.

7. (1) The provisions of the Probation Act and of article 28A of the Criminal Code shall not apply in respect of an offence against articles 4 or 6 of this Act.

Exclusion of certain punishments. Cap. 446. Cap. 9.

(2) Apart from the punishments provided for under articles 4 and 6, a person found guilty of an offence against the said articles shall be disqualified from participation in and from attending at any sporting event and from being on the premises of any sports organization for not less than ten years.

(3) Any person who does not abide by the disqualification provided for in sub-article (2) shall be guilty of an offence against this Act and shall be liable on conviction to a punishment of a maximum of six months imprisonment and to a fine (*multa*) of one thousand euro (€1,000), or to both such fine and imprisonment.

8. The court shall, in addition to any punishment to which the person convicted of any of the offences in the preceding articles may be sentenced and in addition to any penalty to which a body corporate may become liable under the provisions of article 121D of the Criminal Code:

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(a) order the forfeiture in favour of the Government of the proceeds of the offence or of such property the value of which corresponds to the value of such proceeds whether or not such proceeds have been received by the person found guilty or by the body corporate referred to in the said article 121D; and

(b) order the general perpetual interdiction of the offender.

9. (1) Subject to the provisions of this article, the Attorney General may upon the recommendation of the Commissioner of Police if in his individual judgment he is satisfied of the advisability so to do, issue a certificate in writing exempting any person mentioned therein from any criminal proceedings for an offence against this Act or for an offence connected therewith on condition that such person gives evidence according to law of all the facts known to him relating to any

Attorney General may grant exemption from criminal proceedings.

offence against this Act or any offence connected therewith before a Court of criminal jurisdiction, and on the issue of such certificate and the giving of evidence in accordance therewith by the person to whom it refers, no proceedings before a Court of criminal jurisdiction may be taken against the said person in connection with such offence or any offence connected therewith.

(2) The request by the Commissioner of Police shall be made in writing and shall contain all the pertinent details as may be requested by the Attorney General, and such a request shall be sent to the Attorney General in confidence.

(3) The certificate issued by the Attorney General under the provisions of this article shall, when the evidence is first to be given before the court, be exhibited in court by a representative of the Attorney General.

(4) The Attorney General may issue a certificate under the provisions of this article notwithstanding any opposition by the witness.

(5) An exemption from criminal proceedings under this article may not be issued in favour of any person after any such proceedings have been commenced, once charges have been issued against the person.

Repeal and
saving.
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10. The Prevention of Corruption (Players) Act, is hereby being repealed without prejudice to anything done, or which is still to be done thereunder.

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Provided that the Prevention of Corruption (Players) Act, shall be deemed to be still in force in respect of any offences committed before the coming into force of this Act.

Objects and Reasons

The Objects and Reasons of this Bill consist of the updating of the provisions of Maltese law in respect of the fight against corruption in sport.