

**ATT TAL-2021 DWAR IL-GOVERNANZA SPORTIVA  
U L-INTEGRITÀ FL-ISPORT**

TAQSIM TAL-ATT

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## ABBOZZ TA' LIĠI

### msejjah

*ATT biex jipprovdi għar-regolamentazzjoni tal-Governanza Sportiva u għall-Integrità fl-Ispport u sabiex titwaqqaf Awtorità li tkun magħrufa bhala l-Awtorità dwar il-Governanza Sportiva u l-Integrità fl-Ispport Malti, biex tappoġġja l-iżvilupp u l-obiettivi deskritti f'dan l-Att u biex tippromwovi prinċipji konsistenti sabiex jinżammu l-prinċipji ta' governanza tajba u tiddefendi l-integrità tal-ispport Malti u sabiex teżercita funzjonijiet regolatorji u twettaq servizzi relatati u sabiex jipprovdi dwar affarijiet anċillari għal dawn u konnessi magħhom.*

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

### TAQSIMA I

#### Preliminari

Titolu fil-qosor  
u bidu fis-sehħ.

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 dwar il-Governanza Sportiva u l-Integrità fl-Ispport.

(2) Id-dispożizzjonijiet tal-artikoli 31 sa 38, kif ukoll id-dispożizzjonijiet tal-artikolu 79 (iżda bla ħsara għad-dispożizzjonijiet li jinsabu fih) ta' dan l-Att għandhom jiġu fis-sehħ f'dik id-data li l-Ministru responsabbli għall-Ispports jista, b'Ordni fil-Gazzetta, jistabbilixxi.

Tifsir.

**2.** (1) F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra -

"Assoċjazzjoni" jew "Assoċjazzjoni Nazzjonali" tfisser assoċjazzjoni ta' klubbs fuq livell nazzjonali li jingabru flimkien sabiex jippromwovu sport partikolari jew sabiex jorganizzaw logħob kompetittiv f'dak l-isport;

"atleta" tfisser persuna li tikkompeti fi sport fuq livell internazzjonali kif imfisser minn kull federazzjoni internazzjonali jew fuq livell nazzjonali kif imfisser minn kull assoċjazzjoni nazzjonali, u kull persuna li tipparteċipa fi sport taħt l-awtorità ta' xi pajjiż, gvern jew organizzazzjoni oħra tal-isport;

"Att" tfisser l-Att tal-2021 dwar il-Governanza Sportiva u l-Integrità fl-Isport, u tinkludi regolamenti u regoli magħmulin, u linji gwida maħruġin, taħtu;

"Awtorità" tfisser l-Awtorità għall-Integrità fl-Isport Malti stabbilita bl-artikolu 5 u referenzi għall-Awtorità f'dan l-Att jew f'xi liġi oħra għandhom, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra, tinftiehem bħala li tinkludi referenza għal kull persuna awtorizzata mill-Awtorità biex taġixxi f'isem u għan-nom tagħha;

"awtorizzazzjoni" għandha tinkludi kull forma ta' għarfien kif imfisser f'dan l-artikolu;

"Bord" tfisser il-Bord tad-Diretturi tal-Awtorità magħmul minn *Chairperson* u membri maħtura skont id-dispożizzjonijiet tal-artikolu (3);

"il-CAS" tfisser it-Tribunal tal-Arbitraġġ fl-Isport, li jservi bħala tribunal internazzjonali ta' arbitraġġ kif ukoll bħala tribunal għal appelli fi hwejjeġ li għandhom x'jaqsmu mal-isport, u li għandu s-sede tiegħu f'Lausanne, l-Iżvizzera;

"*Chairperson*" tfisser iċ-*Chairperson* tal-Awtorità maħtur skont id-dispożizzjonijiet tal-artikolu 5;

"deċiżjoni" tinkludi kull direttiva, determinazzjoni, direzzjoni, kondizzjoni, miżura, hteġa jew speċifikazzjoni, tkun kif tkun deskritta, magħmula jew mogħtija mill-Awtorità;

"detentur ta' licenza" tfisser persuna li għandha permess maħruġ skont id-dispożizzjonijiet ta' dan l-Att;

"direttorat" tfisser xi direttorat stabbilit skont id-dispożizzjonijiet tal-artikolu 29;

"faċilitajiet sportivi" tfisser żoni magħluqin ta' padiljuni sportivi, *stadiums* fil-miftuħ, *gimnażji*, *fitness centres*, areni tal-

*boxing*, *pixxini*, u *pitches tal-waterpolo* fil-baħar, *swali tal-isnooker* u *tal-billiard*, *bowling alleys*, faċilitajiet għall-atletika, *pitches* bil-ħaxix artifiċjali jew naturali, u postijiet oħra simili fejn atleti u persuni oħra jiltaqgħu biex jieħdu sehem f'eżerċizzju fiżiku, jippartecipaw f'kompetizzjonijiet atletici, jew jaraw avvenimenti sportivi;

"Federazzjoni" jew "Federazzjoni Nazzjonali" tfisser assoċjazzjoni li tkun primarjament assoċjazzjoni ta' għadd ta' Assoċjazzjonijiet Nazzjonali tal-istess attività sportiva jew ta' attivitajiet assoċjati sportivi;

"Federazzjoni Ewropea" tfisser assoċjazzjoni ta' assoċjazzjonijiet jew federazzjonijiet nazzjonali li taġixxi bhala l-korp li jirregola dixxiplina sportiva fl-Ewropa u li tiegħu l-assoċjazzjoni jew il-federazzjoni Maltija hi membru;

"federazzjoni internazzjonali" tfisser assoċjazzjoni ta' assoċjazzjonijiet jew federazzjonijiet nazzjonali li taġixxi bhala l-korp regolatorju ta' dixxiplina sportiva mad-dinja kollha u li tagħha l-assoċjazzjoni jew il-federazzjoni nazzjonali Maltija hi membru;

"governanza sportiva" tfisser l-eżerċizzju ta' setgħa, waqt li tingħata konsiderazzjoni għall-influwenza, l-awtorità u n-natura tal-għoti ta' deċizzjonijiet dwar l-isport fil-livell ta' klabb, u fil-livell nazzjonali u internazzjonali. Dan jinkludi l-ħolqien ta' politika, it-twaqqif ta' strutturi u l-amministrazzjoni tal-isport fuq livell bażiku, dilettantistiku u professjonali mill-aspetti tekniċi, fiżiċi, finanzjarji u organizzativi tagħhom, kemm waqt kompetizzjoni kif ukoll barra minnha u fl-organizzazzjoni ta' kompetizzjonijiet u avvenimenti sportivi;

"għarfien" tfisser l-għarfien formali mill-Awtorità li jintalab b'referenza għal kemm hu adatt li detenturi ta' licenzi u persuni oħra involuti fl-operazzjoni ta' faċilitajiet sportivi jkomplu jkunu licenzjati għall-perjodu rilevanti u li l-Awtorità għandha d-dritt tagħti permezz ta' jew bl-għoti, ħruġ, validazzjoni, konferma, ċertifikazzjoni jew mod ieħor bil-miktub lil applikant u tinkludi kull licenza, permess, awtorizzazzjoni, approvazzjoni, konferma, ċertifikazzjoni minn, jew registrazzjoni ma', l-Awtorità skont id-dispożizzjonijiet ta' xi liġi speċjali li l-Awtorità għandha d-dritt li tamministra jew tinforza u l-kliem "awtorizzazzjoni" jew "detentur ta' awtorizzazzjoni" fid-dispożizzjonijiet ta' dan l-Att għandhom jinftiehm bħala riferenza għall-forma rilevanti ta' għarfien, jew id-detentur ta' dak l-għarfien, kif ikun il-każ;

"impjegat" tfisser persuna impjegata mill-Awtorità;

"integrità fl-isport" tfisser il-manifestazzjoni ta' etika u valuri li jippromwovu l-fiduċja tal-pubbliku fl-isport, inklużi eżibizzjonijiet ġusti u onesti u riżultati minn atleti u persuni li jappoġġjaw atleti, li mhumiex kondizzjonati minn titjib illeġittimu jew interessi esterni u kondotta pożitiva minn atleti, amministraturi, uffiċjali u persunal li jappoġġja l-atleti, kemm waqt kif ukoll barra mill-kompetizzjoni li jkattar r-reputazzjoni u l-qagħda tal-kompetizzjoni sportiva u tal-isport b' mod ġenerali;

"ittestjar" tfisser il-partijiet tal-proċess ta' kontroll dwar *doping* li jinvolvi l-ippjanar tad-distribuzzjoni tal-eżami, il-ġbir ta' kampjun minn atleta, l-immaniġġar ta' kampjuni, u t-trasport ta' kampjun lejn laboratorju;

"klabb" tfisser assoċjazzjoni ta' persuni, kemm jekk fil-forma ta' soċjetà ċivili, jew soċjetà kummerċjali jew mod ieħor, li fiha individwi jikkostitwixxu lilhom infushom fi jew jiffurmaw parti minn assoċjazzjoni sabiex jieħdu sehem fi, jew jorgannizzaw, attivitajiet sportivi;

"kumitat konsultattiv" tfisser kumitat konsultattiv stabbilit skont id-dispożizzjonijiet tal-artikolu 30;

"Kumitat Olimpiku Malti" tfisser il-Kumitat Olimpiku Malti stabbilit fid-9 ta' Ġunju 1928;

"konvenzjonijiet dwar l-*anti-doping*" tfisser il-Konvenzjoni dwar *Anti-Doping* tal-Kunsill tal-Ewropa u l-Konvenzjoni Internazzjonali tal-UNESCO kontra d-*Doping* fl-Isport;

"liċenza" tfisser permess mogħti mill-Awtorità lil operaturi, mingħajr preġudizzju għat-tifsir ta' dan it-terminu, sabiex imexxu u jamministraw faċilità sportiva;

"Ministru" tfisser il-Ministru responsabbli għall-*isports*;

"operatur" tfisser peruna fiżika jew ġuridika li tħaddem u timmaniġġa faċilità sportiva; it-terminu "operatur", kif użat f'dan l-Att, u sakemm ir-rabta tal-kliem ma teħtieġx xort' oħra, jista' jfisser xi wieħed mit-tliet tipi ta' persuni fiżiċi jew ġuridiċi, kif hawn aktar 'l isfel imsemmi:

(a) persuna registrata jew entità governattiva li għandha awtorizzazzjoni, permess jew liċenza mill-Awtorità skont id-dispożizzjonijiet ta' dan l-Att;

(b) entità jew persuna privata li tħaddem faċilitajiet sportivi li għalkemm mhijiex obbligata li tirreġistra mal-

Awtorità skont id-dispożizzjonijiet ta' dan l-Att, tagħżel li tapplika għal liċenza; u

(ċ) entità jew persuna privata li tħaddem faċilitajiet sportivi li mhijiex obbligata li tirreġistra mal-Awtorità skont id-dispożizzjonijiet ta' dan l-Att, u tagħżel li ma tapplikax għal liċenza;

"persuna" tinkludi korp ta' persuni u kull korp ieħor stabbilit bil-liġi;

"persuna li tappoġġja atleta" tfisser kowċ, trejner, *manager*, aġent, persunal ta' tim, uffiċjal, persunal mediku jew paramediku, ġenitur jew kull persuna oħra li taħdem jew tittratta ma', jew tassisti lil, atleta li jipparteċipa fi, jew jipprepara ruħu għal, kompetizzjoni sportiva;

"persuna mhux desiderabbli" tfisser persuna li -

(a) ġiet misjuba ħatja ta' reat, ikun fejn ikun sar:

Kap. 9. (i) kontra s-sigurtà tal-Gvern skont l-artikoli 55, 56, 57, 58 u 59 tal-Kodiċi Kriminali; jew

Kap. 9. (ii) kontra s-sigurtà pubblika skont l-artikoli 311, 312, 313, 314, 315, 316 u 317 tal-Kodiċi Kriminali; jew

Kap. 276. (iii) speċifikat fl-Iskeda li tinsab mal-Att dwar l-Estradizzjoni, u li jġib miegħu perjodu ta' prigunerija ta' iżjed minn tliet (3) snin; jew

Kap. 373. (iv) kontra l-Att kontra l-*Money Laundering*; jew

Kap. 386. (v) bi ksur tal-artikoli 307, 308, 309, 310, 311, 312, 313, 314, 315 tal-Att dwar il-Kumpanniji, jew bi ksur tal-artikolu 191 tal-Kodiċi Kriminali; jew  
Kap. 9.

Kap. 9. (vi) kontra s-Sub-Titoli IVA u B tat-Titolu IX tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; jew

Kap. 593. (vii) kontra l-Att dwar il-Prevenzjoni tal-Korruzzjoni fl-Ispport; jew

(viii) kontra l-liġijiet jew mill-qrati ta' pajjiż ieħor fir-rigward ta' reati li huma sostanzjalment ekwivalenti għal dawk speċifikati fis-subparagrafi (i), (iv), (v) u (vii);

(b) hija sugġetta għal sanzjonijiet jew restrizzjonijiet maħruġa mn-Nazzjonijiet Maqgħuda, l-Unjoni Ewropea jew xi korp ieħor statali internazzjonali li tiegħu Malta hi membru u li huma adottati jew implimentati mill-Gvern skont id-dispożizzjonijiet tal-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali, u, jew xi liġi oħra applikabbli, u dan għal dak il-perjodu ta' żmien li tali sanzjonijiet jibqgħu fis-seħħ;

Kap. 365.

(ċ) hija sugġetta għal mandat ta' arrest internazzjonali jew għal Mandat ta' Arrest Ewropew jew hi mod ieħor imfittxija mill-INTERPOL jew minn xi organizzazzjoni tal-pulizija transnazzjonali ekwivalenti, u dan sakemm hi tibqa' hekk imfittxija;

(d) tkun insolventi jew falluta u ma tkunx f'pożizzjoni li tħallas id-djun tagħha meta dawn ikunu dovuti;

(e) tkun entità legali, u li d-direttur, l-amministratur jew uffiċjal ieħor jew azzjonista b'kontroll ikunu:

(i) persuna mhux desiderabbli, jew

(ii) fil-każ ta' direttur jew uffiċjal, skwalifikati milli jkunu direttur ta' kumpannija skont id-dispożizzjonijiet tal-Att dwar il-Kumpanniji jew ta' liġi simili ta' ġurisdizzjoni li tagħha d-direttur jew l-uffiċjal ikun ċittadin jew residenti fiha u dan sakemm tali persuna tibqa' hekk skwalifikata;

Kap. 386.

"persuna registrata" tfisser persuna registrata fir-Registru ta' Persuni Sportivi taħt it-Taqsima VII ta' dan l-Att;

"Registru" tfisser ir-Registru ta' Persuni Sportivi li ssir referenza għalih fit-Taqsima VII ta' dan l-Att;

"skola sportiva" tfisser kull organizzazzjoni jew intrapriża, irrispettivament min ikun sidha jew min imexxiha, li l-funzjoni prinċipali tagħha tkun li teduka fuq bażi *full-time* jew *part-time* f'xi dixxiplina jew dixxiplini sportivi partikolari;

"sport" tinkludi kull forma ta' attività fiżika jew mentali li, permezz ta' parteċipazzjoni każwali jew organizzata, jew permezz ta' attivitajiet ta' taħriġ, tkun immirata biex ittejjeb is-saħħa fiżika u mentali, toħloq relazzjonijiet soċjali jew biex jinkisbu riżultati f'kompetizzjonijiet fuq livelli differenti, imma teskludi dawk l-attivitajiet terapewtiċi jew kliniċi jew li jkunu jagħmlu parti minn attivitajiet ta' istituzzjonijiet jew ċentri ta' saħħa u tinkludi kull attività oħra li l-Ministru jista' minn żmien għal żmien wara

konsultazzjoni ma' SportMalta jistabbilixxi;

Kap. 455. "SportMalta" tfisser il-korp stabbilkit skont l-artikolu 4 tal-Att dwar l-Isports;

"sustanzi pprojbiti" tfisser sustanzi jew metodi pprojbiti kif imfisser mill-WADC;

Kap. 490. "Tribunal" tfisser it-Tribunal ta' Reviżjoni Amministrattiva stabbilit bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva;

"Uffiċjal Eżekuttiv Ewlieni" tfisser l-Uffiċjal Eżekuttiv Ewlieni tal-Awtorità mahtur skont id-dispożizzjonijiet tal-artikolu 13(2);

"Viċi *Chairperson*" tfisser il-Viċi *Chairperson* jew kull persuna oħra appuntata biex tagħmilha ta' Viċi *Chairperson* fiċ-ċirkostanzi msemmija fl-artikolu 5(5);

"WADA" tfisser l-Aġenzija Mondjali dwar l-*Anti-Doping*, li hi fondazzjoni kostitwita taħt il-Kodiċi Ċivili Żvizzeru fl-Lausanne fl-10 ta' Novembru, 1999;

"WADC" jew "il-Kodiċi" tfisser il-Kodiċi Dinji dwar l-*Anti-Doping* adottat għall-ewwel darba mill-WADA fil-5 ta' Marzu, 2003, u kull emenda oħra sussegwenti;

"*whereabouts*" tfisser informazzjoni provduta minn atleti magħżula dwar il-post fejn jinsabu lil jew l-assocjazzjoni jew ferderazzjoni nazzjonali, jew lil federazzjoni internazzjonali li tirregola d-dixxiplina sportiva li jipprattikaw jew lill-Awtorità li tkun inkludiet tali atleti fil-grupp ta' ttestjar reġistrat rispettiv tagħhom bħala parti mir-responsabbiltajiet tal-atleti magħżula.

(2) Il-Ministru, waqt li jaġixxi fuq il-parir tal-Awtorità, jista' b'regolamenti, u l-Awtorità bil-kunsens tal-Ministru, tista' b'linji gwida jiċċaraw kull tisfira fis-subartikolu (1) jew jipprovdu tifsiriet addizzjonali li jappoġġjaw it-tifsiriet fis-subartikolu (1).

## TAQSIMA II

### Objettivi tal-Att

Objettivi. **3.** Il-Gvern għandu, permezz tat-twaqqif tal-Awtorità, jara li jirregola l-għarfien ta' organizzazzjonijiet sportivi mill-Gvern u kwistjonijiet dwar integrità fl-isport b'kollaborazzjoni ma' persuni sportivi u persuni oħra interessati rilevanti, biex jiżgura li l-persuni kollha involuti fil-provdiment ta' jew il-prattika sportiva f'Malta jirrispettaw dawk ir-regoli, regolamenti u politika u sabiex iħaddnu l-

prinċipji ta' governanza tajba, loġħob ġust u ugwaljanza mal-firxa tal-komunità sportiva, u jkollu bħala l-oġġettivi tiegħu:

(a) ir-regolamentazzjoni tal-isport Malti, waqt li jiżgura ż-żamma u l-aġġornar ta' registru għal persuni sportivi u jistabbilixxi kriterji bbażati fuq il-prinċipji ta' trasparenza u integrità biex assoċjazzjonijiet u federazzjonijiet nazzjonalinazzjonali reġistrati, klabbs jew kull persuna oħra li torganizza jew tmexxi avvenimenti sportivi f'Malta jkunu eliġibbli għal finanzjament governattiv;

(b) il-kisba tal-oġġla *standards* regolatorji possibbli għall-istabbiliment u l-operazzjoni ta' bini u faċilitajiet li jkunu qed jintużaw għal għanijiet sportivi;

(ċ) l-istabbiliment u l-iskrutinju kontinwu tal-istatus ta' atleti, *coaches* u uffiċjali oħra kemm professjonali kif ukoll dilettantistiċi, b'kollaborazzjoni mal-assoċjazzjonijiet u federazzjonijiet nazzjonali rilevanti;

(d) it-tmexxija ta' programm nazzjonali ta' *anti-doping* bl-ikbar rispettt għall-Konvenzjoni dwar l-*Anti-Doping* tal-Kunsill tal-Ewropa u l-Konvenzjoni Internazzjonali tal-UNESCO kontra d-*Doping* fl-Isport, li għalihom Malta hi firmatarja, il-Kodiċi Dinji dwar l-*Anti-Doping* u l-*Istandards* Internazzjonali stabbiliti mill-Aġenzija Mondjali dwar l-*Anti-Doping*, sabiex jinkisbu eżibizzjonijiet u riżultati ġusti u onesti, mingħajr l-użu ta' sustanzi li jimmiljoraw il-prestazzjoni jew sustanzi jew metodi projbiti kif imfisser mill-WADC;

(e) it-twaqqif u l-amministrazzjoni ta' Korp għall-Integrità tal-Isport, kif ikkontemplat fit-Taqsima II tal-Att dwar il-Prevenzjoni tal-Korruzzjoni fl-Isport, sabiex jgħin lil persuni interessati jiġġieldu kontra il-manipolazzjoni ta' kompetizzjonijiet sportivi; Kap. 593.

(f) l-istabbiliment ta' regoli u politika sabiex jiġi żgurat li persuni sportivi reġistrati jimplementaw regolamenti u l-politika fi ħdan l-oqfsa regolatorji tagħhom li jippromwov u jirregolaw kwistjonijiet ta' integrità fl-isport, bħal ma huma prinċipji ta' governanza tajba fl-amministrazzjoni, fl-*anti-doping*, fl-anti-manipolazzjoni, il-protezzjoni ta' tfal u prinċipji oħra ta' integrità fl-isport;

(g) il-ħolqien u l-implimentazzjoni ta' programmi edukattivi dwar kwistjonijiet ta' integrità fl-isport għal kulhadd, partikolarment tfal fl-iskejjel, sabiex jiġu impjantati l-prinċipji

ta' integrità fl-isport f' generazzjonijiet futuri; u

(h) ir-rappreżentanza tal-interessi tal-isport nazzjonali f'kull forum internazzjonali u l-iskambju ta' informazzjoni rilevanti ma' awtoritajiet kompetenti internazzjonali biex jiġi salvagwardjat l-interess pubbliku u l-integrità sportiva.

Politika.

4. Il-Gvern għandu jiddetermina l-politika u l-oġġettivi ta' Malta fir-rigward tal-integrità fl-isport Malti u għandu japproprja tali fondi u jipprovdi tali riżorsi li jidhirlu meħtieġa sabiex jintlaħqu tali oġġettivi.

### TAQSIMA III

Twaqqif, Funzjonijiet u Tmexxija tal-Affarijiet tal-Awtorità

Twaqqif u kompożizzjoni tal-Awtorità.

5. (1) Għandu jkun hemm korp, li jkun magħruf bħala l-Awtorità għall-Integrità fl-Isport Malti, li jkollu t-tmexxija u xogħol tiegħu mwettaq minn Bord tad-Diretturi, li tkun magħmul minn *Chairperson* u sitt (6) membri oħra, li jkunu persuni ta' integrità u li huma xierqa u idonei biex jassumu r-responsabbiltajiet tal-Awtorità taħt dan l-Att jew taħt xi liġi speċjali li l-Awtorità għandha d-dritt li tamministra jew tinforza.

(2) Il-membri tal-Bord għandhom jiġu maħtura mill-Ministru, u jibqgħu fil-kariga għal perjodu ta' tliet (3) snin, taħt daww il-kundizzjonijiet li jistgħu jiġu stabbiliti fl-ittra tal-ħatra rispettiva:

Izda meta jiskadi l-perjodu li għalih persuna hi maħtura taħt dan is-subartikolu, il-persuna tkun eliġibbli biex terġa' tinħatar.

(3) Il-Bord, li għandu jiġi nominat kollu mill-Ministru, ħlief għall-membri msemmi fil-paragrafu (b), għandu jkun magħmul minn:

(a) *Chairperson* u ħames (5) membri oħra nominati mill-Ministru; u

(b) membru nominat mill-Kumitat Olimpiku Malti.

(4) Il-Ministru u l-Kumitat Olimpiku Malti għandhom jaħtru membri fuq il-Bord, skont is-subartikolu (3), li għandhom esperjenza u konossenza f'kwistjonijiet dwar integrità fl-isport.

(5) Iċ-*Chairperson* jista' jinnomina wieħed (1) mill-membri tal-Bord bħala Viċi *Chairperson* u l-membri hekk nominati għandu jkollu s-setgħat kollha u jwettaq il-funzjonijiet kollha taċ-*Chairperson* waqt l-assenza taċ-*Chairperson* jew l-inabilità tiegħu li

jaġixxi bħala *Chairperson* jew waqt vakanza fil-kariga ta' *Chairperson*.

(6) L-għadd ta' membri prezenti f'laqgħat tal-Bord neċessarju biex jiffurmaw kworum għandu jkun iċ-*Chairperson* jew il-Viċi *Chairperson* u żewġ (2) membri oħra, iżda, bla ħsara għall-preżenza ta' kworum, il-Bord jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

(7) Il-Bord jista' ukoll jinnomina persuna adegwatament kwalifikata biex taġixxi bħala segretarju, iżda s-segretarju ma jkollux vot.

(8) Il-Bord jista' jistieden tali professjonisti jew persuni oħra biex jattendu għal laqgħat tal-Bord u biex jipprovdu informazzjoni u dokumentazzjoni kif il-Bord jista' jidhirlu xieraq.

(9) Sabiex iwettaq il-funzjonijiet tiegħu, il-Bord għandu jagħmel użu minn tali fondi li l-Ministru jista' minn żmien għal żmien jagħmel disponibbli għall-Bord; kif ukoll tali fondi li jista', permezz ta' regolamenti magħmulin taħt dan l-Att, jiġbor bħala drittijiet jew mod ieħor.

(10) Il-Bord jista' jagħmel ir-regoli tiegħu u jirregola l-proċedura tiegħu stess.

(11) Persuna ma tkunx kwalifikata biex ikollha kariga bħala membru tal-Bord jekk -

(a) tkun Ministru, Segretarju Parlamentari jew membru tal-Kamra; jew

(b) hi mhallef jew maġistrat tal-qrati tal-gustizzja; jew

(c) hi membru eżekuttiv tal-kumitat, elett jew maħtur, jew impjegat ta' assoċjazzjoni jew federazzjoni nazzjonali, jew ta' klabb; jew

(d) ma tgħaddix mill-kontrolli dwar diligenza dovuta kif jista' jiġi stabbilit b'ordni tal-Ministru minn żmien għal żmien; jew

(e) tkun qed isservi jew serviet perjodu ta' ineligibiltà milli tkun atleta, persuna li tappoġġja atleta, uffiċjal jew amministratur minhabba f'sanzjonijiet dixxiplinarji fir-rigward jew ta' *doping* jew korruzzjoni sportiva; jew

(f) tkun persuna mhux desiderabbli.

(12) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-kariga ta' membru tal-Bord issir vakanti -

(a) meta jagħlaq il-perjodu tal-kariga tiegħu; jew

(b) meta jirtira; jew

(c) mal-mewt tiegħu; jew

(d) jekk jinholqu ċirkostanzi li, li kieku ma kienx membru tal-Bord, kienu jiskwalifikawh milli jkun maħtur bħala membru.

(13) Membru tal-Bord jista' jitneħħa mill-kariga mill-Ministru biss għal kwalunkwe waħda jew aktar mir-raġunijiet li ġejjin:

(a) jekk il-membru minħabba f'mard tal-moħħ jew tal-ġisem jew għal xi kawża oħra effettivament ma jkunx jista' jkompli jwettaq id-dmirijiet tiegħu bħala membru; jew

(b) jekk l-imġiba jew il-prestazzjoni tal-membru tqiegħed f'dubju l-adegwatezza jew l-abbiltà tiegħu li jkompli bħala membru, b'mod partikolari għal imġiba li taffettwa jew tista' taffettwa r-reputazzjoni, l-indipendenza jew l-awtonomija tiegħu, jew ir-reputazzjoni, l-indipendenza jew l-awtonomija tal-Awtorità; jew

(c) jekk il-membru jonqos milli jwettaq dmirijietu għal perjodu twil mingħajr ġustifikazzjoni valida; u għandha tkun kawża għat-tneħħija ta' membru jekk dak il-membru għal kwalunkwe raġuni jonqos milli jwettaq dmirijietu, li jattendi l-laqgħat tal-Bord, għal perjodu kontinwu li jaqbeż is-sitt (6) xhur.

(14) Jekk il-Ministru jneħħi membru tal-Bord mill-kariga, din it-tneħħija għandha tiġi ppubblikata sa mhux aktar tard mid-data effettiva tat-tneħħija mill-kariga. Fl-istess ħin, il-Ministru għandu jipprovi lill-membru konċernat bi stqarrija tar-raġunijiet għat-tneħħija tiegħu, u l-membru għandu jkollu d-dritt li jitlob li l-istqarrija tar-raġunijiet għat-tneħħija tiegħu tiġi ppubblikata, f'liema każ il-Ministru għandu jippubblika tali stqarrija.

(15) Jekk membru jirriżenja jew jekk il-kariga ta' membru tal-Bord tkun b'xi mod ieħor vakanti jew jekk membru għal xi raġuni ma jkunx kapaci jwettaq il-funzjonijiet tal-kariga tiegħu, il-Ministru jista' jahtar persuna, li hija kkwalfikata biex tiġi maħtura bħala membru, biex tkun membru temporanju tal-Bord; u kull persuna hekk maħtura għandha tieqaf milli tkun membru bħal dan meta persuna tiġi

maħtura biex timla l-vakanza jew, skont il-każ, meta l-membru li ma setax iwettaq il-funzjonijiet tal-kariga tiegħu jerga' jibda dawk il-funzjonijiet.

(16) Kull membru tal-Bord li għandu xi interess dirett jew indirett fi kwalunkwe deċiżjoni jew kuntratt magħmul jew propost li jsir mill-Bord, li ma jkunx interess li jiskwalifika lil dak il-membru milli jibqa' membru, għandu jiżvela n-natura tal-interess tiegħu fl-ewwel laqgħa tal-Bord wara li jsir jaf l-fatti rilevanti; dak l-iżvelar għandu mbagħad jiġi rreġistrat fil-minuti tal-Bord, u l-membru li għandu interess kif intqal qabel għandu jirtira minn kwalunkwe laqgħa li fiha deċiżjoni bħal din jew kuntratt huma diskussi. Kull iżvelar bħal dan għandu jiġi kkomunikat lill-Ministru mingħajr dewmien. Fejn l-interess tal-membru jkun tali li jiskwalifika lill-persuna milli tibqa' membru, il-persuna għandha tirrapporta l-fatt minnufih lill-Ministru u toffri r-riżenja tagħha.

(17) B'referenza għall-kunflitti ta' interess, il-Bord għandu, bil-kunsens tal-Ministru, joħroġ linji gwida li għandhom jiddeterminaw liema kunflitti ta' interess jeħtieġu riżenja ta' membru tal-Bord.

(18) Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att u għal kull direttiva tal-Bord, it-tmexxija eżekuttiva u l-amministrazzjoni u l-organizzazzjoni tal-Awtorità, u l-kontroll amministrattiv tal-uffiċjali u impjegati tagħha, għandhom ikunu r-responsabbiltà tal-Uffiċjal Eżekuttiv Ewlieni, li jkollu wkoll tali setgħat oħra li jistgħu jiġu delegati lil minn żmien għal żmien mill-Bord. L-Uffiċjal Eżekuttiv Ewlieni għandu jkun responsabbli wkoll għall-implimentazzjoni tal-objettivi tal-Awtorità u t-tweqqif tal-funzjonijiet tagħha, u mingħajr preġudizzju għall-generalità ta' dak li ntqal qabel, għandu jiżviluppa dawk l-istrategiji, politika u regolamenti meħtieġa għall-implimentazzjoni tal-objettivi tal-Awtorità, jagħti pariri lill-Bord dwar kull materja li l-Bord jista' jirreferi lilu jew dwar kull materja li hu jidhirlu li jkun meħtieġ jew spedjenti, u jwettaq dmirijiet oħra lil assenjati minn żmien għal żmien mill-Bord.

(19) L-Uffiċjal Eżekuttiv Ewlieni għandu d-dritt li jattendi għal-laqgħat kollha tal-Bord. Madankollu, huwa ma jkollux dritt jivvota jew li jiġi meqjus bħala membru għal kull fini ta' kworum.

**6.** (1) L-għan tal-Awtorità għandu jkun li tikseb il-prinċipji u l-objettivi li jinsabu fit-Taqsima II ta' dan l-Att.

Għan,  
funzjonijiet u  
setgħat tal-  
Awtorità.

(2) Għandu jkun ukoll id-dmir tal-Awtorità li teżerċita tali funzjonijiet regolatorji dwar l-integrità fl-isport li jistgħu minn żmien għal żmien jiġu assenjati lill-Awtorità b'xi liġi speċjali.

(3) L-Awtorità għandha, mingħajr preġudizzju għal kull setgħa jew funzjoni oħra mogħtija lilha b'dan l-Att jew b'xi liġi oħra, u skont kull liġi li tista' tkun applikabbli għaliha, tkun responsabbli:

(a) li tiżviluppa u timplimenta politika u strateġiji għat-tkattir tal-oġġettivi u l-funzjonijiet tagħha, li tnedi, tinkoraġġixxi u tiffaċilita riċerka u żvilupp relatati mal-governanza sportiva u l-integrità fl-isport partikolarment governanza tajba fl-amministrazzjoni sportiva, l-*anti-doping*, il-prevenzjoni ta' korruzzjoni f'kompetizzjonijiet sportivi u s-salvagwardja ta' tfal;

(b) li tiżviluppa u timplimenta programmi edukattivi dwar l-integrità fl-isport jew governanza sportiva għal kulhadd;

(c) meta tkun hekk mitluba tagħmel mill-Ministru, li tirrappreżenta lill-Gvern ta' Malta fil-qasam internazzjonali jew reġjonali fuq materji relatati mal-governanza sportiva u l-integrità fl-isport, hekk kif tiġi delegata mill-Ministru;

(d) li tiġbor u tqassam informazzjoni, u tagħti pariri, fuq materji relatati mal-attivitajiet tal-Awtorità;

(e) li tikkonsulta u tikkoopera mal-Kumitat Olimpiku Malti, assoċjazzjonijiet nazzjonali, federazzjonijiet nazzjonali, klabbs, atleti, persuni li jappoġġjaw atleti, u uffiċjali oħra dwar materji relatati mal-promozzjoni u s-salvagwardja tal-governanza sportiva u l-integrità fl-isport;

(f) li tiġġenera fondi u li tamministra u tonfoq flus approprijati mill-Kamra tad-Deputati jew li jiġu akkwistati minn xi sorsi oħra;

(g) li tagħti pariri dwar materji relatati mal-governanza sportiva u l-integrità fl-isport lil persuni, korpi jew assoċjazzjonijiet involuti fl-isport;

(h) li tistabbilixi u taġixxi bħala l-Organizzazzjoni Nazzjonali Maltija dwar l-*Anti-Doping*, u twettaq il-funzjonijiet tagħha skont l-oġġettivi u l-obbligi stabbiliti bil-Konvenzjoni dwar l-*Anti-Doping* tal-Kunsill tal-Ewropa u l-Konvenzjoni Internazzjonali tal-UNESCO kontra d-*Doping* fl-Isport, il-Kodiċi Dinji dwar l-*Anti-Doping* u l-*standards* internazzjonali tiegħu, u r-Regolamenti dwar l-*Anti-Doping* li jistgħu jsiru minn żmien għal żmien;

(i) li tikkoopera ma' organizzazzjonijiet sportivi

nazzjonali u internazzjonali bil-għan li jtkattar ambjent sportiv li jitmexxa skont prinċipji ta' governanza tajba, ikun hieles mill-użu illegali ta' mediċini li jimmiljoraw il-prestazzjoni jew metodi ta' *doping*, li jirrispetta l-imprevedibilità tar-riżultat sportiv ta' kompetizzjoni u li jissalvagwardja tfal li huma attivi fl-isport;

(j) li tistabilixxi u taġixxi bħala l-Korp għall-Integrità tal-Isport, u twettaq il-funzjonijiet tiegħu kif stipulat fit-Taqsima II tal-Att dwar il-Prevenzjoni tal-Korruzzjoni fl-Isport; Kap. 593.

(k) li toħroġ, temenda u tirrevoka, ċertifikat ta' reġistrazzjoni lil korpi sportivi, entitajiet u persuni oħra *bona fide* li jikkwalifikaw għal reġistrazzjoni mal-Awtorità taht id-dispożizzjonijiet ta' dan l-Att u li żżomm reġistru ta' tali korpi, entitajiet u persuni reġistrati;

(l) li tfassal, tiżviluppa u temenda minn żmien għal żmien Kodiċi ta' Etika, inkluż l-iffissar ta' *standards* minimi, li għandu jiġi segwit minn amministraturi fl-isport, atleti, persuni li jappoġġjaw atleti u uffiċjali u organizzazzjonijiet sportivi lokali;

(m) li tirrikonoxxi kriterji stabbiliti mill-Assoċjazzjonijiet u Federazzjonijiet Nazzjonali rispettivi, u finnuqqas ta' tali kriterji stabbiliti, li toħloq kriterji li jiddeterminaw l-istatus ta' atleti, *coaches* u uffiċjali oħra jew ta' amministraturi bħala diletanti, professjonisti jew oħrajn;

(n) li tissorvelja u ssegwi kif ukoll tevalwa l-prattiċi, il-ħidma u l-attivitajiet relatati ma' materji dwar governanza sportiva u l-integrità fl-isport;

(o) li tirregola l-attivitajiet, il-livelli ta' servizzi u l-*istandards* ta' faċilitajiet sportivi, inklużi skejjel sportivi, u kull għamla ta' intrapriża li tipprovdi servizzi ta' taħriġ jew servizzi oħra sportivi;

(p) li tirregola l-*istandards* tal-manutenzjoni, tmexxija, sigurtà, livelli ta' servizzi u l-operat ta' faċilitajiet sportivi;

(q) li toħroġ, temenda u tirrevoka liċenzi lil organizzazzjonijiet sportivi jew operaturi terzi sabiex tistabbixxi u tħaddem faċilitajiet sportivi, inklużi skejjel sportivi, u kull tip ta' impriża jew intrapriża li tipprovdi taħriġ sportiv jew servizzi oħra sportivi:

Iżda d-dispożizzjonijiet ta' dan il-paragrafu

għandhom jgħoddu biss għal persuni li jaqgħu taħt il-kategoriji tal-paragrafi (a) u (b) tat-tifsira "operatur";

(r) li tinforma kull awtorità jew entità li jidhrilha xieraq dwar kull sanzjoni jew restrizzjoni imposta minnha jew dwar materji oħra li l-Bord jidhirlu meħtieġ biex jipproteġi l-interess pubbliku, fir-rigward ta' kull persuna li taqa' taħt id-dispożizzjonijiet ta' dan l-Att;

(s) li tippubblika linji gwida dwar l-interpretazzjoni ta' dan l-Att u r-regolamenti magħmulin, u d-direttivi maħruġa, taħtu;

(t) li tagħmel dak kollu meħtieġ għat-tkattir tal-objettivi tagħha u li twettaq tali funzjonijiet oħra li jistgħu jiġu devoluti fuqha skont xi liġi oħra jew li jistgħu jiġu assenjati lilha minn żmien għal żmien mill-Ministru.

(4) Fit-twettiq tal-funzjonijiet tagħha skont id-dispożizzjonijiet tas-subartikolu (3)(k) u (q), l-Awtorità għandha tistabbilixxi kriterji, pattijiet u kundizzjonijiet għall-għoti ta' tali assistenza li jidhrilha xieraq.

(5) L-Awtorità jkollha d-dmir li twettaq il-funzjonijiet tagħha kif stabbiliti minn jew taħt dan l-Att jew xi liġi oħra b'mod imparzjali, trasparenti u f'waqtu u li tassigura konformità magħha. Mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, għandu jkun ukoll id-dmir tal-Awtorità li tiżgura li, sakemm ikunu hekk marbuta, persuni jikkonformaw ma' dan l-Att u ma' kull liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza, u ma' kwalunkwe deċiżjoni maħruġa minn jew taħt dan l-Att jew kwalunkwe liġi speċjali oħra bħal din.

(6) L-Awtorità għandu jkollha wkoll dawk il-funzjonijiet, responsabbiltajiet u setgħat oħra kif stabbiliti minn jew taħt dan l-Att jew kif jistgħu jiġu assenjati lilha minn jew taħt xi liġi oħra minn żmien għal żmien, inklużi dawk is-setgħat kollha li huma meħtieġa għal jew incidentalment għat-twettiq tal-funzjonijiet tagħha minn jew taħt dan l-Att jew kwalunkwe liġi oħra.

(7) Fit-twettiq tal-funzjonijiet tagħha l-Awtorità għandha tfitteż li tiżgura li l-miżuri meħuda jkunu proporzjonati għall-objettivi tal-Awtorità u l-għanijiet li dawk il-miżuri huma maħsuba li jiksbu.

7. (1) L-affarijiet u x-xogħol tal-Awtorità għandhom ikunu r-responsabbiltà tal-Bord liema responsabbiltà għandha tiġi eżerċitata permezz taç-*Chairperson*:

Iżda l-Bord jista' jiddelega jew jgħaddi l-operat eżekuttiv kollu jew parti minnu tal-Awtorità, l-amministrazzjoni u l-organizzazzjoni tiegħu u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tal-Awtorità, lill-Uffiċjal Eżekuttiv Ewlieni jew kwalunkwe uffiċjal jew uffiċjali oħra tal-Awtorità li jkollhom ukoll setgħat oħra li jistgħu minn żmien għal żmien jiġu delegati jew mgħoddija lil jew lilhom mill-Bord.

(2) L-Awtorità għandha teżercita l-funzjonijiet tagħha permezz ta' dak l-uffiċjal jew uffiċjali li l-Bord jista' minn żmien għal żmien jahtar skont id-dispożizzjonijiet tas-subartikolu (1).

(3) L-Awtorità tista' teżercita kwalunkwe waħda jew aktar mill-funzjonijiet tagħha direttament jew permezz ta' kwalunkwe wiehed mill-uffiċjali jew impjegati tagħha jew permezz ta' aġenzija awtorizzata għal dak il-għan, jew permezz ta' kuntrattur jew persuna oħra li magħha għandha ftehim għall-eżekuzzjoni ta' xi waħda jew aktar minn minn dawn il-funzjonijiet:

Iżda xejn f'dan is-subartikolu ma għandu jawtorizza lill-Awtorità tikkuntratta jew tiddelega xi waħda:

(a) mill-funzjonijiet regolatorji tagħha; jew

(b) mill-funzjonijiet ta' għarfien jew awtorizzazzjoni tagħha, sakemm tali funzjonijiet ma jkunux iddelegati espressament lil awtorità pubblika oħra stabbilita bil-liġi.

**8.** (1) Hlief kif previst espressament f'dispożizzjonijiet oħra ta' dan l-Att, l-Awtorità għandha tagħxi b'mod indipendenti u ma għandhiex tfittex jew tiegħu istruzzjonijiet minn xi korp jew persuna oħra.

Awtonomija tal-Awtorità u relazzjonijiet bejn il-Ministru u l-Awtorità.

(2) (a) Il-Ministru jista', dwar hwejjeġ li jidhru li jaffettwaw l-interess pubbliku, minn żmien għal żmien, jagħti lill-Awtorità direzzjonijiet ta' politika bil-miktub ta' natura ġenerali, mhux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, dwar il-politika li għandha tiġi segwita fit-twettiq tal-funzjonijiet mogħtija lill-Awtorità minn jew taħt dan l-Att.

(b) Fid-determinazzjoni tal-politika li hi s-sugġett ta' direzzjoni Ministerjali, il-Bord għandu jirrispetta l-prinċipji riflessi fid-direzzjoni tal-politika mogħtija lil mill-Ministru.

(c) L-Awtorità għandha tagħti lill-Ministru faċilitajiet għall-ksib ta' informazzjoni dwar il-proprjetà li jkollha u l-attivitajiet tagħha, minbarra kwistjonijiet li huma kunfidenzjali għal kwalunkwe applikant jew persuna regolata, u tforni lill-Ministru bi prospetti,

kontinjuet u informazzjoni statistika oħra fir-rigward tagħhom, u tagħtih faċilitajiet għall-verifika tal-informazzjoni fornita, b'dak il-mod u f'kull waqt li huwa jista' raġonevolment jehtieg.

Personalità  
ġuridika u  
rappreżentanza  
tal-Awtorità.

9. (1) L-Awtorità għandha tkun korp magħqud b'personalità ġuridika distinta u għandha tkun kapaċi, bla ħsara għad-dispożizzjonijiet ta' dan l-Att, li tkun parti f'kuntratti, li tikseb, iżżomm u tiddisponi minn kull tip ta' proprjetà għall-iskopijiet tal-funzjonijiet tagħha, li tħarrek u tiġi mħarrka, u li tagħmel dawk il-ħwejjeg kollha u tidhol fit-transazzjonijiet kollha li huma incidentali jew li jwasslu għall-eżerċizzju jew it-twettiq tal-funzjonijiet tagħha taħt dan l-Att, inkluż it-tislif jew is-self ta' flus.

(2) Ir-rappreżentanza legali u ġuridika tal-Awtorità għandha tkun vestita fiċ-*Chairperson* jew fl-Uffiċjal Eżekuttiv Ewlieni:

Izda il-Bord u l-Uffiċjal Eżekuttiv Ewlieni jistgħu jaħtru uffiċjal wiehed (1) jew aktar tal-Awtorità biex jidhru f'isem jew għan-nom tal-Awtorità fi kwalunkwe proċedura ġudizzjarja u fi kwalunkwe att, kuntratt, strument jew dokument ieħor ikun x'ikun.

(3) Kull dokument li jkun jidher li jkun strument magħmul jew maħruġ mill-Awtorità u ffirmat miċ-*Chairperson*, jew minn membru ieħor tal-Bord, mill-Uffiċjal Eżekuttiv Ewlieni, jekk ikun hemm, jew minn uffiċjal tal-Awtorità li jkun vestit mill-Bord bir-rappreżentanza legali u ġudizzjarja tal-Awtorità, skont is-subartikolu (2), għandu jittiehed bi prova u għandu jitqies, sakemm ma jiġix ippruvat il-kuntrarju, bħala strument magħmul jew maħruġ mill-Awtorità.

(4) L-Awtorità tista' tingaġġa jew tħaddem persuni biex jagħtu servizzi lill-Awtorità u tista' tidhol f'kull forma ta' ftehim biex twettaq xi waħda mill-funzjonijiet tagħha permezz ta' aġenzija jew servizzi ta' xi persuna.

(5) L-Awtorità tista':

(a) takkwista *sponsorship* kummerċjali għall-Awtorità u tiegħu sehem f'arranġamenti ta' *marketing* li jinvolvu l-approvazzjoni tal-Awtorità għal prodotti u servizzi relatati mal-isport;

(b) tagħmel arranġamenti għall-manifattura u d-distribuzzjoni, kemm bi skop ta' profitt kemm xort'oħra, ta' xi oġġett jew xi haġa li jkollhom marka, simbolu jew kitba assoċjata mal-Awtorità; u

(ċ) tipprovdi, kemm bi skop ta' profitt kemm xort'oħra, oġġetti u servizzi lil persuni li jagħmlu użu minn jew li jkunu

xort'ohra jiffrekwentaw xi faċilità użata mill-Awtorità.

(6) L-Awtorità tista' titlob jew timponi hłas raġonevoli relatat:

(a) ma' aċċess għal xi riżorsi jew faċilitajiet jew l-użu tagħhom;

(b) mal-għoti minnha ta' programmi, servizzi, informazzjoni jew pariri;

(ċ) mad-dhul ta' persuni għal avvenimenti jew attivitajiet immexxija mill-Awtorità.

**10.** (1) Il-laqgħat tal-Bord għandhom jissejhu miċ-*Chairperson* kemm ikun hemm bżonn iżda mill-inqas darba (1) fix-xahar jew fuq l-inizjattiva taċ-*Chairperson* stess jew fuq talba ta' kwalunkwe tnejn (2) mill-membri l-oħra tal-Bord. Laqgħat.

(2) Id-deċiżjonijiet għandhom jiġu adottati b'maġġoranza sempliċi tal-voti tal-membri preżenti u li jivvutaw. Iċ-*Chairperson*, jew fl-assenza tiegħu l-Viċi *Chairperson* jew persuna oħra maħtura biex taġixxi bħala *Chairperson*, għandu jkollhom vot inizjali u, fil-każ ta' voti ndaq, vot deċiżiv.

(3) Bla hšara għad-dispożizzjonijiet hawn qabel imsemmija ta' dan l-artikolu, l-ebda att jew proċediment tal-Awtorità ma għandu jkun invalidat sempliċiment minħabba l-eżistenza ta' xi vakanza fost il-membri tal-Bord.

(4) L-atti kollha mwettqa minn xi persuna li taġixxi *bona fide* bħala membru tal-Bord għandhom ikunu validi daqslikieku kienet membru minkejja li wara jiġi skopert xi difett fil-ħatra jew fil-kwalifika tagħha. L-ebda att jew proċediment tal-Awtorità ma għandu jiġi mqiegħed fid-dubju fuq il-bażi tal-kontravvenzjoni, minn membru, tad-dispożizzjonijiet tal-artikolu 5(11).

**11.** (1) Il-Bord jista' jwaqqaf kumitati, magħmula minn għallinqas membru wieħed (1) tal-Bord u persuni oħra li jistgħu jiġu mistiedna biex jipparteċipaw fil-kumitat, biex jindirizzaw kwistjonijiet partikolari kif jistgħu jiġu assenjati lilhom mill-Bord. Kumitati.

(2) Il-Bord jista' wkoll jistabbilixxi l-kumitati li huma meħtieġa li jiġu stabbiliti jew b'dan l-Att, bir-Regolamenti dwar l-*Anti-Doping*, bl-Att dwar il-Prevenzjoni tal-Korruzzjoni fl-Ispport, jew b'xi liġi speċjali oħra li teħtieġ li l-Awtorità twaqqaf tali kumitati. Kap. 593.

**12.** Fit-twertieq tal-funzjonijiet tagħha taħt dan l-Att u kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata tamministra Kompetenza tal-Awtorità.

jew tinforza, l-Awtorità għandha tqis in-natura u l-karatteristiċi tal-materja li taqa' fil-kompetenza tagħha u għandha tfittex li tirrifletti dawn l-elementi fil-politika u l-amministrazzjoni tagħha.

#### TAQSIMA IV

##### Uffiċjali u Impjegati tal-Awtorità

Ingagġar ta' uffiċjali u impjegati tal-Awtorità.

**13.** (1) Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, l-Awtorità għandha taħtar u timpjega, b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u kundizzjonijiet li tista' tistabbilixxi, dawk l-uffiċjali u impjegati tal-Awtorità li jistgħu minn żmien għal żmien ikunu meħtieġa għat-twettiq xieraq u effiċjenti tal-funzjonijiet tal-Awtorità.

(2) L-Uffiċjal Eżekuttiv Ewlieni għandu jinhatar għal perjodu ta' mhux aktar minn tliet (3) snin, u dak il-perjodu jista' jiġi mtawwal għal perjodi oħra ta' mhux aktar minn tliet (3) snin kull darba:

Iżda sakemm l-ewwel Uffiċjal Eżekuttiv Ewlieni jiġi hekk maħtur il-Ministru jista', għal perjodu ta' mhux aktar minn sitt (6) xhur, jappunta lil xi individwu biex iwettaq il-funzjonijiet ta' Uffiċjal Eżekuttiv Ewlieni.

Uffiċjali tal-Awtorità.

Kap. 595.

Kap. 9.

**14.** L-uffiċjali u l-impjegati kollha tal-Awtorità, inkluż l-Uffiċjal Eżekuttiv Ewlieni, għandhom jitqiesu li huma impjegati pubbliċi fit-tifsira tal-Att dwar l-Amministrazzjoni Pubblika u għandhom jitqiesu bħala uffiċjali pubbliċi kif imfissra fl-artikolu 124 tal-Kostituzzjoni għall-finijiet tal-Kodiċi Kriminali jew kwalunkwe liġi oħra ta' natura kriminali.

#### TAQSIMA V

##### Dispożizzjonijiet Finanzjarji

L-Awtorità għandha tkopri l-ispejjeż mid-dhul.

**15.** (1) Mingħajr preġudizzju għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, l-Awtorità għandha tmexxi l-affarijiet tagħha b'mod illi tkopri l-ispejjeż meħtieġa għat-twettiq xieraq tal-funzjonijiet tagħha, sa fejn hu prattikabbli, mid-dhul tagħha.

(2) F'konformità mad-dispożizzjonijiet tas-subartikolu (1), l-Awtorità għandha timponi kull miżata, rata u ħlas ieħor preskritt taħt dan l-Att jew kull liġi oħra relatata mas-setgħat u l-funzjonijiet tal-Awtorità.

(3) L-Awtorità għandha tithallas mill-Gvern mill-Fond Konsolidat dawk is-somom li l-Parlament jista' minn żmien għal żmien jawtorizza li jkunu approprijati biex iħallsu spejjeż operattivi u

spejjeż oħra, sabiex l-Awtorità twettaq il-funzjonijiet tagħha:

Iżda kull sovvenzjoni riċevuta mill-Gvern tkun eżentata mir-responsabbiltà tal-ħlas ta' taxxa fuq l-*income* u taxxa fuq dokumenti taħt kwalunkwe li tkun fis-seħħ f'dak iż-żmien.

(4) Kull eċċess ta' dħul fuq spejjeż għandu, bla ħsara għal dawk id-direttivi li l-Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jista' minn żmien għal żmien jagħti, jiġi applikat mill-Awtorità għall-formazzjoni ta' fondi ta' riżerva li għandhom jintużaw għall-għanijiet tal-Awtorità; u mingħajr preġudizzju għall-ġeneralità tas-setgħat mogħtija lill-Ministru b'dan is-subartikolu, kull direzzjoni mogħtija mill-Ministru kif intqal qabel tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'tali mod li jista' jkun speċifikat fid-direzzjoni, ta' kull parti mill-miżati, rati u ħlasijiet oħra imposti skont is-subartikolu (2) jew kull eċċess bħal dak kif imsemmi qabel.

(5) Kwalunkwe fondi tal-Awtorità li ma jkunux meħtieġa minnufih biex jithallsu l-ispejjeż jistgħu jiġu investiti mill-Awtorità b'dak il-mod li minn żmien għal żmien jista' jiġi approvat mill-Ministru.

**16.** (1) Sabiex twettaq kwalunkwe waħda jew aktar mill-funzjonijiet tagħha taħt dan l-Att jew taħt xi liġi speċjali oħra li l-Awtorità hija intitolata tamministra jew tinforza, l-Awtorità tista', bl-approvazzjoni bil-miktub tal-Ministru mogħtija bi qbil mal-Ministru responsabbli għall-finanzi, tissellef jew tiġbor flus b'tali mod, minn tali persuna, korp jew awtorità, u taħt dawk il-pattijiet u kundizzjonijiet li l-Ministru, wara konsultazzjoni kif intqal qabel, jista' japprova bil-miktub.

Setgħa li  
tissellef jew  
tiġbor kapital.

(2) L-Awtorità tista' wkoll, minn żmien għal żmien, tissellef, permezz ta' *overdraft* jew mod ieħor, dawk is-somom li tista' teħtieġ għat-twettiq tal-funzjonijiet tagħha taħt dan l-Att jew kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza.

**17.** Il-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel avvanzi lill-Awtorità ta' dawk is-somom li hu jista' jaqbel li jkunu meħtieġa mill-Awtorità għat-twettiq ta' kwalunkwe waħda jew aktar mill-funzjonijiet tagħha taħt dan l-Att jew kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza, u jista' jagħmel dawk l-avvanzi skont dawk il-pattijiet u kundizzjonijiet li hu jista', wara konsultazzjoni kif imsemmi qabel, iqis xieraq. Kull avvanz bħal dan jista' jsir mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u mingħajr ebda approprjazzjoni oħra għajr dan l-Att, b'ordni maħruġ u ffirmat

Avvanzi mill-  
Gvern.

minnu li jawtorizza lill-*Accountant General* biex jagħmel dak l-avvanz.

Self mill-Gvern.

**18.** (1) Il-Ministru, bi qbil mal-Ministru responsabbli għall-finanzi, jista', għal kwalunkwe hteġa tal-Awtorità ta' natura kapitali, jikkuntratta jew jiġbor self, jew iġarrab passiv, għal dawk il-perjodi u taħt dawk il-pattijiet u kondizzjonijiet li jidhirlu xieraq; u kull somma dovuta fir-rigward ta' jew f'konnessjoni ma' kwalunkwe self jew passiv bħal dan għandha tkun imposta fuq il-Fond Konsolidat.

(2) Avviż ta' kwalunkwe self, passiv jew avvanzi magħmula jew imġarrba taħt id-dispożizzjonijiet ta' qabel ta' dan l-artikolu għandu jingħata lill-Kamra u d-dokumentazzjoni relattiva għandha titqiegħed fuq il-Mejda tal-Kamra kemm jista' jkun malajr.

Estimi tal-Awtorità.

**19.** (1) L-Awtorità għandha tara li jkunu ġew ppreparati f'kull sena finanzjarja u, sa mhux aktar tard minn tliet (3) xhur wara t-tmiem ta' kull sena tadotta, estimi tad-dħul u l-infiq tal-Awtorità għas-sena finanzjarja ta' wara:

Iżda l-estimi għall-ewwel sena finanzjarja tal-Awtorità għandhom jiġu ppreparati u adottati f'tali żmien li l-Ministru jista', permezz ta' avviż bil-miktub, jispeċifika lill-Awtorità.

(2) Fit-tnejn ta' dawn l-estimi l-Awtorità għandha tqis kwalunkwe fondi u flejjes oħra li jistgħu jkunu dovuti lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, kemm jekk bis-saħħa ta' dan l-Att jew ta' Att ta' approprjazzjoni jew ta' kwalunkwe liġi oħra; u l-Awtorità għandha ttejjgħi l-estimi msemmija b'tali mod li tiżgura li d-dħul totali tal-Awtorità jkun mill-inqas biżżejjed biex jilħaq is-somom kollha debitament dovuti mill-kont tad-dħul tagħha inklużi, iżda mingħajr preġudizzju għall-ġeneralità ta' dik l-espressjoni, deprezzament.

(3) L-estimi għandhom isiru f'dik il-forma u għandu jkun fihom dik l-informazzjoni u dak it-tqabbil mas-snin ta' qabel li l-Ministru responsabbli għall-finanzi jista' jordna.

(4) Kopja tal-estimi għandha, meta dawn jiġu adottati mill-Awtorità, tintbagħat minnufih mill-Awtorità lill-Ministru.

(5) Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn tliet (3) xhur wara li jirċievi kopja tal-estimi mill-Awtorità, japprova l-istess b'emendi jew mingħajrhom.

L-infiq għandu jkun skont estimi approvati.

**20.** (1) L-ebda nfiq ma għandu jsir jew jintnefaq mill-Awtorità sakemm ma jkunx hemm provvediment għalih kif previst fl-artikolu 19.

## (2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) -

(a) sal-iskadenza ta' sitt (6) xhur mill-bidu ta' sena finanzjarja, jew sal-approvazzjoni tal-estimi għal dik is-sena mill-Ministru, skont liema tkun l-iktar data bikrija, l-Awtorità tista' tagħmel jew iġġarrab nefqa għat-twettiq tal-funzjonijiet tagħha taht dan l-Att jew kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza li ma teċċedix fit-total nofs l-ammont approvat mill-Ministru għas-sena finanzjarja preċedenti;

(b) l-infiq approvat fir-rigward ta' kap jew sotto-kap tal-estimi jista', bl-approvazzjoni tal-Ministru, mogħtija bi qbil mal-Ministru responsabbli għall-finanzi, isir jew jġġarrab fir-rigward ta' kap jew sotto-kap ieħor tal-estimi;

(c) fir-rigward tal-ewwel sena finanzjarja, l-Awtorità tista' tagħmel jew iġġarrab infiq li ma jeċċedix fit-total dawk l-ammonti li l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jippermetti;

(d) jekk fir-rigward ta' kwalunkwe sena finanzjarja jinstab li l-ammont approvat mill-Ministru mhuwiex biżżejjed jew inqala' b'żonn ta' nfiq għal skop li mhux previst fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni mill-Ministru u f'kull każ b'hal dan id-dispożizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom japplikaw *mutatis mutandis* u kemm jista' jkun japplikaw għall-estimi supplimentari.

**21.** Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn tliet (3) xhur wara li jirċievi kopja tal-estimi u l-estimi supplimentari tal-Awtorità, jew jekk fi kwalunkwe ħin matul dak il-perjodu l-Kamra ma tkunx qed tiltaqa', fi żmien tliet (3) xhur mill-bidu tas-sessjoni li jkun imiss, iġieghel li dawn l-estimi jitqiegħdu fuq il-Mejda tal-Kamra.

Pubblikazzjoni ta' estimi approvati.

**22.** (1) L-Awtorità għandha tara li jinżammu kontijiet xierqa u rekords oħra fir-rigward tal-operazzjonijiet tagħha, u għandha tara li tithejja dikjarazzjoni tal-kontijiet fir-rigward ta' kull sena finanzjarja.

Kontijiet u verifika.

(2) Il-kontijiet tal-Awtorità għandhom jiġu verifikati minn awditur jew awdituri li għandhom jinhatru mill-Awtorità u approvati mill-Ministru:

Iżda l-Ministru jista', qabel ma japprova l-kontijiet, jehtieg li l-kotba u l-kontijiet tal-Awtorità jkunu verifikati jew eżaminati

mill-Awditur Ġenerali li għandu għal dak il-għan ikollu s-setgħa li jwettaq dawk il-verifiki fiżiċi u ċertifikazzjonijiet oħra li jidhirlu xierqa.

(3) L-Awtorità għandha, mhux aktar tard minn tliet (3) xhur wara t-tmiem ta' kull sena finanzjarja, tara li kopja tad-dikjarazzjoni tal-kontijiet ivverifikata kif suppost tiġi trasmessa lill-Ministru flimkien ma' kopja ta' kull rapport magħmul mill-awdituri fuq dik id-dikjarazzjoni jew fuq il-kontijiet tal-Awtorità.

(4) Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn tliet (3) xhur wara li jirċievi kopja ta' kull dikjarazzjoni u rapport bħal dan, jew jekk fi kwalunkwe hin matul dak il-perjodu l-Kamra ma tkunx qed tiltaqa', fi żmien tliet (3) xhur mill-bidu tas-sessjoni li jkun imiss, iġieghel li kull dikjarazzjoni u rapport bħal dawn jitpoġġew fuq il-Mejda tal-Kamra.

Depożitu ta' dhul u hlas mill-Awtorità.

**23.** (1) Il-flejjes kollha li jakkumulaw lill-Awtorità għandhom jithallsu f'bank jew banek maħtura bħala bankiera tal-Awtorità b'riżoluzzjoni tal-Awtorità. Dawk il-flejjes għandhom, sa fejn hu prattikabbli, jithallsu fi kwalunkwe banek bħal dawn minn jum għal jum, hlief dik is-somma li l-Awtorità tista' tawtorizza li tinzamm biex tilhaq hlasijiet żgħar u hlasijiet immedjati ta' flus kontanti.

(2) Il-hlasijiet kollha mill-fondi tal-Awtorità, minbarra hlasijiet żgħar li ma jaqbzux is-somma ffixxata mill-Awtorità, għandhom isiru minn dak l-uffiċjal jew uffiċjali tal-Awtorità li l-Awtorità għandha taħtar jew tinnomina għal dak il-għan.

(3) Ċekkijiet li jinħarġu fuq, u żbanki li jsiru minn, xi kont tal-bank tal-Awtorità għandhom ikunu ffirmati minn dak l-uffiċjal tal-Awtorità hekk kif jista' jiġi maħtur jew nominat mill-Awtorità għal dak il-għan u għandhom ikunu kontrofirmati miċ-*Chairperson*, jew minn dak il-membru ieħor tal-Bord jew uffiċjal ieħor tal-Awtorità li jista' jiġi awtorizzat mill-Awtorità għal dak il-għan.

(4) L-Awtorità għandha wkoll tagħmel provvedimenti għar-rigward ta' -

(a) il-mod kif il-hlasijiet għandhom jiġu awtorizzati jew approvati u l-uffiċjal jew uffiċjali li għandhom jawtorizzawhom jew japprovawhom;

(b) it-titolu ta' kull kont miżmum mal-bank jew banek li fihom għandhom jithallsu l-flus lill-Awtorità, u t-trasferiment ta' fondi minn kont għal ieħor;

(ċ) il-metodu li għandu jiġi adottat meta jkunu qed jithallsu flus mill-fondi tal-Awtorità,

u b'mod ġenerali għar-rigward ta' kull haġa li hi rilevanti għaż-żamma u kontroll sew tal-kontijiet u l-kotba, u l-kontroll tal-finanzi, tal-Awtorità.

**24.** Mingħajr preġudizzju għal kull ordni komunikata mill-Ministru taht l-artikolu 8(2)(a), l-Awtorità ma għandhiex, hlief bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali u wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tagħti jew tidhol f'xi kuntratt għall-forniment ta' oġġetti jew materjal jew għall-eżekuzzjoni ta' xogħlijiet, jew għall-għoti ta' servizzi, lil jew għall-benefiċċju tal-Awtorità, li jkun stmat mill-Awtorità li jeċċedi l-mija u erbgha u erbghin elf euro (€144,000) fil-valur, jew dak l-ammont l-iehor li l-Ministru responsabbli għall-finanzi jista' b'regolamenti jippreskrivi, hlief wara li jkun gie ppubblikat avviż dwar l-intenzjoni tal-Awtorità li tidhol fil-kuntratt u f'konformità mad-dispożizzjonijiet tal-Att dwar il-Ġestjoni tal-Finanzi Pubbliċi u r-regolamenti magħmula tahtu.

Kuntratti ta' forniment jew xogħlojiet.

Kap. 601.

**25.** L-Awtorità għandha, mhux aktar tard minn tliet (3) xhur wara t-tmiem ta' kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jkun ġeneralment jittratta dwar l-attivitajiet tal-Awtorità matul dik is-sena finanzjarja u li jkun fih dik l-informazzjoni relattiva għall-proċedimenti u l-politika tal-Awtorità b'dak il-mod li xi wiehed mill-Ministri msemmija jista' minn żmien għal żmien ikun jeħtieġ. Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn tliet (3) xhur wara li jkun irċieva kopja ta' kull rapport bhal dak, jew jekk f'xi żmien waqt dak il-perjodu l-Kamra ma tkunx qiegħda tiltaqa', fi żmien tliet (3) xhur mill-bidu tas-sessjoni li minnufih imiss wara, jara li kopja ta' kull rapport bhal dak jitqiegħed fuq il-Mejda tal-Kamra.

Rapport Annwali.

**26.** (1) Detentur tal-awtorizzazzjoni jew persuni li jaġixxu f'ismu jew taht arrangament miegħu għandhom jissodisfaw kwalunkwe obbligu tal-prevenzjoni ta' *money laundering* u l-ġlieda kontra l-iffinanzjar ta' terroriżmu kif jistgħu jiġu imposti fuqhom permezz ta' regolamenti magħmula taht l-artikolu 12 tal-Att kontra *Money Laundering*.

*Money laundering.*

Kap. 373.

(2) Meta l-Awtorità tiskopri fatti jew tikseb informazzjoni relatata ma' transazzjonijiet li huma magħrufa jew suspettati li huma relatati ma' rikavati ta' attività kriminali jew il-finanzjament tat-terroriżmu, jew dwar persuna li setgħet kienet, hija jew tista' tkun konnessa ma' *money laundering* jew il-finanzjament tat-terroriżmu, l-Awtorità għandha tiżvela dawk il-fatti jew dik l-informazzjoni,

flimkien ma' dokumentazzjoni rilevanti li tista' tkun disponibbli, lill-Korp għall-Analisi ta' Informazzjoni Finanzjarja b' mod tempestiv.

Kap. 373.

(3) Fejn permezz tal-monitoraġġ tagħha, jew permezz ta' kwalunkwe mezz ieħor, l-Awtorità tinnotta li hemm oqsma ta' arrangamenti u servizzi li huma vulnerabbli għall-*money laundering* jew għall-finanzjament tat-terroriżmu, l-Awtorità għandha tinforma lill-Kumitat ta' Kordinament Nazzjonali biex jiġi Migġieled *Money Laundering* u Finanzjar tat-Terroriżmu stabbilit taħt l-artikolu 12A tal-Att kontra *Money Laundering* dwar it-tfassib tagħha u tipprovdi bi kwalunkwe analiżi, statistika, studju, jew kwalunkwe informazzjoni oħra relatata miegħu.

Esklużjoni tar-responsabbiltà.

**27.** L-Awtorità u kull membru tal-Bord, uffiċjal jew impjegat tal-Awtorità, u kull persuna maħtura biex twettaq funzjoni taħt dan l-Att jew taħt xi liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza, jew xi regoli jew regolamenti magħmulin taħthom, ma jkunux responsabbli għad-danni għal kull haġa li tkun saret jew naqset milli ssir fl-eżekuzzjoni jew fl-eżekuzzjoni intenzjonata ta' xi funzjoni taħt dan l-Att jew kull liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza, jew regoli jew regolamenti kif intqal aktar qabel, sakemm ma jiġix muri li l-att jew l-ommissjoni jkunu saru b'*mala fede*.

Eżenzjoni minn taxxi.

**28.** L-Awtorità għandha tkun eżentata minn kwalunkwe responsabbiltà għall-ħlas tat-taxxa fuq l-*income*, dazji tad-dwana u taxxa fuq dokumenti u trasferimenti.

## TAQSIMA VI

### Direttorati u Kumitati Konsultattivi

Direttorati fi hdan l-Awtorità.

**29.** (1) Il-Bord jista', bi qbil mal-Ministru, jistabbilixxi direttorati separati fi hdan l-Awtorità bil-għan li tiġi żgurata l-aħjar ħidma mill-Bord ta' xi funzjoni waħda jew tal-funzjonijiet kollha tiegħu. Dawn id-direttorati għandhom ikunu responsabbli lejn il-Bord u jkunu suġġetti għal sorveljanza u kontroll sħiħ tal-Uffiċjal Eżekuttiv Ewlieni. Kull wiehed minn dawn id-direttorati għandu jkun immexxi minn persuna maħtura mill-Bord bi qbil mal-Ministru għal perjodu ta' mhux aktar minn tliet snin u dak il-perjodu jista' jiġi mtawwal għal perjodi oħra ta' mhux aktar minn tliet snin kull wiehed.

(2) Il-Bord jista' jiddelega lil dawn id-direttorati u jitlobhom iwettqu uħud mill-funzjonijiet tiegħu taħt daww il-kundizzjonijiet li l-Bord jidhirlu li jkunu opportuni. Il-Bord jista' meta jrid jirtira xi parti minn jew id-delega kollha tal-funzjonijiet.

(3) Bla hsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu

u għal xi regoli li jsiru mill-Bord minn żmien għal żmien, id-direttorati jistgħu jirregolaw il-proċeduri tagħhom stess.

**30.** (1) Il-Ministru jista', minn żmien għal żmien permezz ta' Ordni fil-Gazzetta, jahtar kumitat jew kumitati konsultattivi skont kif speċifikat fl-Ordni. Kumitat konsultattiv għandu, għall-aħjar twettiq tad-dispożizzjonijiet ta' dan l-Att, jagħti pariri lill-Awtorità fuq dawk il-materji li l-Ministru jista' jispeċifika fl-Ordni.

Kumitati  
konsultattivi.

(2) Il-membri tal-kumitat konsultattiv għandhom jiġu mahtura mill-Ministru u għandhom idumu fil-kariga għal dak il-perjodu u b'dawk il-pattijiet u kundizzjonijiet kif il-Ministru jidhirlu xieraq. Kull kumitat konsultattiv għandu jkun jikkonsisti minn membru wiehed (1) tal-Bord li jkun jirrappreżenta lill-Awtorità bħala *Chairperson* u dawk il-membri l-oħra li l-Ministru jkun jidhirlu li għandu jahtar.

(3) Id-dispożizzjonijiet tal-artikolu 5(11) sa (15) għandhom *mutatis mutandis* japplikaw għall-kumitati konsultattivi.

(4) Kull kumitat konsultattiv għandu jzomm minuti tal-laqgħat kollha u għandu jibgħat kopji ta' dawn il-minuti lill-Awtorità. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, kull kumitat konsultattiv jista' jirregola l-proċeduri tiegħu stess.

## TAQSIMA VII

### Registru ta' Persuni Sportivi

**31.** (1) L-ebda persuna, assoċjazzjoni ta' persuni, soċjetà, soċjetajiet ċivili jew kummerċjali, jew xi entità oħra rikonoxxuta bil-liġi, ma tkun intitolata skont id-dispożizzjonijiet ta' dan l-Att għal xi għajnuna jew benefiċċju minn xi Ministeru, Awtorità Governattiva, Aġenzija, Entità, Fondazzjoni jew Kumpannija, li fiha l-Gvern għandu setgħa li jikkontrolla, jew li tagħmel użu jew li takkwista taht xi titolu xi faċilità sportiva jew art biex tintuża bħala faċilità sportiva mill-Gvern sakemm ma tkunx registrata fir-Registru ta' Persuni Sportivi skont id-dispożizzjonijiet ta' din it-Taqsima ta' dan l-Att, hi ta' fama tajba u tosserva dawk ir-regolamenti li jistgħu jiġu preskritti minn żmien għal żmien.

Registru ta'  
Persuni  
Sportivi.

(2) Ir-registrazzjoni taht din it-Taqsima ta' dan l-Att tista' ssir permezz ta' applikazzjoni lill-Awtorità għar-registrazzjoni fuq formola kif tista' tiġi preskritta flimkien mad-dokumenti li jkunu magħha kif speċifikat fir-regolamenti preskritti għal dik ir-registrazzjoni:

Iżda kull persuna sportiva li tkun registrata fir-Registru

qabel il-bidu fis-seħħ ta' dan l-Att, għandha titqies bħala registrata mal-Awtorità.

(3) L-Awtorità għandha, meta tirċievi l-formola meħtieġa flimkien mad-dokumenti mehmuża, u jekk tkun sodisfatta li l-applikant huwa eliġibbli għar-registrazzjoni, tirreġistra lill-applikant fir-Registru ta' Persuni Sportivi. Ir-Registru jista' jkun jikkonsisti minn dawk it-taqsimiet li l-Awtorità tista' minn żmien għal żmien tiddeciedi bil-għan li tiddistingwi x-xorta ta' persuna registrata.

(4) Malli tirreġistra lill-applikant, l-Awtorità għandha, permezz tal-Uffiċjal Eżekuttiv Ewlieni, toħroġ ċertifikat ta' registrazzjoni lill-persuna registrata. Registrazzjoni fir-Registru ma teżonerax lill-persuna registrata milli tosserva kull dispożizzjoni oħra tal-liġi.

(5) L-Awtorità tista' tirrifjuta li tirreġistra applikant fir-Registru jekk ikun jidhrilha li l-applikant ma jissodisfax ir-rekwiziti taħt dan l-Att jew ir-regolamenti relattivi, u meta tagħmel dan hi għandha tagħti r-raġunijiet għal din iċ-ċaħda.

(6) Meta l-applikant għar-registrazzjoni jkun assoċjazzjoni jew federazzjoni nazzjonali li tkun qiegħda tiddikjara li tirrappreżenta xi dixxiplina sportiva partikolari jew dixxiplini sportivi assoċjati, l-Awtorità għandha, qabel ma tirreġistra lill-applikant, tiżgura li tali assoċjazzjoni jew federazzjoni hi rikonoxxuta bħala tali mill-organizzazzjoni internazzjonali li tirrappreżenta dik id-dixxiplina sportiva jew dawk id-dixxiplini sportivi.

(7) Meta tkun qed tiġi registrata organizzazzjoni fir-registru appożitu tal-assoċjazzjonijiet u federazzjonijiet nazzjonali, għandha ssir referenza għan-natura predominanti tal-organizzazzjoni.

Kumitat  
Olimpiku Malti  
u  
assoċjazzjonijiet  
u  
federazzjonijiet  
nazzjonali oħra.

**32.** (1) Il-Kumitat Olimpiku Malti għandu jiġi registrat minnufih fir-Registru mingħajr ebda formalità oħra.

(2) Il-Ministru jista' minn żmien għal żmien fuq rakkomandazzjoni tal-Awtorità, jindika dawk il-federazzjonijiet jew assoċjazzjonijiet li għandhom jiġu registrati fir-Registru mingħajr ebda formalità oħra. Kull federazzjoni u assoċjazzjoni hekk indikata għandha tiġi registrata mill-Awtorità fir-Registru mingħajr ebda formalità oħra. Lista ta' dawk il-federazzjonijiet u assoċjazzjonijiet hekk registrati għandha tiġi ppubblikata mingħajr ebda dewmien fil-Gazzetta.

Statuti ta'  
organizzazzjoni-  
jiet sportivi.

**33.** (1) L-assoċjazzjonijiet u l-federazzjonijiet nazzjonali kollha għandhom ikunu tali li ma jkunux jagħmlu profitt. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u għal regolamenti li jsiru tahtu,

klabbs, kemm jekk huma kumpanniji jew organizzazzjonijiet, assoċjazzjonijiet u federazzjonijiet li ma jkunux jagħmlu profitt kif ukoll dawk l-entijiet oħra li huma, jew li jistgħu jkunu meħtieġa li jiġu reġistrati mal-Awtorità taħt dan l-Att, għandhom ikunu regolati bl-istatut tagħhom. Il-klabbs, assoċjazzjonijiet u federazzjonijiet kollha li ma jkunux jagħmlu profitt għandhom jiġu organizzati b'mod demokratiku skont id-dispożizzjonijiet tal-istatut tagħhom li għandu jiżgura aċċess indaqs għall-partecipazzjoni fl-isport:

Iżda klabbs li huma kkostitwiti b'hala kumpanniji jew soċjetajiet kummerċjali, għalkemm mhux obbligati li jkunu organizzati b'mod demokratiku, għandhom jirrispettaw il-kostituzzjoni tagħhom skont il-liġi li taħtha jkunu ġew kostitwiti.

(2) Għall-fini ta' dan l-artikolu, organizzazzjoni għandha titqies li ma tkunx tagħmel profitt jekk:

(a) l-organizzazzjoni ma jkollhiex għan sistematiku li tagħmel profitt;

(b) l-istatut tal-organizzazzjoni jkun jipprojbixxi t-tqassim ta' xi assi tagħha, kemm jekk ta' xorta kapitali kif ukoll jekk ta' dħul finanzjarju jew mod ieħor, lill-membri, fundaturi, *sponsors*, donaturi, u hlief għal xi salarji, pagi jew onorarja bonafidi, lill-amministraturi tagħha; u

(c) fil-każ li l-organizzazzjoni twettaq xi attività ta' xorta ekonomika, din ssir b'hala attività ancillari bil-għan li tgħin lill-organizzazzjoni li twettaq l-objettivi u l-għanijiet principali tagħha kif previst fl-istatut tagħha.

**34.** (1) Kull organizzazzjoni għandha, mar-reġistrazzjoni fir-Registru, titqies vestita b'personalità ġuridika u tkun tista' tagħmel kull att legali.

Personalità  
ġuridika ta'  
organizzazzjoni-  
jiet sportivi u  
materji oħra.

(2) Bla ħsara għad-dispożizzjonijiet tal-artikoli 31, 32 u 33, l-ebda dispożizzjoni f'dan l-Att m'għandha tiġi interpretata li qed jiġu mneħħija xi drittijiet, taħt xi liġijiet oħra li jistgħu jkunu applikabbli, lil xi persuni jew entitajiet li m'humiex reġistrati jew li jistgħu jiġu reġistrati fir-Registru. Dik il-persuna jew entità li ma tkunx reġistrata ma tkunx eżenti minn kull dispożizzjoni taħt dan l-Att li tista' tiġi applikabbli għaliha.

(3) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, organizzazzjoni reġistrata fir-Registru, kif ukoll ir-responsabbiltà tal-membri u tal-amministraturi tagħha, għandhom ikunu regolati minn dawk id-dispożizzjonijiet legali li, minbarra dan l-Att, jirregolaw l-organizzazzjoni.

**35.** Il-Ministru jista', wara konsultazzjoni mal-Awtorità, jagħmel regolamenti bil-għan li sseħħ din it-Taqsimat ta' dan l-Att, u jista', mingħajr preġudizzju għall-ġeneralità ta' dak hawn aktar qabel imsemmi b'dawn ir-regolamenti jipprovdi dwar:

(a) dawk il-kategoriji ta' persuni, soċjetajiet jew entitajiet oħra li jistgħu jkunu registrati fil-parti jew partijiet appożiti tar-Registru;

(b) ir-reqwiziti għal kull persuna, soċjetà jew entità oħra biex tikkwalifika għar-registrazzjoni;

(ċ) il-kundizzjonijiet li għandhom jiġu osservati minn dawk il-persuni, soċjetajiet, kumpanniji jew entitajiet li hekk jikkwalifikaw biex jibqgħu jkunu registrati;

(d) bla ħsara għad-dispożizzjonijiet ta' kull liġi applikabbli relatata mal-ħarsien ta' *data* personali, is-setgħa tal-Awtorità li titlob din l-informazzjoni, inkluża informazzjoni relatata ma' organizzazzjonijiet registrati jew affiljati ma' assoċjazzjonijiet u federazzjonijiet registrati u l-ufficjali tagħhom, u sakemm din tkun meqjusa ta' hteġa biex jiġu mfassla politika nazzjonali tal-isport u inventarju, informazzjoni li tirrigwarda l-atleti;

(e) is-setgħa tal-Awtorità li tissospendi, ittemm jew tirtira r-registrazzjoni f'kull waqt, tas-soċjetà, kumpannija jew entità li tkun kisret xi regolamenti taħt id-dispożizzjonijiet ta' dan l-Att, jew fejn jinqalgħu ċirkostanzi fejn tali korp, entità jew persuna oħra ma kienux jikkwalifikaw għar-registrazzjoni;

(f) il-preżentata minn persuni registrati ta' kontijiet annwali verifikati, li jinkludu karta tal-bilanċ u dikjarazzjonijiet oħra ta' kontijiet li jindikaw l-operazzjonijiet u l-qagħda finanzjarja ta' dik il-persuna registrata, f'tali forma u b'dak il-kontenut li jista' jiġi preskritt;

(g) il-preżentata lill-Awtorità ta' emendi għall-istatut ta' persuna registrata, u kull denunzja li tagħti avviz ta' xi tibdil fit-tmexxija u l-amministrazzjoni, ir-rappreżentanza u l-kariga ta' dik il-persuna registrata; u

(h) ir-reqwiziti biex persuna registrata tingħata għajnuna u tibbenefika minn entitajiet statali.

**36.** Meta, fl-opinjoni tal-Awtorità, persuna registrata tkun naqset milli tosserva xi wieħed mill-kriterji li japplikaw, jew pattijiet jew kundizzjonijiet stabbiliti fir-rigward ta' xi assistenza mogħtija

lilha minn entità Governattiva, jew fir-rigward tal-użu ta' xi faċilitajiet sportivi mgħoddija lilha mill-Gvern jew minn SportMalta, jew b'xi mod ieħor tonqos milli tħares id-dispożizzjonijiet ta' din it-Taqsima ta' dan l-Att, l-Awtorità tista tagħti istruzzjonijiet lill-entità Governattiva li qed tagħti assistenza lil dik il-persuna biex:

- (a) twaqqaf kull għoti ta' għajnuna jew benefiċċju lil dik il-persuna;
- (b) titlob li tingħata lura kull għajnuna finanzjarja mogħtija lil dik il-persuna;
- (ċ) ittemm kull ftehim fir-rigward ta' xi faċilità sportiva; u
- (d) teżercita kull dritt jew rimedju ieħor li tagħtiha l-ligi.

**37.** Kull dokument jew informazzjoni li għandhom jiġu mgħoddija lill-Awtorità taht id-dispożizzjonijiet tal-artikolu 31 u tar-regolamenti magħmulin taht l-artikolu 35(f) u (g) għandhom ikunu aċċessibbli għall-pubbliku, u kull persuna tista' teżamina u tikseb kopji ta' tali dokumenti u tista' titlob li dawn jiġu awtentikati mill-Uffiċjal Eżekuttiv Ewlieni tal-Awtorità.

Pubblikazzjoni ta' dokumenti u informazzjoni.

**38.** (1) L-Awtorità tista' permezz ta' ittra ta' awtorizzazzjoni ffirmata mill-Uffiċjal Eżekuttiv Ewlieni tahtar spettur jew aktar minn spettur wieħed biex jinvestigaw hwejjeġ ta' xi persuna reġistrata u biex jirrapportaw dwarhom b'dak il-mod li l-Uffiċjal Eżekuttiv Ewlieni jordna f'dawn il-każijiet li ġejjin:

Investigazzjoni ta' persuni reġistrati u assistenza li tingħatalhom.

- (a) fuq talba speċifika tal-amministraturi jew *managers* tal-persuna reġistrata, jew wara riżoluzzjoni tal-organu kompetenti tal-persuna reġistrata skont l-istatut tagħha;
- (b) meta l-persuna reġistrata ma tkunx qiegħda tħares xi kundizzjonijiet jew obbligi li jirrigwardaw kull assistenza jew benefiċċju li qiegħda tgawdi jew li tirriżulta minn xi użu ta' xi faċilità sportiva mgħoddija lilha b'xi titolu minn xi entità Governattiva;
- (ċ) meta l-persuna reġistrata ma tkunx għamlet użu minn dawk il-fondi jew benefiċċji li tkun irċeviet minn xi entità governattiva għall-iskop li dawk il-fondi jew benefiċċji kienu maħsuba;
- (d) meta l-persuna reġistrata tkun giet xolta jew likwidata skont il-ligi.

(2) L-Awtorità tista' ukoll, fiċ-ċirkostanzi msemmija fis-subartikolu (1)(a) sa (d), tagħti parir lil jew b'xi mod ieħor tassisti l-organi kompetenti tal-persuni reġistrati kif ukoll taħtar amministratur jew amministraturi li jwettqu dawk il-funzjonijiet u jeżerċitaw dawk is-setgħat relatati mal-amministrazzjoni tal-assi tal-persuna reġistrata kif ukoll tal-operazzjonijiet u t-tmexxija tagħha kif l-Awtorità tista' tordna.

(3) F'każ ta' ordni jew talba għal xoljiment volontarju u likwidazzjoni konsegwenzjali ta' persuna reġistrata, l-organu kompetenti tal-persuna reġistrata li hu kompetenti li jieħu d-deċiżjoni li jillikwida lil dik il-persuna għandu, qabel ma jordna x-xoljiment jew jiddeċiedi li jxolji jew jillikwida dik il-persuna reġistrata, jinnotifika lill-Awtorità dwar dik l-ordni jew talba. Wara li tiġi notifikata b'din l-ordni jew talba, l-Awtorità għandha, permezz ta' persuni maħtura għal dan il-għan, tagħti direttivi mmirati biex jintlaħaq ftehim dwar it-tilwim u tipprowva ssib soluzzjoni bil-għan li tiffavorixxi l-eżistenza vijabbli u kontinwa tal-persuna reġistrata u tista' għal dan il-għan taħtar amministraturi provviżorji biex iwettqu dawk il-funzjonijiet u jeżerċitaw dawk is-setgħat relatati mal-amministrazzjoni tal-assi tal-persuna reġistrata kif ukoll tal-operazzjonijiet u t-tmexxija tagħha.

(4) Sabiex l-Awtorità u l-amministratur provviżorju u l-ispetturi jkunu jistgħu jwettqu l-funzjonijiet tagħhom skont id-dispożizzjonijiet ta' dan l-artikolu, l-Awtorità, l-amministraturi provviżorji u l-ispetturi għandu jkollhom id-dritt li jitolbu informazzjoni u jiksbu dokumenti mingħand kull persuna. Għal dan il-għan l-ispetturi għandhom id-dritt li jirrikorru quddiem il-Prim'Awla tal-Qorti Ċivili biex jitolbu lil tali qorti biex jissejħu xhieda biex jidhru quddiemhom biex jixhdu u jipproduċu dokumenti f'tali ħin u data u f'tali post indikat mill-ispetturi fir-rikors tagħhom. L-ispetturi għandu jkollhom is-setgħa li jagħtu l-gurament lil xi persuna li tidher quddiemhom.

(5) F'każ ta' ordni għal-likwidazzjoni bil-qorti ta' persuna reġistrata, il-Qorti wara li tkun innotat dik l-ordni, għandha qabel ma tordna x-xoljiment u l-likwidazzjoni tal-persuna reġistrata tagħti dawk id-direttivi, ukoll fejn jidhrilha meħtieġ u b'zonnjuż li taħtar amministratur provviżorju, bil-għan li tirriżolvi kull tilwima marbuta mal-persuna reġistrata u li ssib soluzzjoni bil-għan li tiffavorixxi l-eżistenza vijabbli u kontinwa tal-persuna reġistrata. Sabiex dan l-amministratur ikun jista' jwettaq il-funzjonijiet tiegħu, huwa jista' jeżerċita dawk is-setgħat marbuta mal-amministrazzjoni tal-assi u l-operazzjonijiet u t-tmexxija tal-persuna reġistrata skont kif il-Qorti, mal-ħatra tiegħu jew sussegwentement, tista' tagħtih li jagħmel.

(6) Il-Ministru jista' minn żmien għal żmien, b'konsultazzjoni mal-Awtorità, jagħmel regolamenti li jippreskrivu materji meħtieġa jew li jkunu meqjusa konvenjenti biex jiġu preskritti sabiex jitwettqu jew jiġi mogħti iktar effett għad-dispożizzjonijiet ta' dan l-artikolu.

(7) Meta l-persuna reġistrata li f'xoljiment jew likwidazzjoni konsegwenzjali tkun jew kumpannija stabbilita taħt l-Att dwar il-Kumpanniji jew organizzazzjoni li ma tagħmilx profitt iżda tali organizzazzjoni tkun giet stabbilita taħt Att differenti, jew leġislazzjoni oħra, li l-oġġettiv u l-funzjoni prinċipali tagħha huma l-prattika ta' dixxiplina sportiva jew iktar minn waħda, is-subartikoli (1) sa (6) mgħandhomx japplikaw, u dik l-organizzazzjoni għandha tiġi xolta jew likwidata skont ir-regoli stabbiliti fil-leġislazzjoni li taħtha tkun giet stabbilita: Kap. 386.

Iżda f'dan il-każ partikolari, l-Awtorità jkollha d-dritt, permezz ta' ittra ta' awtorizzazzjoni ffirmata mill-Uffiċjali Eżekuttiv Ewlieni, li taħtar spettur wieħed jew iktar sabiex tikseb l-informazzjoni neċessarja kollha, mill-persuna maħtura bil-liġi biex tissorvelja tali xoljiment u likwidazzjoni konsegwenzjali ta' dik l-organizzazzjoni, sabiex jiġi żgurat li l-Awtorità, entitajiet Governattivi oħra li jaqgħu taħt direzzjoni tal-Ministru, il-persuni l-oħra kollha reġistrati u l-isport Malti ma jkunux milquta hażin b'tali xoljiment jew likwidazzjoni konsegwenzjali. L-ispetturi maħtura mill-Awtorità għal dan il-għan għandhom jingħataw l-informazzjoni kollha u jingħataw aċċess għad-dokumentazzjoni kollha sabiex l-Awtorità tilhaq l-oġġettivi tagħha taħt dan is-subartikolu.

## TAQSIMA VIII

### Integrità fl-isport

**39.** (1) Il-Ministru għandu, wara konsultazzjoni mal-Awtorità, jagħmel regolamenti li jagħtu s-setgħa lill-Awtorità li tadotta u timplimenta regoli u politika dwar l-*anti-doping* li jiżguraw li Malta tosserva l-Konvenzjonijiet dwar l-*Anti-Doping*, il-WADC u l-*Istandards* Internazzjonali stabbiliti mill-istess WADC. *Anti-Doping.*

(2) Ir-regolamenti għandu jkun fihom, bħala minimu, dan li ġej:

(a) il-ksur kollu tar-regoli dwar l-*anti-doping* li joħroġu mill-Kodiċi;

(b) il-proċeduri fir-rigward ta' ttestjar u investigazzjoni ta' atleti u informazzjoni dwar *whereabouts*, waqt li jkunu f'kompetizzjoni kif ukoll barra minnha u l-awtorizzazzjoni lill-Awtorità biex twettaq ittestjar u investigazzjonijiet u tistaqsi

għall-*whereabouts* ta' atleti;

(ċ) il-proċedura fir-rigward tal-ksib ta' eżenzjoni għal użu terapewtiku, it-twaqqif ta' Kumitat dwar Eżenzjoni għal Użu Terapewtiku biex jiddeċiedi dwar tali talbiet u appelli minn deċiżjonijiet tal-Kumitat;

(d) il-proċeduri fir-rigward tal-ġbir u l-analiżi ta' kampjuni miġbura minn atleti u l-awtorizzazzjoni lill-Awtorità biex tiġbor u tanalizza tali kampjuni;

(e) ir-regoli u l-proċeduri fir-rigward tal-immaniġġar tar-riżultati li jirrigwardaw kampjuni miġbura minn atleti;

(f) it-twaqqif ta' *Panel* Dixxiplinari Nazzjonali dwar l-*Anti-Doping* u ta' *Panel* Nazzjonali għal Appelli dwar l-*Anti-Doping*, u r-regoli ta' proċedura għal każijiet ta' ksar ta' regoli dwar l-*anti-doping* u l-*istandard* ta' prova meħtieġ;

(g) is-sanzjonijiet li għandhom jiġu imposti fuq atleti u persuni li jappoġġjaw atleti u l-konsegwenzi għal timijiet kif previst fil-Kodiċi;

(h) ir-regoli u l-proċeduri fir-rigward ta' kunfidenzjalità, żvelar pubbliku u privatezza ta' *data* fir-rigward ta' ttestjar u investigazzjonijiet, il-ġbir u l-analiżi ta' kampjuni u l-pubblikazzjoni ta' deċiżjonijiet tal-Kumitat stabbilit fil-paragrafu (ċ) u l-*Panels* stabbiliti fil-paragrafu (f);

(i) il-proċeduri rigward l-implimentazzjoni tad-deċiżjonijiet tal-Kumitat stabbilit fil-paragrafu (ċ) u l-*Panels* stabbiliti fil-paragrafu (f); u

(j) dispożizzjonijiet dwar it-twaqqif mill-Awtorità ta' programm edukattiv u riċerka dwar l-*anti-doping*.

Responsabbiltà  
kriminali għad-  
*doping*.

(3) Kull atleta li jinstab li jkun xjentement għamel użu minn sustanzi projbiti u mingħajr eżenzjoni għal użu terapewtiku, jew kull persuna li tinstab li xjentement issoministrat sustanzi projbiti, lil atleta waqt li kienet qed taġixxi bhala l-persuna li tappoġġja dak l-atleta, jew kull persuna li tinstab li ttraffikat sustanzi projbiti jew li tinstab li ppermettiet l-użu, l-għoti jew it-traffikar ta' sustanzi projbiti f'faċilita sportiva, tehel, meta tinstab hatja, prigunerija għal żmien ta' mhux inqas minn tliet xhur iżda mhux iżjed minn għaxar snin u multa ta' mhux inqas minn ħames mitt euro (€500) iżda mhux iżjed minn ħamsa u għoxrin elf euro (€25,000) jew dik il-prigunerija u dik il-multa flimkien.

40. (1) Assoċjazzjonijiet u federazzjonijiet nazzjonali registrati jistgħu jmexxu attivitajiet ta' *Anti-Doping* kif imfisser fir-regolamenti preskritti taht is-subartikolu (2), sakemm jiksbu permess, għal perjodu li ma jeċċedix ħames (5) snin, mill-Awtorità biex imexxu tali attivitajiet. L-Awtorità għandha tagħti dan il-permess jekk tkun sodisfatta li r-regolamenti u l-proċeduri tal-assoċjazzjoni jew federazzjoni nazzjonali rikjedenti huma kompletament konformi mal-Kodiċi.

Assoċjazzjonijiet u federazzjonijiet jistgħu jmexxu attivitajiet ta' *anti-doping*.

(2) Il-Ministru jista', wara konsultazzjoni mal-Awtorità, jagħmel regolamenti li jippreskrivu l-proċedura għall-ksib ta' permess, u l-konsegwenzi rigward id-deċiżjoni meħuda mill-Awtorità li toħroġ jew tirrifjuta li tagħti permess taht is-subartikolu (1).

41. (1) L-Awtorità għandha tikkoopera ma' organizzazzjonijiet u aġenziji nazzjonali rilevanti oħra u Organizzazzjonijiet internazzjonali oħra dwar l-*Anti-Doping* billi tippromwovi t-testjar reċiproku ta' atleti u edukazzjoni dwar l-*anti-doping* bejn Organizzazzjonijiet dwar l-*Anti-Doping*.

Pjattaforma Nazzjonali dwar Konformità kontra d-*Doping*.

(2) Għandu jkun hemm Pjattaforma Nazzjonali dwar Konformità kontra d-*Doping* fl-isport, koordinata mill-Awtorità li għandha tkun magħmula minn persuni nazzjonali interessati li huma l-aktar milquta bir-riskju tad-*doping*, liema pjattaforma għandha taqsam informazzjoni u l-aħjar Prattika u tikkollabora fil-ġlieda kontra d-*doping*.

(3) Il-Ministru għandu, wara konsultazzjoni mal-Awtorità, jagħmel regolamenti rigward l-għamla tal-Pjattaforma Nazzjonali dwar Konformità u s-setgħat li għandhom jingħataw lil din il-pjattaforma sabiex tilhaq l-oġettivi tagħha:

Izda l-Pjattaforma Nazzjonali dwar Konformità għandu jkun fiha għallinqas rappreżentant wieħed (1) minn kull waħda mill-Awtorità, is-Sovrintendenza tas-Saħħa Pubblika, il-Ministeru responsabbli għall-Isport, il-Pulizija, SportMalta, u l-Kumitat Olimpiku Malti.

42. (1) L-Awtorità għandha tippjana, timplimenta, tevalwa u tippromwovi edukazzjoni dwar l-*anti-doping* konformement mal-ħtiġiet tal-*Istandard* Internazzjonali għall-Edukazzjoni tal-Kodiċi.

Edukazzjoni dwar l-*Anti-doping*.

(2) L-Awtorità għandha tagħxi bħala l-awtorità dwar l-edukazzjoni fuq l-*anti-doping* f'Malta.

43. Il-membri tal-Bord u l-impjegati kollha tal-Awtorità, u ta' kull assoċjazzjoni jew federazzjoni nazzjonali li għandhom permess biex imexxu attivitajiet ta' *anti-doping* skont l-artikolu 40, li huma

Individwi marbuta bl-Att fir-rigward ta' *doping*.

involuti fi kwalunkwe aspekk dwar kontroll tad-*doping*, ikunu marbuta b'dan l-Att u kull regolament dwar *anti-doping* magħmul taht dan l-Att.

Koperazzjoni mal-WADA u ADOs oħra.

**44.** L-Awtorità għandha tikkoopera kompletament mal-WADA u ma' organizzazzjonijiet oħra dwar l-*anti-doping* fir-rigward ta' investigazzjonijiet immexxija u għandha tirrispetta l-indipendenza fl-operat ta' laboratorji kif previst fl-*Istandard* Internazzjonali għal Laboratorji tal-Kodiċi.

Prevenzjoni ta' korruzzjoni fl-isport. Kap. 593

**45.** (1) L-Awtorità għandha taġixxi bħala l-Korp għall-Integrità tal-Isport preskritt bit-Taqsima II tal-Att dwar il-Prevenzjoni tal-Korruzzjoni fl-Isport u għandha twettaq il-funzjonijiet tagħha skont dak l-Att.

(2) Għandu jkun hemm Pjattaforma Nazzjonali għall-Prevenzjoni tal-Korruzzjoni fl-Isport, koordinata mill-Awtorità, li tkun magħmula minn persuni nazzjonali interessati li huma l-iktar milquta bir-riskju tal-korruzzjoni fl-isport, li għandhom jaqsmu informazzjoni u l-aħjar Prattika u jikkollaboraw fil-ġlieda kontra l-korruzzjoni fl-isport ma' organizzazzjonijiet oħra nazzjonali u internazzjonali u ma' awtoritajiet pubbliċi.

(3) Il-Ministru għandu, wara konsultazzjoni mal-Awtorità, jagħmel regolamenti dwar l-għamla tal-Pjattaforma Nazzjonali kontra l-Korruzzjoni fl-Isport u s-setgħat li għandhom jingħataw lil din il-pjattaforma sabiex tilhaq l-oġettivi tagħha:

Iżda l-Pjattaforma Nazzjonali għandu jkun fiha għallinqas rappreżentant wieħed (1) minn kull waħda mill-Awtorità, l-Awtorità dwar il-Logħob, il-Pulizija, il-Ministeru responsabbli għall-Isport, il-Ministeru responsabbli għall-Intern, il-Kumitat Olimpiku Malti, u l-Malta Football Association.

**46.** (1) L-Awtorità għandha tmexxi riċerka dwar kif l-aħjar tipprevjeni l-korruzzjoni fl-isport, u għandha tassisti l-assoċjazzjonijiet u l-federazzjonijiet nazzjonali kollha fl-implimentazzjoni ta' regolamenti u politika sabiex tipproteġi dawk l-assoċjazzjonijiet u federazzjonijiet mit-theddida ta' korruzzjoni fid-dixxiplini sportivi rispettivi tagħhom.

(2) L-Awtorità għandha tippjana, timplimenta, tevalwa u tippromwovi programmi ta' edukazzjoni f'Malta għal kulhadd fuq is-sugġett ta' kontra l-manipolazzjoni ta' kompetizzjonijiet sportivi.

(3) Assoċjazzjonijiet u federazzjonijiet nazzjonali għandhom jorganizzaw programmi edukattivi għall-atleti tagħhom, persuni li jappoġġjaw atleti, uffiċjali u amministraturi dwar is-sugġett ta' kontra

l-manipolazzjoni f'kompetizzjonijiet sportivi u għandhom ikunu assistiti mill-Awtorità fl-implimentazzjoni ta' tali programmi edukattivi.

47. (1) Ministeri, Awtoritajiet Governattivi, Aġenziji, Entitajiet, Fondazzjonijiet u Kumpanniji li fihom il-Gvern għandu setgħa li jikkontrolla, mgħandhomx jipprovdu jew jagħtu kwalunkwe tip ta' assistenza jew benefiċċju relatat mal-isport lil xi atleta, persuna li tappoġġja atleta, jew xi persuna oħra, kemm ġuridika kif ukoll fiżika, kull meta tali atleta, persuna li tappoġġja atleta jew kull persuna oħra tkun għaddejja minn perjodu ta' ineligibilità għall-ksur ta' regola dwar l-*anti-doping* u, jew ksur dwar korruzzjoni sportiva wara deċiżjoni definittiva mill-*Panel* Dixxiplinari Nazzjonali dwar l-*Anti-Doping*, il-*Panel* Nazzjonali għal Appelli dwar l-*Anti-Doping*, kull bord ta' dixxiplina li jappartjeni lil assoċjazzjoni jew federazzjoni nazzjonali jew ta' federazzjoni Ewropea jew internazzjonali, il-CAS, jew xi tribunal kompetenti ieħor, *panel* jew awtorità ġudizzjarja madwar id-dinja li hi kompetenti li tittratta ksur tar-regola dwar l-*anti-doping* u, jew ksur dwar korruzzjoni fl-isport skont dan l-Att, regolamenti preskritti b'dan l-Att, regolamenti ta' assoċjazzjonijiet u, jew federazzjonijiet nazzjonali jew internazzjonali, jew il-Kodiċi.

Zamma ta' finanzjar mill-Gvern u permessi għall-organizzazzjoni ta' avvenimenti sportivi.

(2) Awtoritajiet Governattivi, Aġenziji u Entitajiet li għandhom id-dritt bil-liġi li jagħtu permessi jew awtorizzazzjonijiet lil xi persuna jew korp magħqud biex isir avveniment sportiv f'Malta, inkluża l-Pulizija, mgħandhomx jagħtu tali permess jew awtorizzazzjoni, kull meta tali avveniment ikun jinkludi l-partecipazzjoni ta' persuna waħda jew iżjed li tkun għaddejja minn perjodu ta' ineligibilità għal ksur ta' regola dwar l-*anti-doping* jew ksur dwar korruzzjoni fl-isport skont is-subartikolu (1).

(3) Qabel ma joħorġu permess jew awtorizzazzjoni lil xi persuna jew korp magħqud biex isir xi avveniment sportiv f'Malta, l-Awtoritajiet, l-Aġenziji u Entitajiet imsemmija fis-subartikolu (1), inkluża l-Pulizija, għandhom jitolbu lill-Awtorità biex tikkonferma li dak l-avveniment ma jkollux il-partecipazzjoni ta' xi persuna jew iktar li jkunu, f'dak il-perjodu, għaddejjin minn perjodu ta' ineligibilità għal ksur ta' regola dwar l-*anti-doping* jew ksur dwar korruzzjoni fl-isport skont is-subartikolu (1).

(4) Permess jew awtorizzazzjoni maħruġa konformement mas-subartikoli (2) u (3) għandu jkun fihom kondizzjoni speċifika li waqt tali avveniment sportiv l-Awtorità tista' twettaq proċeduri dwar kontroll dwar *doping* fuq atleti li jipparteċipaw f'dak l-avveniment qabel, jew waqt, jew wara l-avveniment.

(5) Kull persuna li tinstab hatja ta' ksur ta' regola dwar l-*anti-doping* jew ksur dwar korruzzjoni fl-isport u li tkun għaddejja minn perjodu ta' ineligibilità għal dak il-ksur wara deċiżjoni definittiva mill-*Panel* Dixxiplinari Nazzjonali dwar l-*Anti-Doping*, il-*Panel* Nazzjonali għal Appelli dwar l-*Anti-Doping*, kull bord ta' dixxiplina li jappartjeni lil xi assoċjazzjoni jew federazzjoni nazzjonali jew lil ta' federazzjoni Ewropea jew internazzjonali, il-CAS, jew xi tribunal kompetenti ieħor, *panel* jew awtorità ġudizzjarja madwar id-dinja li hi kompetenti li tittratta ksur ta' regola dwar l-*anti-doping* u, jew ksur dwar korruzzjoni fl-isport skont dan l-Att, regolamenti preskritti b'dan l-Att, regolamenti ta' assoċjazzjonijiet u, jew federazzjonijiet nazzjonali jew internazzjonali, jew il-Kodiċi, u li fl-aħħar sentejn (2) qabel tali deċiżjoni definittiva tkun rċeviet xi assistenza monetarja relatata mal-isport, minn xi Ministeru, Awtorità Governattiva, Aġenzija, Entità, Fondazzjoni jew Kumpannija li fiha l-Gvern għandu setgħa li jikkontrolla, għandha trodd lura dawk il-flejjes lill-entità meta tircievi n-notifika dwar id-deċiżjoni definittiva.

## TAQSIMA IX

### Licenzjar ta' Faċilitajiet Sportivi

**48.** (1) L-ebda persuna, li taqa' taħt id-dispożizzjonijiet tal-paragrafi (a) jew (b) tat-tifsira "operatur", ma tista' topera xi fond bħala faċilità sportiva, ikun kif ikun imsejjah, sakemm ma jkunx hemm fir-rigward ta' dak il-fond liċenza valida għal dak il-għan maħruġa mill-Awtorità u l-ebda persuna kif imsemmi qabel ma tista' tiftah jew tmexxi, kif ikun il-każ, xi attività għal xi għan imsemmi hawn qabel sakemm ma jkollhiex liċenza valida u ċertifikat ta' approvazzjoni għal dak il-għan maħruġa mill-Awtorità.

(2) L-ebda liċenza jew ċertifikat ta' approvazzjoni ma jingħataw jew jiġu mġedda taħt is-subartikolu (1) jekk il-fond, it-tagħmir u l-faċilitajiet, kif ukoll il-persunal, ma jilħqux l-*standard* li l-Awtorità jidhrilha sodisfaċenti.

(3) L-Awtorità tista', meta tagħti jew igġedded kwalunkwe liċenza jew ċertifikat ta' approvazzjoni taħt is-subartikolu (1), timponi kwalunkwe kundizzjoni li l-Awtorità tista' tqis xierqa u tista' tirrestringi s-servizzi u l-attivitajiet li jistgħu jiġu provduti jew imwettqa fil-fond liċenzjat.

(4) Meta xi fond jintuża jew isir xi att bi ksur ta' xi kundizzjoni jew restrizzjoni, li tinsab f'liċenza jew ċertifikat ta' approvazzjoni mogħtija jew imġedda taħt is-subartikolu (1), kwalunkwe fond hekk użat u kull att hekk magħmul għandhom jitqiesu li ntużaw jew saru mingħajr il-liċenza jew iċ-ċertifikat ta'

approvazzjoni meħtieġa minn dan l-artikolu.

(5) Kull liċenza jew ċertifikat mogħtija taħt is-subartikolu (1) jkollhom validità ta' tliet (3) snin mid-data ta' meta jinħarġu jew jiġu mġedda iżda jistgħu jiġġeddu mill-Awtorità għal perjodi oħra ta' tliet (3) snin kull darba, sakemm il-persuna liċenzjata tkun osservat id-dispożizzjonijiet ta' dan l-Att u tar-regolamenti magħmula taħtu.

49. (1) Persuna tista' tapplika lill-Awtorità, fil-forma <sup>Applikazzjonijiet.</sup> preskritta biex tingħata liċenza jew biex topera faċilità sportiva.

(2) Meta applikazzjoni għal liċenza tkun riċevuta skont id-dispożizzjonijiet tas-subartikolu (1) l-Awtorità għandha tispezzjona l-fond sabiex tiżgura li l-fond ikun adatt.

(3) L-Awtorità tista', fi kwalunkwe hin matul l-ipproċessar tal-applikazzjoni, titlob lill-applikant jipprovdi kwalunkwe dokument u informazzjoni meqjusa meħtieġa u għandha żżur il-fond maħsub biex jintuża għall-forniment tas-servizz sabiex tagħmel il-valutazzjoni tiegħu u taċċerta jekk il-liċenza għandhiex tingħata jew le.

(4) Meta tagħti liċenza taħt dan l-Att, l-Awtorità għandha toħroġ Ċertifikat tal-Liċenza.

(5) Detentur ta' liċenza li jkun jixtieq iġedded liċenza li tkun ser tiskadi, għandu mill-inqas sitt (6) xhur qabel din l-iskadenza japplika lill-Awtorità biex din il-liċenza tiġi mġedda.

(6) L-Awtorità għandha gġedded il-liċenza jekk tkun sodisfatta li l-fond qiegħed jintuża skont id-dispożizzjonijiet ta' dan l-Att u wara valutazzjoni mwettqa mill-Awtorità li tikkonferma l-konformità mad-dispożizzjonijiet tal-Att.

(7) Id-deċiżjoni tal-Awtorità dwar it-tiġdid tal-liċenza għandha tkun innotifikata lid-detentur tal-liċenza bil-posta reġistrata, mhux aktar tard minn tletin (30) jum mill-applikazzjoni għat-tiġdid.

(8) Id-detentur tal-liċenza għandu jiżgura li l-liċenza, jew kopja tagħha, tinzamm imwaħħla f'post prominenti fl-uffiċċju prinċipali tal-fond li minnu tiġi pprovdata l-attività sportiva. Id-detentur tal-liċenza għandu, fuq talba, jiprovdi aċċess għal-liċenza lill-utenti tas-servizz jew lill-utenti potenzjali tas-servizz.

(9) Il-ħruġ u t-tiġdid ta' liċenza għandhom ikunu mingħajr preġudizzju għar-rekwiżit ta' kwalunkwe liċenza jew awtorizzazzjoni oħra meħtieġa taħt kwalunkwe liġi oħra.

(10) Awtorizzazzjoni, permess jew liċenza mogħtija mill-Awtorità ma jistgħux jiġu assenjati jew trasferiti, sakemm ma jingħatax il-kunsens, minn qabel, mill-Awtorità.

Rifjut għall-  
għoti ta' liċenza.

**50.** (1) L-Awtorità tista' tirrifjuta applikazzjoni biex tagħti liċenza skont din it-Taqsima ta' dan l-Att jekk tqis li l-applikant jew il-persuna liċenzjata mhumiex xierqa biex jwettqu l-attività regolata b'dan l-Att jew ma jilħqux l-*istandards* stabbiliti mill-Awtorità biex titmexxa faċilità sportiva. Ir-rifjut, flimkien ma' raġunijiet għal tali rifjut, għandhom jiġu notifikati bil-miktub permezz ta' posta reġistrata lill-applikant jew lill-persuna liċenzjata li tapplika għal-liċenza fi żmien disgħin (90) ġurnata mid-data tal-applikazzjoni.

(2) L-applikant jew il-persuna liċenzjata għandu jkollhom id-dritt li jitolbu t-treġġiġh lura tad-deċiżjoni tal-Awtorità billi jipprezentaw appell quddiem it-Tribunal.

(3) L-applikant jew il-persuna liċenzjata għandu jkollhom id-dritt li japplikaw mill-ġdid lill-Awtorità għal liċenza jekk ir-raġuni għar-rifjut ma tibqax teżisti.

Revoka ta'  
liċenza.

**51.** L-Awtorità għandu jkollha d-dritt li tirrevoka liċenza mogħtija skont dan l-Att fi kwalunkwe hin, jekk il-persuna liċenzjata:

(a) tipprezenta talba bil-miktub għal revoka;

(b) ma tibqax tikkonforma mal-kriterji ta' eliġibilità għal liċenzjar jew l-Awtorità tinduna li l-liċenza ta' dik il-persuna giet imġedda meta dik il-persuna ma kienitx qed tissodisfa l-kriterji ta' eliġibilità għal liċenzjar;

(ċ) ma tibqax meqjusa xierqa sabiex tipprovdni s-servizz li għalih hija liċenzjata u jekk id-detentur tal-liċenza gie kkundannat għal reat li jgħorr il-piena ta' prigunerija jew għal kwalunkwe reat maħsub taħt dan l-Att;

(d) tikser il-kondizzjonijiet għal-liċenzjar skont id-dispożizzjonijiet ta' dan l-Att jew xjentement tittraskura jew tirrifjuta li tikkonforma ma' kwalunkwe waħda mid-dispożizzjonijiet ta' dan l-Att jew ta' kwalunkwe Att ieħor, jew tostakola, timpedixxi jew tfixkel kwalunkwe persuna li twettaq dmirijietha jew responsabbiltajiet taħtu.

Metodu ta'  
revoka.

**52.** (1) L-Awtorità għandha tirrevoka l-liċenza skont l-artikolu 51(b), (ċ) jew (d) wara rapport imfassal mill-Uffiċjal Eżekuttiv Ewlieni li jkun fih rakkomandazzjonijiet dwar jekk il-liċenza għandhiex tiġi revokata. Ir-rapport għandu jinkludi evidenza ta' twissija dovuta lill-persuna liċenzjata li l-liċenza tista' tiġi

revokata sakemm ma tittehidx azzjoni xierqa, skont procedura stabbilita taht dan l-Att.

(2) Ir-revoka bil-miktub, flimkien mar-raġunijiet tagħha, għandhom jiġu notifikati lill-persuna liċenzjata bil-posta registrata. Tali revoka għandu jkollha effett mid-data tan-notifika.

(3) Jekk il-liċenza ta' persuna liċenzjata tiġi revokata, iċ-Ċertifikat tal-Liċenza u r-rekords u d-dokumentazzjoni kollha relatati ma' dik il-liċenza għandhom isiru l-proprjetà tal-Awtorità.

**53.** Matul ix-xahar ta' Marzu ta' kull sena l-Awtorità għandha tippubblika fil-Gazzetta: Pubblikazzjoni  
fil-Gazzetta.

(a) lista ta' persuni liċenzjati inkluż l-isem sħiħ tagħhom, l-indirizz registrat u dettalji ta' kuntatt oħra rilevanti; u

(b) lista ta' persuni liċenzjati li l-liċenza tagħhom giet revokata matul is-sena kalendarja preċedenti u kwalunkwe bidla fil-kundizzjonijiet meħtieġa għal-liċenzjar jew tiġdid.

## TAQSIMA X

### Revoka, Tħassir u Sospensjoni ta' Registrazzjonijiet u Liċenzi

**54.** Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, id-dispożizzjonijiet ta' din it-Taqsima għandhom, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra, jgħoddu biss għal operaturi li jaqgħu taht id-dispożizzjonijiet tal-paragrafi (a) u (b) tat-tifsira "operatur" fl-artikolu 2. Applikabilità ta'  
din it-Taqsima.

**55.** (1) L-Awtorità tista' fi kwalunkwe hin tirrevoka, tħassar jew tissospendi ċertifikati ta' approvazzjoni fir-rigward ta' faċilitajiet sportivi jew fir-rigward ta' operatur skont id-dispożizzjonijiet ta' dan l-Att jew ta' xi liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza. Setgħa tal-awtorità kompetenti li tirrevoka, tħassar jew tissospendi awtorizzazzjonijiet, liċenzi u permessi.

(2) L-Awtorità tista' tirrevoka, tħassar jew tissospendi ċertifikati ta' approvazzjoni skont is-subartikolu (1) -

(a) jekk tqis li jkun meħtieġ li tħassar jew tissospendi l-approvazzjoni għall-protezzjoni tal-pubbliku ġenerali u r-reputazzjoni ta' Malta; jew

(b) jekk tqis li l-*istandard* tal-faċilità sportiva mhuwiex tajjeb u xieraq biex jiggarrantixxi s-sigurtà tal-utenti tagħha; jew

(c) jekk tqis li r-rekwiżiti ta' xi dispożizzjoni ta' dan l-

Att, jew ta' xi ligi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza, mhumiex qed jiġu sodisfatti, jew kien hemm ksur ta' xi dispożizzjoni bħal dik imsemmija qabel, jew obbligu jew kondizzjoni li għaliha l-awtorizzazzjoni hija soġġetta bis-saħħa ta' dan l-Att jew tahtu, jew kwalunkwe ligi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza, ma ġietx sodisfatta jew imħarsa.

(3) L-Awtorità tista' tirrevoka, tħassar jew tissospendi ċertifikati ta' approvazzjoni fir-rigward ta' operatur li jamministra faċilità sportiva -

(a) jekk tqis li l-persuni li jassumu kwalunkwe responsabbiltà lejn l-Awtorità b'referenza għall-faċilità sportiva approvata mhumiex persuni adegwati u xierqa biex iwettqu l-funzjonijiet meħtieġa minnhom b'konnessjoni mal-arrangament jew jekk ma hemmx tali persuni fil-kariga kif stipulat jew meħtieġ mill-awtorizzazzjoni għall-faċilità sportiva; jew

(b) jekk tqis li r-rekwiżiti ta' xi dispożizzjoni ta' dan l-Att, jew ta' xi ligi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza, mhumiex qed jiġu sodisfatti, jew kien hemm ksur ta' xi dispożizzjoni bħal dik imsemmija qabel, jew obbligu jew kondizzjoni li għaliha l-awtorizzazzjoni hija soġġetta bis-saħħa ta' dan l-Att jew tahtu, jew kwalunkwe ligi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza ma ġietx sodisfatta jew imħarsa; jew

(c) jekk ingħatat informazzjoni lill-Awtorità minn, jew f'isem, jew fir-rigward tal-faċilità sportiva li hija falza, mhux eżatta jew qarrieqa; jew

(d) jekk l-operatur ma jkunx beda l-attivitajiet fiż-żmien previst fl-awtorizzazzjoni jew ikun waqaf iwettaq dawn l-attivitajiet; jew

(e) fuq talba tal-operatur; jew

(f) fi kwalunkwe ċirkostanza li fiha l-Awtorità kienet tkun prekluzi milli toħroġ l-awtorizzazzjoni biex wieħed jaġixxi bħala operatur taht dan l-Att jew kwalunkwe ligi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza jew fejn taht dan l-Att jew kwalunkwe ligi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza hija kienet tkun intitolata li tirrifjuta l-għoti ta' tali awtorizzazzjoni; jew

(g) wara komunikazzjoni u investigazzjoni xierqa, fuq

talba bil-miktub ta' awtorità nazzjonali kompetenti oħra li tkun qiegħda twettaq funzjonijiet regolatorji fir-rigward ta' attivitajiet regolati u attivitajiet oħra mwettqa mill-operatur fil-facilità sportiva simultanjament mal-Awtorità.

(4) Revoki, tħassir u sospensjonijiet għandhom ikunu riflessi fir-reġistru tal-awtorizzazzjonijiet li jidher fuq is-sit elettroniku tal-Awtorità. L-Awtorità għandu jkollha s-setgħa li tippubblika b'mod aktar wiesa' r-revoka, it-tħassir jew is-sospensjoni tal-awtorizzazzjonijiet tagħha jekk tikkunsidra li dan ikun meħtieġ għall-protezzjoni tal-pubbliku ġenerali.

(5) L-ebda azzjoni ma tista' tittiehed kontra l-Awtorità f'termini ta' liġi, jew xi liġi oħra relatata ma' ingurja jew malafama, għall-ħruġ ta' dikjarazzjonijiet *bona fide* u pubbliċi skont dan l-artikolu.

(6) L-Awtorità tista' toħroġ linji gwida dwar kif għandu japplika dan l-artikolu.

**56.** (1) L-Awtorità għandha, qabel ma tipproċedi biex tieħu kwalunkwe miżura taħt l-artikolu 55, tikteb lill-persuna konċernata, biex twissi lill-persuna bil-miżura li tista' tittiehed u r-raġuni speċifika għalfejn tista' tittiehed, billi titlob lill-persuna biex twaqqaf jew tirrettifika dawk l-atti jew ommissjonijiet u, jew li tagħmel is-sottomissjonijiet tagħha hemmhekk f'tali perjodu li ma jkunx inqas minn ħamsa u għoxrin (25) jum, liema perjodu, mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (4), jista' jkun imqassar jekk l-Awtorità tikkunsidra li t-tkomplija tal-ksur tolqot b'mod negattiv l-eżerċizzju effettiv mill-Awtorità tal-funzjonijiet regolatorji tagħha u, jew tiggarrantixxi l-intervent immedjat tal-Awtorità:

Proċedura meta tittiehed miżura taħt l-artikolu 55.

Izda meta toħroġ twissija taħt dan is-subartikolu, l-Awtorità tista' timponi dawk il-kondizzjonijiet li hija tista' tikkunsidra raġonevoli fiċ-ċirkostanzi.

(2) Jekk il-persuna konċernata tirrimedja l-ksur fil-perjodu stabbilit mill-Awtorità skont is-subartikolu (1), u taqbel bil-miktub li tosserva kwalunkwe kundizzjoni li l-Awtorità tista' timponi, l-Awtorità tista' fid-diskrezzjoni tagħha tieqaf milli tipproċedi aktar.

(3) Jekk, wara li jgħaddi l-perjodu msemmi fis-subartikolu (1), l-Awtorità tqis li l-persuna konċernata ma tat l-ebda raġuni valida biex turi għaliex ma għandha tittiehed l-ebda miżura kontriha, l-Awtorità għandha tinnotifika lill-persuna kkonċernata bil-miktub, fejn tispeċifika n-natura tal-ksur, u tiddikjara l-miżura li qiegħda tittiehed.

(4) Minkejja d-dispożizzjonijiet tas-subartikolu (1), fejn l-

Awtorità għandha evidenza *prima facie* li l-ksur -

(a) jirrappreżenta theddida immedjata u serja għall-interess pubbliku jew għall-applikazzjoni ta' regoli mandatorji tal-ligi; jew

(b) joħloq jew jista' joħloq problemi ekonomiċi jew operattivi serji għal fornituri jew utenti oħra ta' faċilitajiet sportivi; jew

(c) jista' jirriżulta fi ħsara sinjifikattiva għal persuni li jużaw il-faċilità sportiva,

l-Awtorità tista' tiegħu miżuri *interim* urġenti biex tirrimedja s-sitwazzjoni qabel ma tasal għal deċiżjoni finali, inkluż li tordna l-waqfien immedjat tal-att jew l-ommissjoni li jagħtu lok għall-ksur:

Izda l-persuna li kontriha jiġu kkunsidrati miżuri bħal dawn għandha, wara, tingħata opportunità raġjonevoli biex tiddikjara l-opinjoni tagħha u tipproponi kwalunkwe rimedju:

Izda wkoll il-miżuri *interim* għandhom ikunu validi għal massimu ta' tliet (3) xhur, u jkunu soġġetti għall-estensjoni għal perjodu ieħor ta' tliet (3) xhur, f'ċirkostanzi fejn ma jkunux tlestew il-proċeduri ta' infurzar.

(5) Minkejja d-dispożizzjonijiet ta' kull ligi, l-ebda mandat kawtelatorju jew ordni ma għandu jinħareġ minn xi qorti li jzomm lill-Awtorità milli tiegħu kwalunkwe prevenzjoni materjali jew miżura ta' immaniġġjar taht dan l-Att, jew taht xi regolamenti maħruġa tahtu jew xi ligi oħra. Mingħajr preġudizzju għas-setgħa tal-Awtorità li tiddikjara lill-qorti li miżura hija waħda kkontemplata b'dan l-artikolu, il-Ministru jista' minn żmien għal żmien jagħmel regolamenti biex jiddefinixxi aħjar prevenzjoni materjali jew miżura ta' mmaniġġjar għall-għanijiet ta' dan l-Att.

Notifika tar-rifjut propost, revoka, tħassir jew sospensjoni ta' permess jew liċenza jew awtorizzazzjoni.

**57. (1)** Meta l-Awtorità tipproponi li tirrifjuta applikazzjoni għal permess jew liċenza jew awtorizzazzjoni jew li tħassar jew tissospendi permess jew liċenza jew awtorizzazzjoni, hija għandha tagħti lill-applikant jew, skont il-każ, id-detentur tal-permess jew tal-liċenza jew tal-awtorizzazzjoni, avviż bil-miktub tal-intenzjoni tagħha li tagħmel hekk, fejn tistipula r-raġunijiet għad-deċiżjoni li tipproponi li tiegħu.

(2) Kull avviż mogħti taht is-subartikolu (1) għandu jiddikjara li min jirċievi l-avviż jista', fi żmien raġjonevoli wara n-notifika tiegħu kif jista' jkun dikjarat fl-avviż, li jkun perjodu ta' mhux inqas minn tmienja u erbgħin (48) siegħa, jagħmel sottomissjonijiet bil-

miktub lill-Awtorità billi jagħti raġunijiet għalfejn id-deċiżjoni proposta ma għandhiex tittiehed, u l-Awtorità għandha tikkunsidra kwalunkwe sottomissjoni hekk magħmula qabel ma tasal għal deċiżjoni finali.

(3) L-Awtorità għandha kemm jista' jkun malajr tinnotifika d-deċiżjoni finali tagħha bil-miktub lil kull persuna li lilha għandu jingħata avviż taht is-subartikolu (1).

**58.** (1) Bla ħsara għal kull liġi oħra relatata mal-protezzjoni tad-*data*, l-Awtorità għandha tfittex li tippubblika regolarment informazzjoni dwar is-sentenzi, id-determinazzjonijiet u l-pożizzjonijiet ta' politika tagħha meta jaffettwaw l-applikazzjonijiet, l-interpretazzjoni tad-dispożizzjonijiet ta' dan l-Att, jew kwalunkwe liġi speċjali li hija intitolata tamministra jew tinforza, sabiex tiżgura li l-applikanti u l-pubbliku ġenerali jkunu konxji tal-pożizzjoni meħuda mill-Awtorità dwar kwistjonijiet ta' interess ġenerali relatati mal-attivitajiet tagħha.

Pubblikazzjoni ta' linji gwida ta' politika.

(2) Il-pubblikazzjoni ta' din l-informazzjoni ma għandha bl-ebda mod tillimita l-libertà tal-Awtorità li tvarja l-politika jew l-approċċ tagħha fuq kwalunkwe kwistjoni bbażata fuq aktar reviżjoni u esperjenza jew żvilupp ta' teknoloġija jew liġi b'mod ġenerali. Meta jseħhu tali varjazzjonijiet l-Awtorità għandha tinnotifika f'pubblikazzjonijiet aktar tard il-konnessjoni u r-reviżjoni għall-pubblikazzjonijiet preċedenti.

## TAQSIMA XI

### Infurzar u Sanzjonijiet

**59.** Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, id-dispożizzjonijiet ta' din it-Taqsima għandhom, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra, jgħoddu biss għal operaturi li jaqgħu taht id-dispożizzjonijiet tal-paragrafi (a) u (b) tat-tifsira "operatur" fl-artikolu 2.

Applikabilità ta' din it-Taqsima.

**60.** (1) Mingħajr preġudizzju għas-setgħat ta' infurzar li għandha bil-liġi, l-Awtorità tista' titlob lil kwalunkwe persuna registrata jew operatur ta' faċilità sportiva liċenzjata jipprovdilha informazzjon li l-Awtorità tikkunsidra meħtieġa għall-għan li tiżgura l-kwalità u l-*standards* ta' kwalità u integrità meħtieġa minn dan l-Att għal finijiet ta' għarfien jew konformità mad-dispożizzjonijiet ta' dan l-Att jew kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata tamministra jew tinforza, jew deċiżjonijiet jew direttivi magħmula skont dan l-Att jew liġi speċjali oħra bħal dik.

Għoti ta' informazzjoni.

(2) Kull informazzjoni meħtieġa mill-Awtorità taht is-

subartikolu (1) għandha tkun proporzjonata għat-twettiq tal-funzjonijiet u l-obbligi tagħha taħt dan l-Att jew kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza u, meta teħtieġ xi informazzjoni kif intqal qabel, l-Awtorità għandha tiddikjara għaliex teħtieġ l-informazzjoni mitluba.

(3) Hlief f'każijiet fejn il-benefiċjarju ta' talba jista' jirrifjuta li jipprovdi dik l-informazzjoni, liema rifjut għandu jkun bil-miktub u għandu jiddikjara l-bażi għal dak ir-rifjut, persuna li tkun notifikata b'rekwiżit taħt is-subartikolu (2) għandha tikkonforma minnufih marrekwiżit fl-iskali tal-ħin u skont kwalunkwe livell ta' dettall kif jista' jkun meħtieġ mill-Awtorità:

Iżda kwalunkwe persuna bħal din tista', f'konformità mad-dispożizzjonijiet ta' dan is-subartikolu, tiddikjara b'mod ċar lill-Awtorità jekk kwalunkwe informazzjoni provduta minnha għandhiex titqies bħala kunfidenzjali għal raġunijiet kummerċjali u l-Awtorità għandha tirrispetta l-kunfidenzjalità mitluba skont id-dispożizzjonijiet tal-Att dwar Segretezza Professionali.

Kap. 377.

(4) L-istess regoli msemmija hawn qabel għandhom japplikaw għal persuni reġistrati u detenturi ta' permessi u liċenzi li, fit-twettiq tas-servizzi awtorizzati, jistgħu jirrevedu jew jirċievu informazzjoni kif deskritta fil-proviso għas-subartikolu (3). Dik il-persuna reġistrata jew detentur ta' permess u liċenza mgħandhomx ikunu meħtieġa jipprovdu informazzjoni lill-Awtorità jekk din l-informazzjoni nkisbet taħt segretezza jew taħt obbligi ta' nuqqas ta' żvelar waqt it-twettiq tal-funzjonijiet tagħha għall-benefiċċju ta' kwalunkwe applikant.

Setgħat ta' infurzar tal-Awtorità.

**61.** (1) Għall-finijiet tat-twettiq mill-Awtorità ta' xi waħda mill-funzjonijiet tagħha taħt dan l-Att jew taħt kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza, l-Awtorità tista', kif jista' jkun applikabbli fil-kuntest u bla ħsara għall-limitazzjonijiet fil-liġijiet applikabbli dwar is-sigriet professjonali:

(a) tidhol, fi kwalunkwe ħin raġonevoli, fi kwalunkwe fond miftuħ għall-pubbliku għajr post ta' residenza, jew kwalunkwe post ieħor jew kwalunkwe faċilità sportiva fejn xi attività regolata minn jew taħt dan l-Att jew kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza, isseħħ, jew fl-opinjoni tal-Awtorità sseħħ, u tfittex u tispezzjona l-bini, il-post, u kwalunkwe kotba, dokumenti jew rekords misjuba fih;

(b) titlob lil kwalunkwe persuna tipproduċi għall-ispezzjoni u tiegħu estratti jew kopji minn kwalunkwe kotba,

dokumenti jew rekords relatati ma' kwalunkwe attività regolata minn jew taht dan l-Att jew kwalunkwe ligi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza, li huma taht il-kontroll ta' dik il-persuna u, fil-każ ta' informazzjoni f'forma li ma tinqarax biex tiġi riprodotta f'forma legibbli, u biex tagħti lill-Awtorità dik l-informazzjoni li l-Awtorità tista' raġonevolment teħtieġ fir-rigward ta' kwalunkwe iskrizzjoni f'dawk il-kotba, dokumenti jew rekords;

(ċ) tneħhi u żzomm dawk il-kotba, dokumenti jew rekords għal dak il-perjodu kif jista' jkun raġonevoli għal aktar eżami;

(d) titlob lil kull persuna li żzomm dawk il-kotba, dokumenti jew registri għal dak il-perjodu li jista' jkun raġonevoli kif tordna l-Awtorità;

(e) titlob lil kull persuna li tagħti lill-Awtorità kull informazzjoni li tista' tkun meħtieġa fir-rigward ta' kwalunkwe arrangament regolat minn jew taht dan l-Att jew kwalunkwe ligi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza;

(f) tagħmel dawk l-ispezzjonijiet, inklużi ispezzjonijiet fuq il-post, biex l-Awtorità tkun tista' twettaq il-funzjonijiet tagħha skont il-ligi u meta tagħmel hekk l-Awtorità tista' wkoll tagħmel testijiet u kejl ta' kwalunkwe makkinarju, apparat, apparat u tagħmir ieħor fi kwalunkwe post li l-Awtorità tista' tikkunsidra neċessarju;

Iżda fejn il-persuna kkonċernata tonqos milli tosserva xi rekwiżiti magħmula mill-Awtorità taht dan is-subartikolu, l-Awtorità tista' imbagħad tiehu kwalunkwe miżura msemmija fl-artikoli 55 u 56 kif tista' tikkunsidra xierqa fiċ-ċirkostanzi.

(2) Kull uffiċjal tal-Awtorità jew kull persuna oħra debitament awtorizzata mill-Awtorità biex taġixxi f'isimha, meta teżerċita setgħa mogħtija minn dan l-Att jew minn xi ligi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza, għandha, jekk mitluba minn xi persuna hekk affettwata, tipproduċi lil dik il-persuna, għall-ispezzjoni, ċertifikat maħruġ mill-Awtorità li jiddikjara li hi debitament awtorizzata biex taġixxi għal u f'isem l-Awtorità.

(3) Kwalunkwe persuni li huma jew kienu responsabbli għall-faċilità sportiva li taqa' taht il-funzjonijiet superviżorji jew regulatorji tal-Awtorità għandhom jassistu u għandhom jikkollaboraw mal-Awtorità sabiex tkun tista' twettaq il-funzjonijiet tagħha, u għandhom

jigbru u jittrasmettu mingħajr dewmien żejjed dik l-informazzjoni u dokumentazzjoni li l-Awtorità tista' raġonevolment titlob minn żmien għal żmien.

(4) Kull persuna li -

(a) tostakola, timpedixxi jew tattakka uffiċjal tal-Awtorità jew kull persuna oħra debitament awtorizzata mill-Awtorità biex taġixxi f'isimha fl-eżerċizzju ta' kull waħda mis-setgħat mogħtija b'dan l-Att jew bi kwalunkwe ligi speċjali oħra li l-Awtorità hija intitolata tamministra jew tinforza; jew

(b) tirrappreżenta b'mod falz lilha nnifisha bħala uffiċjal tal-Awtorità jew persuna awtorizzata mill-Awtorità biex taġixxi f'isimha; jew

(c) tforni lill-Awtorità xi informazzjoni li hija tista' teħtieġ fl-eżerċizzju tal-funzjonijiet tagħha taħt kwalunkwe ligi speċjali li hija intitolata li tamministra jew tinforza, li taf, jew li jkollha raġuni sensibbli li temmen li hija falza jew qarrieqa,

tkun hatja ta' reat taħt dan l-artikolu u għandha, meta tinstab hatja, tehel multa ta' mhux aktar minn elfejn euro (€2,000), u, fil-każ ta' reat kontinwu, multa oħra ta' mhux aktar minn għoxrin euro (€20) għal kull jum li matulu jkompli r-reat.

Żvelar ta'  
informazzjoni  
kunfidenzjali.

**62.** (1) Hlief kif previst xort'oħra mil-ligi, persuna ma għandhiex xjentement tiżvela informazzjoni kunfidenzjali miksuba minnha waqt it-tweqqif tad-dmirijiet tagħha bħala membru tal-Bord, jew ta' uffiċjal jew impjegat tal-Awtorità jew ta' konsulent għall-Awtorità, sakemm ma tkunx awtorizzata kif xieraq mill-Awtorità biex tagħmel hekk:

Iżda kwalunkwe persuna bħal din għandha tibqa' marbuta bir-reqwiziti ta' dan l-artikolu wkoll wara li tkun intemmet il-ħatra jew l-impjieġ tagħha, tkun kif tkun deskritta, mal-Awtorità.

(2) F'dan l-artikolu "informazzjoni kunfidenzjali" tfisser kull informazzjoni, tkun kif tkun deskritta, li titqies mill-Awtorità bħala kunfidenzjali, jew li giet innotifikata b'dak l-istatus mill-persuna li tippovdiha, u li dwarha l-Awtorità nnotifikat persuni kkonċernati bid-dmir tagħhom li ma jiżvelawx.

(3) Persuna li taġixxi bi ksur tad-dispożizzjonijiet tas-subartikolu (1) tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn elfejn euro (€2,000).

(4) Xejn f'dan l-artikolu ma għandu jimpedixxi l-iżvelar ta' xi

informazzjoni lill-Awtorità jew, minn jew f'isem l-Awtorità lill-Ministru jew kif jista' jkun meħtieġ bil-liġi.

**63.** Meta ksur ta' xi dispożizzjoni ta' dan l-Att jew ta' xi liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza jitwettaq minn korp magħqud u jkun ippruvat li jkun twettaq bil-kunsens jew l-involvement ta' jew li jkun attribwibbli għal negligenza kbira min-naħa ta' persuna li tkun amministratur tal-korp magħqud jew ta' persuna li kienet maħsuba li taġixxi fi kwalunkwe kariga bħal din, dik il-persuna, kif ukoll il-korp magħqud, għandha tkun soġġetta għat-teħid ta' proċedimenti kontra tagħha u tingħata sanzjoni bħallikieku hija kienet responsabbli għall-imsemmi ksur.

Ksur minn korpi magħquda.

**64.** Il-prosekuzzjoni ta' reat kriminali jew il-bidu ta' proċedimenti biex tiġi imposta sanzjoni taħt dan l-Att jew taħt kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza għandha tiġi preskritta wara erba' (4) snin mid-data li fiha r-reat jew il-ksur huwa allegat li twettaq.

Preskrizzjoni għal reati u ksur.

**65.** Sakemm mhux previst xort'oħra f'dan l-Att, fejn avviz, ikun kif ikun ġie deskritt, ikun meħtieġ li jingħata mill-Awtorità lil xi persuna kemm jekk taħt dan l-Att kif ukoll taħt xi liġi oħra amministrata mill-Awtorità, l-avviż għandu jkun indirizzat lil dik il-persuna u għandu jingħata lill-persuna fi kwalunkwe wieħed mill-modi li ġejjin:

Notifika ta' avvizi.

- (a) billi jintbagħat lill-persuna; jew
- (b) billi jithalla fl-indirizz li fih il-persuna normalment tirisjedi jew twettaq negozju; jew
- (c) billi jintbagħat bil-posta registrata lill-persuna fl-indirizz li fih il-persuna normalment tirisjedi jew twettaq negozju; jew
- (d) jekk indirizz għan-notifika ta' avvizi jkun ġie provdut mill-persuna, billi jithalla f'dak l-indirizz, jew jintbagħat bil-posta rreġistrata indirizzata lill-persuna f'dak l-indirizz; jew
- (e) fi kwalunkwe każ fejn l-Awtorità tqis li l-għoti immedjat tal-avviż huwa meħtieġ, billi jintbagħat permezz ta' posta elettronika lil apparat jew faċilità għar-riċeviment ta' posta elettronika li jinsab fl-indirizz li fih il-persuna ordinarjament tirisjedi jew twettaq negozju jew, jekk indirizz għan-notifika ta' avvizi jkun ġie mogħti mill-persuna, f'dak l-indirizz, sakemm il-faċilità tal-mittent li jirċievi l-posta elettronika tiġġenera messaġġ li jikkonferma l-irċevuta tal-posta

elettronika:

Iżda d-dispożizzjonijiet ta' dan il-paragrafu ma japplikawx għan-notifika ta' dokumenti ppreżentati quddiem it-Tribunal jew kwalunkwe Qorti.

Proċedimenti  
għal djun dovuti  
lill-Awtorità.

**66.** (1) Meta l-Awtorità tkun trid tħarrek għall-irkupru ta' dejn dovut lill-Awtorità taht xi liġi speċjali oħra li hija intitolata tamministra jew tinforza, iċ-*Chairperson* jew uffiċjal tal-Awtorità debitament awtorizzat mill-Awtorità biex jaġixxi f'isimha jista' jagħmel dikjarazzjoni bil-ġurament quddiem ir-registratur tal-Qrati, imħallef jew maġistrat fejn jiddikjara n-natura tad-dejn u l-isem tad-debitur u jikkonferma li hu huwa dovut.

(2) Id-dikjarazzjoni msemmija fis-subartikolu (1) għandha tigi notifikata lid-debitur permezz ta' att ġudizzjarju u għandu jkollha l-istess effett bħal sentenza finali tal-qorti kompetenti sakemm id-debitur, fi żmien għoxrin (20) jum min-notifika tal-imsemmija dikjarazzjoni, ma jopponix it-talba billi jippreżenta rikors li jitlob li l-qorti tiddikjara t-talba bla bażi.

(3) Ir-rikors ippreżentat skont is-subartikolu (2) għandu jigi notifikat lill-Awtorità, li tkun intitolata li tippreżenta twegiba fi żmien għoxrin (20) jum. Il-qorti għandha tappunta r-rikors għas-smiġh f'data wara li jiskadi dak il-perjodu.

(4) Kwalunkwe dejn dovut lill-Awtorità skont dan l-artikolu għandu jkun preskritt wara li jgħaddi l-perjodu ta' hames (5) snin mid-data li fiha d-dejn kien dovut.

L-isem tal-  
Awtorità ma  
għandux jintuża  
fi kwalunkwe  
reklam u  
projbizzjoni ta'  
rappreżentanza  
qarrieqa.

**67.** (1) Hadd ma jista' jagħmel jew iġieġhel li jsir xi reklam jew rappreżentanza oħra, f'xi forma viżwali jew orali, kemm jekk ir-reklam isir f'Malta kif ukoll barra, speċifikament jew b'implikazzjoni, bl-effett li:

(a) xi registrazzjoni ta' persuna sportiva, awtorizzazzjoni ta' faċilità sportiva jew permess jew liċenza għandhom l-għarfien jew l-approvazzjoni tal-Awtorità meta ma jkunx il-każ; jew

(b) xi attività mwettqa minn kwalunkwe persuna jew provduta mill-operatur ta' faċilità sportiva għandha l-għarfien jew l-approvazzjoni jew titwettaq bil-kooperazzjoni jew l-assistenza tal-Awtorità meta ma jkunx il-każ; jew

(c) xi attività tkun qieghda titwettaq f'Malta jew minn Malta skont il-qafas regolatorju applikabbli għal persuni registrati jew għal faċilitajiet sportivi jew servizzi meta l-

arrangament rilevanti ma jkunx ċertifikat jew il-fornitur tas-servizz rilevanti ma jkunx reġistrat taħt l-Att,

jew dikjarazzjonijiet simili bbażati fuq iċ-ċirkostanzi minn żmien għal żmien, u fil-każ ta' ksur tali persuna għandha tkun haġja ta' reat taħt dan l-artikolu.

(2) Fir-rigward ta' persuni rikonoxxuti mill-Awtorità, id-dispożizzjonijiet tas-subartikolu (1) ma għandhomx japplikaw meta reklam jew rappreżentazzjoni oħra tinħareġ bil-kunsens u bil-miktub minn qabel jew b'istruzzjonijiet tal-Awtorità, jew meta jkun permess fil-linji gwida ġenerali maħruġa mill-Awtorità dwar is-sugġett, u għandu jikkostitwixxi reat biss jekk issir rappreżentazzjoni hażina rigward l-Awtorità, jew kwalunkwe għarfien mogħti minnha, lill-operatur liċenzjat jew persuna reġistrata.

(3) Meta l-isem, l-isem kummerċjali, it-*trademark* jew id-denominazzjoni ta' xi persuna reġistrata jew operatur liċenzjat jidher fir-rigward ta' rappreżentazzjoni msemmija fis-subartikoli (1) jew (2), dik il-persuna għandha titqies għall-finijiet ta' dan l-artikolu li kkawżat ir-rappreżentazzjoni li ssir sakemm dik il-persuna ma tipprovax li r-rappreżentazzjoni saret mingħajr l-għarfien jew il-kunsens tagħha.

(4) Persuna misjuba haġja taħt dan l-artikolu għandha tinzamm responsabbli skont dan l-Att, kemm-il darba ma jkunx previst xort'oħra minn jew taħt dan l-Att jew xi liġi speċjali li l-Awtorità hija intitolata tinforza, għal multa amministrattiva li ma għandhiex taqbeż l-ammont ta' elfejn euro (€2,000) għal kull ksur u għoxrin euro (€20) għal kull jum li matulu n-nuqqas ta' osservanza tad-dispożizzjonijiet ta' dan l-Att jew ta' xi regolament magħmul taħtu jippersisti.

## TAQSIMA XII

### Tribunal ta' Reviżjoni Amministrattiva

**68.** (1) It-Tribunal ta' Reviżjoni Amministrattiva għandu jkun kompetenti li jisma' u jiddetermina appelli minn deċiżjonijiet tal-Awtorità kif previst f'dan l-Att jew f'xi liġi jew regolamenti.

Tribunal ta'  
Reviżjoni  
Amministrattiva

(2) Id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva, sa fejn japplikaw għat-Tribunal ta' Reviżjoni Amministrattiva, għandhom japplikaw għal kull proċedura quddiem l-imsemmi Tribunal u l-kliem "amministrazzjoni pubblika" fl-imsemmija liġi għandhom jinftiehem b'haġla referenza għall-Awtorità.

Kap. 490.

Appelli minn  
deċiżjonijiet tal-  
Awtorità li ma  
jkunux dwar l-  
impożizzjoni ta'  
penali  
amministrattivi.

**69.** (1) Kemm-il darba mhux previst xort'oħra mil-liġi, jista' jsir appell quddiem it-Tribunal minn deċiżjoni tal-Awtorità taħt dan l-Att, deċiżjonijiet oħra li l-Awtorità tista' tieħu taħt xi liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza, u kull deċiżjoni meħuda mill-Gvern jew f'ismu jew minn xi awtorità pubblika fir-rigward ta', jew li jkollha impatt sostanzjali fuq, servizzi jew arrangamenti.

(2) Id-dritt ta' appell quddiem it-Tribunal ikun jista' jsir mill-persuna aggravata bid-deċiżjoni:

Iżda f'kull każ, persuna li tagħmel appell quddiem it-Tribunal għandha wkoll tispjega l-interess ġuridiku li jkollha meta tkun qed tattakka d-deċiżjoni appellata.

(3) Appell minn deċiżjoni tal-Awtorità għandu jsir b'rikors u jiġi ppreżentat għand is-Segretarju tat-Tribunal fi żmien għoxrin (20) ġurnata mid-data meta dik id-deċiżjoni tkun giet notifikata.

(4) Għandu jkun hemm dritt ta' appell minn deċiżjonijiet tat-Tribunal lill-Qorti tal-Appell skont id-dispożizzjonijiet tat-Taqsima IV tal-Att dwar il-Ġustizzja Amministrattiva.

Kap. 490.

Appelli kontra  
sanzjoni  
imposta mill-  
Awtorità.

**70.** (1) Mingħajr preġudizzju għad-dispożizzjonijiet ta' din it-Taqsima, il-proċedura li għandha tiġi segwita dwar appelli kontra sanzjonijiet imposti mill-Awtorità għandha tkun regolata bid-dispożizzjonijiet ta' dan l-artikolu.

(2) Persuna li tiġi notifikata b'avviż bil-miktub li jingħata taħt l-artikolu 56(5), tista' fi żmien għoxrin (20) ġurnata mid-data ta' dik in-notifika tagħmel appell quddiem it-Tribunal li fih toġġezzjona għals-sanzjoni hekk stabbilita.

(3) It-Tribunal ma għandux jannulla sanzjoni bħal dik hawn qabel imsemmija kemm-il darba ma jirriżultax li dik is-sanzjoni mhux possibbli skont il-liġi li tkun imposta fiċ-ċirkostanzi tal-każ, jew mhux possibbli skont il-liġi li jiġi ffissat il-livell stabbilit mill-Awtorità, waqt li tingħata konsiderazzjoni lill-prinċipju tal-proporzjonalità.

(4) It-Tribunal għandu, mingħajr dewmien, jiffissa s-smiġħ tal-appell kemm jista' jkun kmieni għal data li f'ebda każ ma tkun aktar tard minn erbgħin (40) ġurnata mid-data tan-notifika tal-appell lill-Awtorità.

(5) L-appell, u n-notifika tad-data ffissata għas-smiġħ, għandhom jiġu notifikati lill-Awtorità mingħajr dewmien, u l-Awtorità għandha tippreżenta r-risposta tagħha fi żmien għoxrin (20)

gurnata mid-data tan-notifika tal-appell.

(6) Id-deċiżjoni tat-Tribunal dwar appell imsemmi fis-subartikolu (2), fejn tiġi kkonfermata l-impożizzjoni ta' sanzjoni mogħtija mill-Awtorità jew fejn tiġi mnaqqsa kull sanzjoni bħal dik, għandha, hekk kif issir *res judicata*, titqies bħala deċiżjoni tat-Tribunal.

(7) Għandu jkun hemm dritt ta' appell fuq punti ta' liġi lill-Qorti tal-Appell (Ġurisdizzjoni Inferjuri) skont l-Att dwar il-Kap. 490. Ġustizzja Amministrattiva lil kwalunkwe waħda mill-partijiet fil-proċedimenti quddiem it-Tribunal.

**71.** Fid-determinazzjoni ta' appell it-Tribunal għandu jqis il-merti tal-appell, u jista', għal kollox jew f'parti, jikkonferma jew jannulla d-deċiżjoni appellata, waqt li jagħti bil-miktub ir-raġunijiet għad-deċiżjoni tiegħu u għandu jara li dik id-deċiżjoni tkun waħda pubblika u li tiġi komunikata lill-partijiet fl-appell. Deċiżjonijiet tat-Tribunal tal-Appelli.

**72.** (1) It-Tribunal għandu jagħmel mill-aħjar biex Proċedura tat-Tribunal. jiddeċiedi appell kemm jista' jkun mingħajr dewmien.

(2) It-Tribunal jista' jaħtar esperti indipendenti u imparzjali sabiex jassistuh fl-eżerċizzju tal-funzjonijiet tiegħu u biex jagħtuh pariri dwar kull haġa li tista' tkun rilevanti għal xi appell li jkun qed jittratta. F'dawk il-każijiet it-Tribunal għandu s-setgħa li jagħmel ordnijiet kemm provviżorji kif ukoll finali għar-rigward tal-ħlas ta' kull nefqa u tad-drittijiet ta' dawk l-esperti minn kull parti fl-appell.

(3) Il-Ministru jista', bla ħsara għad-dispożizzjonijiet ta' dan l-Att, b'regolamenti jippreskrivi l-proċedura li għandha tiġi segwita quddiem it-Tribunal, u bla ħsara għal dak u għal kull dispożizzjoni oħra ta' dan l-Att, it-Tribunal jista' jirregola l-proċedura tiegħu stess.

**73.** (1) Id-deċiżjoni tal-Awtorità sakemm jinstema' l-appell Deċiżjonijiet. sew jekk quddiem it-Tribunal u sew jekk quddiem il-Qorti tal-Appell, għandha tinzamm u tiġi segwita mill-partijiet kollha li għalihom tkun tapplika dik id-deċiżjoni.

(2) It-Tribunal jew il-Qorti tal-Appell, skont il-każ, fejn iqisu li jkun hekk adatt, jistgħu, wara rikors ta' xi parti fl-appell, jissospendu għal kollox jew biss f'parti d-deċiżjoni li tkun fil-qofol tal-appell sakemm tingħata s-sentenza finali tal-appell. Meta t-Tribunal jew il-Qorti tal-Appell ikunu qegħdin jiddeċiedu jekk għandhomx jissospendu d-deċiżjoni jew le, dawn għandhom jagħtu r-raġunijiet tagħhom għad-deċiżjoni filwaqt li jqisu ċ-ċirkostanzi kollha rilevanti, inklużi -

- (a) kemm il-kwistjoni tkun urġenti;
- (b) l-effett fuq il-parti li tagħmel it-talba jekk ir-rikors għas-sospensjoni ma jintlaqax; u
- (ċ) l-effett fuq l-integrità tal-isport jew fuq faċilità sportiva jekk ir-rikors jintlaqax’:

Iżda parti għandha tiddikjara, waqt li tkun qiegħda tagħmel rikors taht dan l-artikolu, x’ikunu r-raġunijiet fattwali u legali, li jkunu jstabilixxu każ *prima facie* għas-sospensjoni tas-deċiżjoni. It-Tribunal jew il-Qorti tal-Appell, skont il-każ, għandhom malli jirċievu xi rikors bħal dak jordnaw li dan għandu jiġi notifikat lill-parti jew lill-partijiet l-oħra fl-appell filwaqt li tingħatalhom opportunità raġonevoli li jipprezentaw ir-risposta tagħhom għalih:

Iżda wkoll it-Tribunal, waqt li jkun qiegħed jiddeċiedi dwar xi rikors bħal dak, jista’ jinkludi dawk il-kundizzjonijiet li jkunu meħtieġa fiċ-ċirkostanzi.

### TAQSIMA XIII

#### Mixxellanji

Uffiċjali  
pubbliċi.  
Kap. 9.

**74.** Għall-finijiet tal-Kodiċi Kriminali u ta’ kull dispożizzjoni ta’ xorta penali, il-membri tal-Awtorità, u ta’ kull direttorat, kumitat ta’ tmexxija, kumitat konsultattiv, kif ukoll kull uffiċjal jew impjegat tal-Awtorità, għandhom ikunu meqjusa u jiġu ttrattati bħala uffiċjali pubbliċi.

Pubblikazzjoni  
ta’ ismijiet ta’  
membri tal-  
Awtorità, eċċ.

**75.** L-ismijiet tal-membri tal-Awtorità, tal-Uffiċjal Eżekuttiv Ewlieni, u tal-kapijiet ta’ kull direttorat u membri ta’ kull kumitat stabbiliti taht dan l-Att għandhom jiġu ppubblikati fil-Gazzetta.

Setgħa tal-  
Ministru li  
jagħmel  
regolamenti u  
tal-Awtorità li  
toħroġ linji  
għwida.

**76.** (1) Il-Ministru jista’, waqt li jaġixxi fuq il-parir tal-Awtorità, jagħmel regolamenti biex jagħti effett lid-dispożizzjonijiet ta’ dan l-Att, jew biex jippreskrivi kull haġa li għandha jew tista’ tiġi preskritta b’dan l-Att, kull liġi speċjali li l-Awtorità għandha s-setgħa tamministra jew tinforza jew xi strument ieħor regulatorju u sabiex jipprovdli għal kull haġa li hi konsegwenzjali, inċidentali jew konnessa magħhom.

(2) Mingħajr preġudizzju għall-ġeneralità ta’ dak li ntqal qabel, il-Ministru jista’, permezz ta’ dawk ir-regolamenti:

- (a) jirregola l-proċessi ta’ għarfien u ta’ awtorizzazzjoni taht dan l-Att jew taht xi liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza; u r-rewiżiti u

kundizzjonijiet ġenerali għal tali għarfien u awtorizzazzjonijiet, il-ħruġ, l-emendar, it-tiġdid, is-sospensjoni, ir-revoka u t-terminazzjoni tagħhom u azzjonijiet oħra simili;

(b) jirregola persuni li huma involuti f'attivitajiet regolati bi jew taħt dan l-Att jew xi liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza; u l-ħwejjeg kollha li huma relatati ma' dan inkluża l-eżenzjoni ta' ċerti persuni jew kategoriji ta' persuni minn xi wħud jew mir-reqwiziti kollha għal għarfien u awtorizzazzjonijiet;

(ċ) jistabbilixxi metodi ta' revizjoni li huma relatati mal-proċessi u l-proċeduri adottati mill-Awtorità fit-twettiq tal-funzjonijiet tagħha;

(d) jimplementa kull konvenzjoni internazzjonali jew kull Regolament jew Direttiva tal-UE, sal-limitu neċessarju, li Malta tkun parti fihom, fil-kuntest tal-integrità fl-isport;

(e) jippreskrivi regoli li jistabbilixxu drittijiet li jistgħu jiġu imposti mill-Awtorità fir-rigward tal-għarfien ta' xi arrangamenti jew servizzi taħt id-dispożizzjonijiet ta' dan l-Att jew xi liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza; u

(f) jistabbilixxi regoli għall-aħjar twettiq ta' kull waħda mid-dispożizzjonijiet ta' dan l-Att.

(3) Il-Ministru jista' jordna jew jawtorizza lill-Awtorità biex tistabbilixxi d-dettalji neċessarji kollha sabiex jiġu osservati kull waħda mir-reqwiziti u kundizzjonijiet permezz ta' linji gwida u kull strument regolatorju vinkolanti ieħor li għandhom jinħarġu mill-Awtorità li jkunu anċillari għal jew indipendenti minn kull regolament magħmul taħt is-setgħat imsemmija hawn qabel.

77. Il-pieni previsti f'dan l-Att għandhom ikunu mingħajr Reati preġudizzju għall-applikazzjoni tad-dispożizzjonijiet tal-Kodiċi Kriminal jew kull liġi oħra. Kap. 9.

78. F'dan l-Att u f'kull regolament magħmul taħtu, jekk ikun Kunflitt bejn it-testi. hemm kunflitt bejn it-test bl-Ingliż u dak bil-Malti, għandu jipprevali t-test bl-Ingliż.

79. (1) Bla ħsara għad-dispożizzjonijiet tas-subartikoli (2) u Emendi konsegwenzjali għall-Att dwar l-Isports. Kap. 455. (3), id-dispożizzjonijiet li ġejjin tal-Att dwar l-Isports għandhom jiġu mhassra:

(a) fl-Arrangament tal-Att tiegħu, il-linja kollha li

tirrigwarda t-Taqsima VII għandha tiġhassar;

(b) fl-artikolu 2 tiegħu:

(i) it-tifsira "Reġistru" għandha tiġi mhassra; u

(ii) it-tifsira "persuna reġistrata" għandha tiġi sostitwita b'dan li ġej:

" "persuna reġistrata" tfisser persuna reġistrata fir-Reġistru ta' Persuni Sportivi taht l-Att tal-2021 dwar il-Governanza Sportiva u l-Integrità fl-Isport;"

(ċ) is-subartikolu (6) tal-artikolu 3 tiegħu għandu jiġi mhassar;

(d) is-subartikolu (1) tal-artikolu 6 tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (g) tiegħu, minflok il-kliem "xi persuna" għandhom jidhlu l-kliem "xi persuna reġistrata";

(ii) il-paragrafu (i) tiegħu għandu jiġi mhassar;

(iii) il-paragrafu (n) tiegħu għandu jiġi mhassar;

(iv) il-paragrafi (o) u (p) tiegħu għandhom jiġu mhassra;

(v) il-paragrafi (s) u (t) tiegħu għandhom jiġu mhassra;

(e) it-Taqsima VII tiegħu, li fiha l-artikoli 35 sa 42, it-tejn inklużi, għandha tiġi mhassra; u

(f) is-subartikolu (2) tal-artikolu 55 tiegħu għandu jiġi mhassar.

(2) Id-dispożizzjonijiet tal-paragrafi (a), (b)(i), (b)(ii), (ċ), (d)(ii), (d)(iv), (d)(v), u (e) tas-subartikolu (1) mgħandhomx jiġu fis-seħh minnufih mal-bidu fis-seħh ta' dan l-Att, iżda jkunu jehtieġu Ordni addizzjonali fil-Gazzetta mill-Ministru biex jiġu fis-seħh.

(3) L-emendi rimanenti msemmija fil-paragrafi (d)(i), (d)(iii) u (f) tas-subartikolu (1) għandhom jiġu fis-seħh mal-bidu fis-seħh ta' dan l-Att.

### **Ghanijiet u Raġunijiet**

L-ghanijiet u raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdu qafas regolatorju għall-governanza u l-integrità fl-isport Malti, fl-istabbiliment tal-Awtorità għall-Integrità fl-Isport Malti, sabiex tappoġġja l-iżvilupp u l-oġettivi deskritti f'dan l-Abbozz ta' Liġi u sabiex tippromwovi prinċipji konsistenti sabiex jinżammu l-prinċipji ta' governanza tajba u tiddefendi l-integrità tal-isport Malti u sabiex teżercita funzjonijiet regolatorji u twettaq servizzi relatati.

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**SPORTS GOVERNANCE AND INTEGRITY ACT, 2021****ARRANGEMENT OF THE ACT**

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## A BILL

### entitled

*AN ACT to provide for the regulation of Sports Governance and Integrity in Malta 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:-

## PART I

### Preliminary

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

(2) The provisions of articles 31 to 38, as well as the provisions of article 79 (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 Order in the Gazette, establish.

**2.** (1) In this Act, unless the context otherwise requires - Interpretation.

"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;

"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);

"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;

"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;

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

"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;

"person" includes a body of persons and any other body

corporate established by law;

"operator" means any natural or legal person which operates and manages an approved sports facility; the term "operator", as used in this Act, and unless the context otherwise requires, may mean any of three 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;

(b) a private entity or person 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; and

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

"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 of this Act;

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

"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 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;

"sport 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:

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Cap. 9. (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. 276. (iii) specified in the Schedule to the Extradition Act, and liable to a term of imprisonment of more than three (3) years; or

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

Cap. 386. (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. 9. (vi) against Sub-Titles IVA and B of Title IX of Part II of Book First of the Criminal Code; or

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

(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);

Cap. 365. (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;

(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 the "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 practiced sporting 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

**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 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: 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 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;

Cap. 593.

(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;

(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.

Policies.

**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.

### 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 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 under 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

(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 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 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 servants, 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.

(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 of this Act.

(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 of Malta 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 of Representatives 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;

(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; Cap. 593.

(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 matters;

(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 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:

Provided that the provisions of this paragraph shall only apply to persons falling under the categories of paragraphs (a) or (b) of the definition "operator";

(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.

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

Conduct of the affairs of the Authority.

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, 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 the 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

(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.

**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. Meetings.

(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.

Cap. 593. (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.

Competence of the Authority. **12.** In carrying out its functions under this Act and any special 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.

**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.

Officers of the Authority.

Cap. 595.

Cap. 9.

## PART V

### Financial Provisions

**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.

Authority to meet expenditure out of 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 Parliament 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:

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.

**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

Power to borrow or raise capital.

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 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.

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

(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 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 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.

**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.

Contracts of supply or works.

Cap. 601.

**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

Annual Report.

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.

(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 years and such period may be extended for further periods not exceeding three 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.

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

(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

**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.

Register of Sport Persons in accordance with the provisions of this Part of this Act, is of good standing and complies with such regulations as may from time to time be prescribed.

(2) Registration under this Part of this Act may be effected by submission 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) When registering an organisation in the appropriate register of national associations or federations, reference shall be made to the predominant nature of the organisation.

**32.** (1) The Maltese Olympic 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.

**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:

Statutes of sports organisations.

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 this article 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, this is to be done as an ancillary activity for the purpose or in connection with assisting the organisation to carry out its main objects and purposes in accordance with its statute.

**34.** (1) All organisations shall upon registration in the Register be deemed to be vested with legal personality and shall be capable of entering into all legal acts.

Legal personality of sport organisations and other matters.

(2) Subject to the provisions of articles 31, 32 and 33, nothing in this Act shall be interpreted as divesting persons or entities that are not registered or registerable in the Register from any rights under any other applicable law. Non-registration of any such person or entity shall not exempt such person or entity from any provision of this Act that may be applicable to him or it.

(3) Subject to the provisions of this article, an organisation registered in the Register, as well as the liability of its members and administrators, shall be governed and regulated by those provisions of law that would, but for this Act, govern the organisation.

Regulations  
under this Part  
of the Act.

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

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

(b) the requirements for any person, partnership, company or other entity to qualify for registration;

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

(d) 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;

(e) 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 other person would have not qualified for registration;

(f) 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;

(g) 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

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

**36.** Where, in the opinion of the Authority, a registered 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 of the Act, the Authority may institute instructions to any Government entity providing assistance to that person to:

Other powers of the Authority.

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

**37.** Any document or information required to be filed with the Authority in accordance with article 31 and with regulations made under article 35(f) and (g) 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.

Publication of documents and information.

**38.** (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:

Investigation of and assistance to registered persons.

- (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 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 the Authority and provisional administrators and inspectors 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 First Hall of the Civil Court 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) The Minister may from time to time in consultation with the Authority make regulations prescribing matters necessary or convenient to be prescribed for the carrying out or giving fuller effect to the provisions of this article.

(7) When the registered person dissolving or consequentially winding up is either a company established under the Companies Act, 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 (6) 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: Cap. 386.

Provided that in this particular case the Authority shall 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.

## PART VIII

### Sports Integrity

**39.** (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. Anti-Doping.

(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;

(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.

(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 of having 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 months but not exceeding ten 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.

**40.** (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.

Associations and federations may run anti-doping activities.

(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).

**41.** (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.

National Compliance Platform Against Doping.

(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.

**42.** (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.

Anti-doping education.

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

**43.** 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 40, who are involved in any aspect of doping control, shall be bound by this Act and any anti-doping regulations made under this Act.

Individuals bound by the Act in relation to doping.

Cooperation with WADA and other ADOs.

**44.** 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

**45. (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 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 Interior, the Maltese Olympic Committee, and the Malta Football Association.

Research and education on corruption in sport.

**46. (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.

47. (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 violations 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.

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

(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

**48.** (1) No person, falling under the provisions of paragraphs (a) or (b) of the definition "operator", 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 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 of any regulations made thereunder.

Applications.

**49.** (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 license to be renewed.

(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 ninety (90) 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 license 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 license 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.

**50.** (1) The Authority may refuse an application to grant a licence in terms of this Part of the Act 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

Refusal to grant  
a licence.

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.

**51.** The Authority shall have the right to revoke a licence, granted in terms of this 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 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.

**52.** (1) The Authority shall revoke the licence in accordance with article 51(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.

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

Publication 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

**54.** Without prejudice to the other provisions of this Act, the provisions of this Part shall, unless the context otherwise requires, apply exclusively to operators who fall under the provisions of paragraphs (a) and (b) of the definition "operator" in article 2.

Applicability of this Part.

**55.** (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.

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

(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

(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.

**56.** (1) The Authority shall, before proceeding to take any of the measures under article 55, 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:

Procedure when taking a measure under article 55.

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 (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 and 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 measure for the purposes of this Act.

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

**57.** (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.

**58.** (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

**59.** Without prejudice to the other provisions of this Act, the provisions of this Part shall, unless the context otherwise requires, apply exclusively to operators who fall under the provisions of paragraphs (a) and (b) of the definition "operator" in article 2. Applicability of this Part.

**60.** (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 other special law. Provision of information.

(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.

(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 its functions for the benefit of any applicant.

**61.** (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 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 of the measures referred to in articles 55 and 56 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.

(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.

**62.** (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.

Infringements by bodies corporate.

**63.** 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 be brought before the Authority and sanctioned as if he was responsible for the said infringement.

Prescription for offences and infringements.

**64.** 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.

**65.** Unless otherwise provided in this Act, where a notice, Service of notices. 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.

**66.** (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. Proceedings for debts due to the Authority.

(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 application for 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.

**67.** (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.

(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 an 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

**68.** (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.

Administrative  
Review  
Tribunal.

(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.

Cap. 490.

**69.** (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.

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

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

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.

Cap. 490.

Appeals against an administrative fine imposed by the Authority.

**70.** (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 56(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 sanctions as aforesaid unless it results to it that such sanctions could not at law be imposed in the circumstances of the case, or the type of sanction could not at law be imposed in the manner 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 sanction, shall upon becoming *res judicata* be deemed to be a decision of the Tribunal.

Cap. 490.

(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.

Decisions of the Appeals Tribunal.

**71.** 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.

**72.** (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.

73. (1) The decision of the Authority, pending an appeal Decisions. 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:

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

### PART XIII

#### Miscellaneous

74. 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 Public officers.  
Cap. 9.

officers.

Publication of names of members, of the Authority, etc.

**75.** The names of the members of the Authority, of the Chief Executive Officer, and of the heads of any directorate or 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.

**76.** (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 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.

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

Offences  
Cap. 9.

**78.** 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.

Conflict  
between texts.

**79.** (1) Subject to the provisions of sub-articles (2) and (3), the following provisions of the Sports Act shall be deleted:

Consequential  
amendments to  
the Sports Act.  
Cap. 455.

(a) in the 'Arrangement of the Act' thereof, the whole line relating to Part VII shall be deleted;

(b) in article 2 thereof:

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

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

" "registered person" means a person registered in the Register of Sport Persons under the Sports Governance and Integrity Act, 2020;"

(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, for the words "any person" there shall be substituted 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.

(2) The provisions of paragraphs (a), (b)(i), (b)(ii), (c), (d)(ii), (d)(iv), (d)(v), and (e) of sub-article (1) shall not come into force immediately on the coming into force of this Act, but shall require an additional Order in the Gazette by the Minister for them to be brought into force.

(3) The remaining amendments referred to in paragraphs (d)(i), (d)(iii) and (f) of sub-article (1) shall come into force upon the coming into force of this Act.

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### **Objects and Reasons**

The objects and reasons of this Bill are to provide for a regulatory framework for governance and integrity in Maltese sport, the establishment of the Authority for Integrity in Maltese Sport, to support the development and implementation of the objectives described in this Bill 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.

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