



**DIRETTIVI TA' L-AWTORITÀ TAX-XANDIR LI
JIMPONU HTIĠIJJET DWAR
IR-REKLAMI U METODI TA' REKLAMAR DWAR
LOGĦOB TA' L-AZZARD
FUQ IS-SERVIZZI TAX-XANDIR**

**BROADCASTING AUTHORITY DIRECTIONS TO
BROADCASTING SERVICES IMPOSING
REQUIREMENTS AS TO GAMBLING
ADVERTISEMENTS AND
METHODS OF GAMBLING ADVERTISING**

IL-GĦAN/L-ISKOP

Dawn id-direttivi għandhom il-għan ewlieni jiżguraw li r-reklamar ta' mħatri fil-mezzi tax-xandir lokali jkollu responsabbiltà soċjali speċjalment lejn il-ħtieġa li niproteġu t-tfal, iż-żgħażaġħ u dawk kollha li jistgħu jwegġgħu jew ikunu sfruttati b'reklamar li juri jew iwassal il-ħajra għal-logħob ta' l-imħatri. Id-direttivi maħsuba wkoll biex iġibu 'l quddiem valuri etiċi addattati għall-kontenut ta' din il-kategorija ta' reklamar.

Dawn id-direttivi ma jkoprox ir-reklamar ta' każinò għaliex reklamar bħal dan ma jistax isir skond l-artiklu 49 ta' l-Att dwar il-Logħob (Kapitlu 400 tal-Liġijiet ta' Malta). Kopja ta' dan l-artiklu mehmuża ma' dawn id-Direttivi.

ID-DISPOSIZZJONIJIET LEGALI LI JAPPLIKAW

Id-disposizzjonijiet tal-liġi li japplikaw qegħdin fl-artiklu 19(3) u (5) ta' l-Att tax-Xandir (Kapitlu 350) tal-Liġijiet ta' Malta.

IT-TIFSIR

Għall-iskop ta' dawn id-Direttivi, "logħob ta' l-ażżard" tfisser logħob jew logħob mill-bogħod jew imħatri jew logħob awtorizzat skond l-Att dwar il-Lotteriji u Logħob ieħor, l-Att dwar il-Logħob u leġislazzjoni barranija li tawtorizza l-imsemmija logħob ta' l-ażżard u mingħajr ebda preġudizzju għall-generalità ta' dak li ngħad, jinkludi l-lotterija nazzjonali, is-swali kummerċjali tat-tombla, il-logħob u l-imħatri bl-internet kif ukoll kull sura ta' logħob ieħor awtorizzat b'liċenzja.

OBJECTIVE/SCOPE

The main objective of these Directions is to ensure that gambling advertisements in the local broadcasting media are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling. The Directions also seek to promote appropriate ethical standards in the content of this category of advertising.

These Directions do not cover the advertising of a casino since any such advertising is prohibited in terms of article 49 of the Gaming Act (Chapter 400 of the Laws of Malta). A copy of this article is attached to these Directions.

APPLICABLE LEGAL PROVISIONS

The applicable legal provisions are article 19(3) and (5) of the Broadcasting Act (Chapter 350) of the Laws of Malta.

DEFINITIONS

For the purpose of these Directions, "gambling" means gaming or remote gaming or betting or playing an authorised game under the Lotteries and Other Games Act, the Gaming Act and other foreign legislation authorising the said gambling and, without prejudice to the generality of the foregoing, includes the national lottery, commercial bingo halls, internet gaming, betting and other forms of licensed gaming.

ID-DIRETTIVI

1. L-istazzjonijiet tar-Radjo u tat-Televiżjoni ma għandhomx ixandru reklami dwar logħob ta' l-ażżard bejn is-6:00am u d-9:00pm.
2. Kulmin hu liċenzjat jorganizza l-imħatri ma jistax jisponsorja ebda programm jew jagħmel reklam biex jixxandar fuq ir-radjo jew fit-televiżjoni bejn is-6:00am u d-9:00pm.
3. Ix-xandâra ma jistgħu jxandru ebda reklam bejn id-9:00pm. u s-6:00am li:
 - a. jinkoraġġixxi lil xi ħadd jikser il-liġi tal-logħob; jew
 - b. juri żgħażaġħ taħt it-tmintax-il sena jew nies oħra vulnerabbli jilagħbu l-imħatri; jew
 - c. jinkoraġġixxi jew jimmira għal dawk taħt it-tmintax-il sena jew oħrajn vulnerabbli biex jilagħbu; jew
 - d. jistgħu jkunu ta' ġibda partikolari għal dawk li huma taħt it-tmintax-il sena jew nies oħra vulnerabbli, jew speċjalment billi juru xi rabtiet partikolari mal-kultura żaġħżuġħa; jew
 - e. jipprofittaw ruħhom mit-tqanqil, xenqat, twemmin fieragħ, nuqqas ta' tiġrib jew tagħrif ta' dawk taħt it-tmintax-il sena jew nies oħra vulnerabbli; jew
 - f. ikun falz jew mhux minnu, b'mod speċjali dwar il-possibiltajiet ta' rebħ jew kemm il-lagħab jistenna li jdaħhal; jew
 - g. jagħti x'jifhem li l-logħob hu xi forma ta' investiment finanzjarju; jew
 - h. ipiŋġi, jiskuża jew iħeġġeġ l-imġiba tal-logħob soċjalment irres-ponsabbli jew li jista' jwassal għal tbatija finanzjarja, soċjali jew emozzjonali; jew
 - i. jissuġġerixxi li l-ħila tista' tinfluwenzna l-logħob li hu logħob

DIRECTIONS

1. Radio and television stations should not broadcast any gambling advertisements between 6:00am and 9:00pm.
2. The sponsorship by any gambling licensee of any programme or advert aired between 6:00am and 9:00pm on any radio or television station is prohibited.
3. Between 9:00pm and 6:00am broadcasters shall not air any advert that:
 - a. encourages any person to contravene a gaming law; or
 - b. shows persons under eighteen years or other vulnerable persons gambling; or
 - c. encourages or targets persons under eighteen years or other vulnerable persons to gamble; or
 - d. is likely to be of particular appeal to persons under eighteen years or other vulnerable persons, especially by reflecting or being associated with youth culture; or
 - e. exploits the susceptibilities, aspirations, credibility, inexperience or lack of knowledge of persons under eighteen year or other vulnerable persons; or
 - f. is false or untruthful, particularly about the chances of winning or the expected return to a gambler; or
 - g. suggests that gambling is a form of financial investment; or
 - h. portrays, condones or encourages gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm; or
 - i. suggests that skill can influence games that are purely games of

- purament ta' xorti; jew
- chance; or
- j.** jippromwovi t-tipjip jew l-abbuż tax-xorb ta' l-akoñhol waqt il-logħob; jew
- j.** promotes smoking or the abuse of the consumption of alcohol while gambling; or
- k.** jagħti x'jifhem li l-logħob lgħib 'il quddiem jew jintqies meħtieġ biex tkun aċċettat fis-soċjetà, ikollok suċċess personali jew finanzjarju jew li jsolvilek problemi ekonomiċi, soċjali jew personali; jew
- k.** implies that gambling promotes or is required for social acceptance, personal or financial success or the resolution of any economic, social or personal problems; or
- l.** ikollu l-approvazzjoni ta' personalitajiet magħrufa li jissuġġerixxu kif il-logħob għenhom għas-suċċess li kisbu; jew
- l.** contains endorsements by well-known personalities or celebrities that suggest gambling contributes to their success; or
- m.** jaqbeż il-limiti tad-deċenza; jew
- m.** exceeds the limits of decency; or
- n.** jissuġġirixxi li l-logħob jista' jservi biex jgħinek taħrab minn ħafna problemi personali, professjonali jew edukattivi bħalma huma d-depressjoni u s-solitudni; jew
- n.** suggests that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression; or
- o.** ipinġi l-logħob bħala xi ħaga indispensabbli jew li għandha tingħata prijorità fil-ħajja, bħal ngħidu aħna fuq il-familja, il-ħbieb jew id-dmirijiet professjonali jew edukattivi; jew
- o.** portrays gambling as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments; or
- p.** jissuġġerixxi li l-logħob jista' jseddaqlek il-kwalitajiet personali, bħal ngħidu aħna ikabbarlek l-istima u l-personalità tiegħek ma' l-oħrajn, jew hu xi mezz biex tikseb kontroll, għarfien, superjorità, jew ammirazzjoni; jew
- p.** suggests that gambling can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration; or
- q.** ilaqqa' l-logħob mas-seduzzjoni, suċċess sesswali jew ikabbarlek il-gibda ta' ħaddieħor lejek.
- q.** links gambling to seduction, sexual success or enhanced attractiveness.
- 4.** Dawn id-direttivi jgħoddu wkoll għas-servizzi *teletext* fuq it-televisin kif ukoll fuq is-sistema tad-*data* (RDS) fis-servizzi tar-radjo.
- 4.** These directions apply also to teletext services on television and to the radio data system (RDS) on radio services.
- 5.** Dawn id-direttivi ma jipprojbixxux it-tħabbir ta' riżultati tal-logħob matul il-jum.
- 5.** These directions do not prohibit the announcement of gambling results during any time of the day.

25 ta' Lulju 2006

25th July 2006

APPENDIĊI
ATT DWAR IL-LOGĦOB – KAP. 400 TAL-LIĠIJET TA' MALTA

49. (1) Hadd ma għandu jagħmel jew iġiegħel li jsir xi reklam –

Reklamar:
Emendat:
XXIV.2001.80

(a) li jkun jgħarraf lill-pubbliku li xi fond f'Malta jkun fond li fih ikun isir jew ikun se jsir il-logħob bħala każinò; jew

(b) li jkun jisteiden lill-pubbliku li jieħu sehem bħala ġugatur f'xi logħob li jsir, jew li jkun se jsir, f'xi fond bħal dak, jew li japplika għal tagħrif dwar faċilitajiet biex jieħu sehem, bħala ġugatur, f'xi logħob li jsir, jew li jkun se jsir, f'xi fond bħal dak; jew

(c) li jkun jistieden lill-pubbliku jissottoskrivi xi flus jew valur ta' flus biex jintużaw għal-logħob f'xi fond bħal dak jew li japplika għal tagħrif dwar faċilitajiet sabiex jissottoskrivi xi flus jew valur ta' flus biex hekk jintużaw; jew

(d) li jkun jistieden lill-pubbliku li jieħu sehem bħala ġugatur f'xi logħob li jsir, jew li jkun se jsir, f'xi każinò barra minn Malta jew li japplika għal tagħrif dwar faċilitajiet biex jieħu sehem bħala ġugatur f'xi logħob li jsir, jew li jkun se jsir, barra minn Malta:

Iżda dik ir-restrizzjoni fuq ir-reklamar m'għandhix tkun tapplika għal dawk ir-reklami li jiġu pubblikati, murijin jew imxandra minn Malta għad-distribuzzjoni jew ċirkolazzjoni tagħhom barra minn Malta jew għal dawk ir-reklami bħalma huma deskritti fis-subartikolu (1) li jintwerew f'imkejjen li jkunu prinċipalment frekwentati minn turisti u li jinkludu ajruporti, portijiet tal-baħar, lukandi u holiday complexes iżda ma tinkludix bars u ristoranti.

(2) Is-subartikolu (1) ma japplikax għal -

(a) it-turija ġewwa każinò li dwaru tkun ingħatat konċessjoni mill-Ministru, u tkun inħarġet liċenzja ta' każinò mill-Awtorità, taħt dan l-Att, ta' sinjal jew avviż li jkun jindika li qed isir, jew li jkun se jsir, il-logħob fil-każinò, sew jekk is-sinjal jew l-avviż jintwera ġewwa jew barra l-fond; jew

(b) il-pubblikazzjoni ta' avviż fil-Gazzetta tal-Gvern meta dak l-avviż ikun meħtieġ li jiġi publikat taħt dan l-Att, jew

(c) reklam awtorizzat mill-Awt dwar attivitajiet li ma jkollhomx x'jaqsmu mal-logħob iżda li jsiru f'każinò.

(3) Kull min jikser id-disposizzjonijiet tas-subartikolu (1) ikun ħati ta' reat taħt dan l-Att.

APPENDIX
GAMING ACT – CHAPTER 400 OF THE LAWS OF MALTA

49. (1) No person shall issue or cause to be issued any advertisement:

Advertising:
Amended:
XXIV.2001.80

- a) informing the public that any premises in Malta are premises on which gaming takes place or is to take place as a casino; or
- b) inviting the public to take part as players in any gaming which takes place, or is to take place, in any such premises, or to apply for information about facilities for taking part as players in any gaming which takes place, or is to take place, in any such premises; or
- c) inviting the public to subscribe any money or money's worth to be used in gaming on such premises or to apply for information about facilities for subscribing any money or money's worth to be so used; or
- d) inviting the public to take part as players in any gaming which takes place, or is to take place, in any casino outside Malta or to apply for information about facilities for taking part as players in any gaming which takes place, or is to take place, outside Malta:

Provided that such restriction on advertising shall not apply to advertisements published, displayed or broadcasted outside Malta for distribution or circulation outside Malta or to advertisements as described in subarticle (1) which are displayed in locations frequented mainly by tourists and are to include airports, seaports, hotels and holiday complexes but shall not include bars and restaurants.

(2) Subarticle (1) shall not apply to:

- a) the display in a casino in respect of which a concession has been granted by the Minister, and a casino licence has been issued by the Authority, under this Act, of a sign or notice indicating that gaming takes place, or is to take place, in the casino, whether the sign or notice is displayed inside or outside the premises; or
- b) the publication of a notice in the Gazette where the notice is required to be published under this Act; or
- c) any advertisement authorised by the Authority relating to non-gaming activities held at a casino.

(3) Any person who contravenes the provisions of subarticle (1) shall be guilty of an offence under this Act.