

CHAPTER 593**PREVENTION OF CORRUPTION IN SPORT ACT***AN ACT to provide for the prevention of corruption in sport.*

31st July, 2018

[ACT XXXV of 2018.](#)

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

PART I – SUBSTANTIVE LAW

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

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

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

"club" has the same meaning assigned to it by the [Sports Act](#); Cap. 455.

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

"gaming operator" means an operator providing a gaming service as defined in the [Gaming Act](#); Cap. 583.

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

Provided that:

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

(ii) for the purposes of this definition, information shall be deemed to be of a precise nature if it indicates a

circumstance or set of circumstances which exist or may reasonably be expected to come into existence, or an event which has occurred or may reasonably be expected to occur and/or if it is otherwise specific enough to enable a conclusion to be drawn as to the possible effect of that circumstance or set of circumstances or event on the more likely outcome or progress of a particular sporting event;

"Maltese sporting event" means:

- (a) a sporting event organised by a sports organisation; or
- (b) a sporting event in which a Maltese club or team is participating;

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

- (a) the deliberate alteration of the outcome of any sporting event;
- (b) the deliberate alteration of any of the aspects of a sporting event and the unpredictable nature of the sporting event, irrespective of whether such alteration affects the final outcome of the sporting event and whether such alteration, if any, is achieved as a direct or indirect consequence of the act or omission;
- (c) the provision of inside information to third parties in a manner that assists or facilitates the commission of an offence against this Act;
- (d) the actual acquisition of inside information with the intent of providing such information to third parties; or
- (e) the aiding, abetting, encouragement and/or inducement in any other way, of third parties to commit any one or more of the aforementioned acts,

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

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

conducive thereto;

"Minister" means the Minister responsible for sport;

"national association" has the same meaning assigned to it by the [Sports Act](#); Cap. 455.

"person" means any physical person or body corporate;

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

"sports organisations" means all sports organisations registered as such with SportMalta under the [Sports Act](#). Cap. 455

3. The offences provided under this Act shall be subject to Maltese jurisdiction and shall be deemed to be offences even when committed outside Malta and, without prejudice to the provisions of article 5 of the [Criminal Code](#), a criminal action in respect of an offence under this Act may be prosecuted in Malta and according to the laws of Malta against any person who commits or participates in an offence provided for in this Act, in the following cases: Jurisdiction. Cap. 9.

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

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

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

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

Provided that for the purposes of this paragraph "permanent resident" shall have the same meaning assigned to it under article 5(1)(d) of the [Criminal Code](#). Cap. 9.

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

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

shall be guilty of an offence:

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

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

Aggravating
circumstances.

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

Cap. 9.

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

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

Cap. 9.

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

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

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

(ii) a public officer;

(iii) an employee of a gaming operator;

(iv) an employee of SportMalta;

(v) an athlete;

(vi) an athlete support staff;

(vii) a match official;

(viii) a club official;

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

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

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

Provided that:

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

(ii) if the gained monetary benefit is established as amounting to more than ten thousand euro (€10,000) but is not quantified, the punishment shall also include a fine (*multa*) of not less than ten thousand euro (€10,000) and not more than one hundred and fifty thousand euro (€150,000);

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

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

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

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

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

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

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

Forfeiture of proceeds.

Cap. 9.

(a) order the forfeiture in favour of the Government of the proceeds of the offence or of such property the value of

which corresponds to the value of such proceeds whether or not such proceeds have been received by the person found guilty or by the body corporate referred to in the said article 121D; and

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

Attorney General may grant exemption from criminal proceedings.

9. (1) Subject to the provisions of this article, the Attorney General may, upon the recommendation of the Commissioner of Police and or, upon the recommendation of the Sports Integrity Unit, if in his individual judgment he is satisfied of the advisability so to do, issue a certificate in writing exempting any person mentioned therein from any criminal proceedings for an offence against this Act or for an offence connected therewith on condition that such person gives evidence according to law of all the facts known to him relating to any offence against this Act or any offence connected therewith before a court of criminal jurisdiction, and on the issue of such certificate and the giving of evidence in accordance therewith by the person to whom it refers, no proceedings before a court of criminal jurisdiction may be taken against the said person in connection with such offence or any offence connected therewith.

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

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

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

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

PART II – SPORTS INTEGRITY UNIT

Establishment, functions and composition of the Sports Integrity Unit.

10.* (1) There shall be a body corporate known as the Sports Integrity Unit.

(2) The functions of the Sports Integrity Unit shall be:

(a) to collect and analyse information and intelligence relevant to investigations on suspect manipulation

* This article was originally numbered as 11.

of sporting events, and exchange this information and intelligence with entities of a similar nature around the world, according to what is stipulated by regulations made according to sub-article (4);

(b) to act as an information hub and to coordinate the fight against manipulation in sports;

(c) to analyse alerts coming from systems which expose fraud in betting and systems which monitor other types of betting;

(d) to be the primary point of contact with the police, sports organisations and the Lotteries and Gaming Authority in relation to the fight against the manipulation of sports results;

(e) to advise the Minister on the development and implementation of policies and strategies in the fight against the manipulation of sports results and also in the drawing up of educational programmes in collaboration with national sports associations and the Education Department;

(f) to advise the Minister on the manner in which laws relating to sports integrity are to be updated from time to time;

(g) to assist the police in the prosecution of criminal cases, and to assist sports organisations in the prosecution of sports disciplinary cases, related to the manipulation of sports results;

(h) when so requested by the Minister, to represent the Government of Malta in the international or regional spheres on matters relating to the manipulation of sports results, as delegated by the Minister.

(3) The Sports Integrity Unit shall be a legal person and shall have a distinct juridical personality and shall be able to perform all actions consequent to such distinct juridical personality.

(4) The Minister shall have the power to make regulations which regulate:

(a) the composition of the Board of the Sports Integrity Unit and its management, including financial matters and the obligation to submit accounts and reporting obligations of the Unit; and

(b) the powers to be granted to the Sports Integrity Unit in order for it to carry out its functions according to this article.