

## Diploma in Law (Malta): Intake October 2023

<b>Assessment Task:</b> Written assignment based on chosen questions	
<b>Module:</b> <i>Award in Gaming Law</i>	<b>Tuition Centre:</b> 21 Academy <b>Licence Number:</b> 2018-017
<b>Level:</b> Award MQF Level 5	<b>Student Name:</b>
<b>Date:</b>	<b>ID Number:</b> <same no. submitted in student profile>
<b>Assignment Deadline:</b> 8 May 2025	
<p><b>Task</b>          The purpose of this unit is to develop an understanding of a particular topic you will write about which forms part of Maltese gaming law.</p> <p><b>Note</b>          This assessment provides students with an opportunity to put into practice the relevant provisions of the law in relation to the topic they choose to write about forming part of gaming law.</p> <p><b>Note</b>  <i>You should plan to spend approximately 15 hours researching the assignment question, preparing for and writing the assignment for assessment. The nominal word count for each assignment is 1,700 words. You are expected to select the OSCOLA referencing style.</i></p> <p><i>Please ensure that you refer to 21 Academy's <a href="#">Assignment Guidelines</a> for comprehensive information regarding the submission of your assignment. Additionally, the assignment submission form must be included with your completed work, clearly indicating which question you have chosen to answer by ticking the box next to the question number</i></p>	
<p><b>Answer 2 (two) questions from the 4 (four) questions below.</b></p> <p style="text-align: center;"><b>Question 1</b></p> <p>You have been approached by a company which operates in the food and beverage industry. The company wishes to organise a series of lottery competitions, throughout the year, in order to promote the sale of a number of its products. It will consist of one monthly draw, with one (1) winner per draw. The company will be advertising these lottery competitions on various media channels, including: (i) on the website maintained by the company; (ii) on the website maintained by the various supermarkets in Malta and Gozo which sell the company's products; (iii) in newspapers and magazines; (iv) on billboards; and (v) via television and radio stations.</p> <p>The company is seeking your advice as to whether the organisation of these lottery competitions requires the company to be in possession of an authorisation issued by the Malta Gaming Authority (the "MGA"), and if so, the applicable authorisation and fees payable to the MGA, if any. The company is also enquiring as to whether any requirements or restrictions apply to the organization of these competitions, in particular any requirements or restrictions relating to the prizes which can be awarded to the winners of the lottery competitions, and relating to the type, and content of adverts or promotional material which shall be published by the company.</p> <p style="text-align: center;"><b>Question 2</b></p> <p>In accordance with the Gaming Authorisations and Compliance Directive (Directive 3 of 2018), licensees are under an obligation to notify the Malta Gaming Authority (the "MGA"), no later than three (3) working days, following any changes in the direct or indirect qualifying shareholding within the licensee. Prior to the</p>	

overhaul in the Maltese gaming legislative and regulatory framework, which took place in 2018, licensees were required to obtain the written approval of the MGA prior to effecting any changes in the direct or indirect shareholding thereof.

Could you please explain: (i) the regulations currently in force with respect to changes in direct and indirect shareholding of licensees; and (ii) which you consider to be the most favourable approach (i.e. whether pre-transaction approval or post-transaction notification) and the reasons behind your view?

### **Question 3**

Two of the main objectives of the Malta Gaming Authority in its role as the regulator of the gaming industry in Malta are to promote responsible gaming and to safeguard players' rights. Explain how this is achieved under the Maltese gaming legislative and regulatory framework.

### **Question 4**

The regulation of online gambling is not harmonized at EU level. EU Member States are free to establish their own regulatory frameworks, provided that these comply with the fundamental freedoms enshrined in the Treaty on the Functioning of the European Union (in particular, the freedom to provide services within the European Union).

- (i) To what extent are EU Member States justified in imposing restrictions on the freedom to provide services in the context of online gambling?
- (ii) In your view, do the recent amendments to the Gaming Act (Cap. 583 of the laws of Malta), specifically the introduction of Article 56A, align or conflict with EU law?

**Pass Mark - 50% of total weighted scores of both assignments**

**Assignments Weighting - 50% each assignment**

**By submitting I confirm that this assessment is my own work**

**Mark:**

**Signature:** <main assessor>

**Date**

**Signature:** <quality assurance>