

BETTING LAW 2012 (106(I)/2012)

National Betting Authority's (Employees Terms of Service) Regulations of 2017

Regulations pursuant to Articles 11 and 90

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BETTING LAW 2012 (106(I)/2012)
Regulations pursuant to Articles 11 and 90

106(I) 2012 The Council of Ministers exercising the powers arising from the Betting Law -
 108(I) 2012 Articles 11 and 90, hereby issues the following Regulations:
 212(I) 2012.

PART I – INTRODUCTORY PROVISIONS - INTERPRETATION

Short Title. 1. These Regulations shall be cited as the National Betting Authority's
 (Employees Terms of Service) Regulations of 2017.

Interpretation. 2.-(1) Unless provided otherwise from the context:

“immediate superior” means an employee who supervises the assessed employee, holding a higher ranking position than him, holding direct knowledge of the assessed employee’s duties based on previous experience, being able to shape a responsible and valid opinion of the assessed employee’s professional performance and skills; the term covers the President of the Authority;

“deferment of increment” means the deferment of the date upon which the upcoming increment would be granted, including the respective deferments in the following years;

‘Authority’ means the National Betting Authority

“stoppage of increment” means the discontinuance of paying the increment for a specific period, without altering the increment granting date;

“post” means a permanent post in the National Betting Authority;

“medical board” means a board of doctors assigned by the Authority;

“doctor” means a doctor assigned by the Authority;

“withholding of increment” means the delay in granting an increment for a specific period of time;

“member state” means a member state of the European Union and includes the states which are contracted parties to the Agreement on the European Economic Area and the Swiss Confederation;

106(I) 2012 “Law” means the Betting Law 2012

108(I) 2012

212(I) 2012.

“President” means the President of the Authority;

“Head Officer” means the responsible officer of all the Authority’s departments in default or in the absence of the President of the Authority;

“Budget” means the Authority’s annual budget as provided in Article 9 of the Law;

“Increment” means the increase of the salary of an employee by a fixed amount, which is granted according to the terms of appointment of the employee, under certain circumstances, until his salary reaches the maximum limit of the post’s scale;

“Agreement on the European Economic Area” means the Agreement on European Economic Area which was signed in Oporto on 2 May 1992, and its subsequent amendments;

“Employee” means a person who holds a post in the Authority permanently, temporarily appointed on contract or substituting another employee.

(2) Any other terms arising in these Regulations, if not interpreted otherwise, have the meaning attributed to them by the Law.

Application. 3. These Regulations shall apply to all employees.

**PART II – STRUCTURE OF THE AUTHORITY
APPOINTMENTS, PROMOTIONS, TRANSFERS, RESIGNATIONS
AND RETIREMENTS**

Interpretation. 4. For the purposes of this Part, unless otherwise required by the context–

"appointment" means the conferment of a permanent post to a person who is not already an employee of the Authority or the conferment to an employee of a post other than that which he holds on a permanent basis, and which does not constitute a promotion;

"promotion" means a change in an employee's permanent status which entails an increase in the employee's remuneration or his emplacement in a higher grade of the public service, or on a salary scale with a higher maximum ceiling, whether the employee's remuneration is automatically increased by such a change or not:

the expressions “to appoint” and “to promote” shall be construed according to the aforementioned terms “appointment” and “promotion” respectively.

- Posts. 5.-(1) A permanent post opens based on the Authority's Budget.
- (2) The number and title of the posts, as well as their salary scales are defined by the Authority's Budget.
- Schemes of Service. 6. The general duties and responsibilities of each post, as well as the qualifications required shall be prescribed in the Schemes of Service drafted by the Authority and approved by the Council of Ministers and the House of Representatives.
- Categories of Posts. 7.-(1) For the purposes of appointment or promotion, posts shall be classified into the following categories:
- (a) First Entry posts to which persons who are not already in the Authority's service or are in the Authority's service but their appointment does not constitute a promotion, may be appointed.
- (b) First Entry and Promotion posts to which persons not in the Authority service may be appointed or to which Authority's employees may be appointed or promoted.
- (c) Promotion posts which shall be filled by the promotion of Authority's employees serving in the immediately lower grade of the particular section or of an Authority's department, depending on the case.
- (2) The category of each post shall be defined in the relevant Scheme of Service.

Procedure for
Filling
Permanent
Posts.

8.-(1) A vacant First Entry or First Entry and Promotion Post is announced in the Official Gazette of the Republic with adequate information regarding the qualifications required, duties, responsibilities, emoluments and applications submission deadline.

(2) Promotion posts are not publicly announced but are filled by promoting employees serving in the immediately lower grade or post of the particular section of the Authority.

Procedure for
Filling
Permanent
Posts.

9. A Permanent post may be filled either on a permanent basis or on a temporary contractual basis, or in substitution.

Qualifications for
Appointment.

10. No person is appointed to the Authority unless –

- (a) He possesses the qualifications required by the Scheme of Service of the particular post;
- (b) he has attained the age of seventeen (17) years and, if he is a citizen of the Republic, he has completed his military service or has been lawfully exempted from it;
- (c) he has not been convicted for an offence which entails dishonesty or moral turpitude;
- (d) he has not been dismissed or his services were not terminated in the past from the public service or from any service or organization of the Republic or of the European Union or of any member state or the Authority, for a disciplinary offence;

- (e) he is a citizen of the Republic or of a member state, provided that the post does not entail direct or indirect participation in the exercise of public authority and in the protection of the general interests of the state, as defined by the Council of Ministers;;
- (f) he submits a health certificate certifying that he is medically fit for the particular post, after medical examinations:

The Authority may hire a person who is not a citizen of the Republic or of a member state on contractual permanent basis, provided that the hiring fulfills the Authority's objectives.

Procedure of
filling First Entry
or First Entry
and Promotion
Posts

11.-(1) A vacant First Entry or First Entry and Promotion Post is filled following an announcement in the Official Gazette of the Republic.

(2) The post announcement provides full information on the Scheme of Service and the applications submission deadline.

(3) The filling of First Entry posts up to Scale A8 is governed by the Evaluation of Candidates for appointment to the Public Service Act.

(4) For posts that are not governed by the Evaluation of Candidates for appointment to the Public Service Act, the provisions of paragraphs (5) to (11) apply:

(5) Within two weeks from the applications' submission deadline, the Authority announces the arrangement of a written or oral examination or of both, in accordance with the provision of the relevant Scheme of Service. The results of the written examination, if such an examination is decided to

6(I) of 1998

73(I) of 1998

32(I) of 2001

97(I) of 2006

106(I) of 2008

be conducted, shall be published in the Official Gazette of the Republic and on the Authority's website:

The candidates of one post may be submitted to a common written examination together with the candidates of other posts:

When deciding to conduct a written examination, the Authority may define a passing mark for the written examination, in which case the candidates who fail in the examination shall be excluded from the next stages of the procedure:

Provided that the Authority decides to conduct both an oral and a written examination, it shall immediately decide the weight that should be given to each examination. In such a case, the weight given to the written examination shall not be lower than 60%.

(6) In the case of a written examination, the Authority may assign the preparation and marking of the examination papers to a public or private organization.

(7) Provided that the Authority decides to conduct an oral examination, the number of candidates who shall be called to the oral examination shall be four times the number of vacant posts which have been announced or have been opened or have been vacant on the date the applicants were called to the oral examination. Provided that there was a written examination, candidates shall be called to the oral examination in accordance to their written examination performance ranking. In the absence of written examination, all candidates who have the requested qualifications are called to the oral examination.

(8) The general impression of the Authority as regards the candidates' performance during the oral examination shall always be duly recorded in the minutes.

(9) Taking into account the results of the written and/or oral examination of the candidates, the qualifications of the candidates in relation to the responsibilities of the post, the content of the Personal Files and of the Annual Appraisal Reports of the candidates who are employees of the Authority, as well as the remaining particulars of the applications, the Authority shall then draft a fully reasoned report on all candidates and shall prepare a list of the most suitable candidates according to its reasoned decision:

The Authority shall complete its task within three months from the applications' submission date and if this cannot be achieved, it shall state the reasons that have caused the delay.

(10) After the preparation of the final list, all the posts which have been published or any other posts with the same title that shall become vacant or shall be opened by the end of the year, shall be filled from this list:

In the case of a post becoming vacant for any reason within three months from the date of its filling, the vacant post shall be filled by a candidate from the final list of candidates:

The Authority may decline to select any of the candidates, if in its duly reasoned opinion none of them is suitable for appointment or promotion.

(11) No person shall be appointed or promoted to a First Entry and Promotion post unless–

- (a) he possesses the qualifications requested in the scheme of service of the particular post on the applications' submission deadline and at the time the decision is taken;
- (b) in the case of a candidate who is an employee, he fulfills the provisions of Regulation 14;
- (c) in the case of a candidate who is not an employee, he fulfills the provisions of Regulation 10.

Promotions.

12.-(1) No employee shall be promoted to another post, unless–

- (a) There is such vacant post:
A Promotion post may be filled before becoming vacant, when its holder is on retirement leave.
- (b) He possesses the qualifications prescribed by the scheme of service, at the time when the Authority decides the filling of the post and the promotion.
- (c) He has not been punished for any serious disciplinary offence in the previous two years.
- (d) The Appraisal Reports of the previous two years do not state that he is unsuitable for promotion:

No employee shall be promoted to a post which involves direct or indirect participation in the exercise of public authority and in the protection of the general interests of the state, as defined by the Council of Ministers, unless he is a citizen of the Republic.

(2) The employees are considered for promotion based on merit, qualifications and seniority.

(3) When deciding a promotion, the Authority shall take into account the content of the personal files and of the files of the annual appraisal reports of the candidates, the reasoned recommendations of the Head Officer the National Betting Authority, or of the President in the case of filling the position of the Head Officer of the National Betting Authority, as well as the impression formed about the candidates during the oral exam, if it took place.

Permanent
appointments
and
promotions.

13.-(1) A permanent appointment or promotion is conducted through a written offer made by the Authority to the person selected for appointment or promotion, and a written acceptance by him.

(2) The offer shall state the remuneration and the other terms and conditions of service of the post, as well as the date the appointment or promotion takes effect.

(3) If the person selected for appointment or promotion does not accept the offer made to him or if the report of the Medical Officer who examined him is not satisfactory, then the matter shall be re-examined by the Authority which shall proceed to a new offer of appointment or promotion, as the case may be.

(4) Permanent appointments and promotions shall be published in the Official Gazette of the Republic the soonest possible, and not later than forty-five (45) days from the acceptance of the offer.

Probation.

14.-(1) Permanent appointments shall be made on probation for a period of two years:

When an employee is appointed to a permanent post on probation, following a period of two years or more of dedicated service in this position with the same title on contract, the Authority may decide not to apply a probation period, unless the relevant Scheme of Service provides that the employee must acquire qualifications that he does not have for the ratification of the appointment.

The Authority may reduce the probation period accordingly -

- (a) in case the employee is expected to retire before the completion of the two-year probation period, if he is considered suitable and
- (b) in case the employee had served part of the two-year probation period from another post of the Authority before his appointment.

(2) The appointment of an employee serving on probation may be terminated at any time during the probation period, but, before the termination takes effect, a notice of termination must be given to the employee, outlining the reasons and calling upon him to proceed to any actions, if he so wishes, against the termination. After examining his actions, the Authority may either terminate the appointment or, in accordance with the provisions of Paragraph 3, extend the probation period for a further period, up to one more year, as the Authority may consider appropriate in

each case. The provisions of this subsection shall apply to every probation period which was extended:

The total extension period of the probation period shall in no case exceed three years.

(3) Within one month from the completion of the probation period, the Authority shall decide whether the appointment of an employee serving on probation shall be ratified, extended or terminated. If the appointment is ratified or terminated, a notice to this effect shall be published in the Official Gazette of the Republic.

Acting
Appointments.

15.-(1) When a higher-level post becomes vacant for any reason or its holder is absent on leave or unable to perform the duties of his post, another person may be appointed to act in his place in that post under the public service terms.

(2) The employee who is assigned to fulfill the duties of another post after an acting appointment shall receive an allowance for his acting appointment.

Appraisal
Reports.

16.-(1) Employees' appraisal reports about their performance in the previous year are prepared in the first quarter of each year by the evaluation committee and are drafted on a special form defined by the Authority. The evaluation committee consists of the immediate superior, the Head Officer of the National Betting Authority, if he is a different person from the immediate superior, and the President. In the case when the Head Officer of the Authority is being under evaluation, the appraisal report is drafted by the President of the Authority.

(2) In the case when the implementation of paragraph (1) is not applicable, the appraisal report is drafted by the employee's immediate superior.

(3) The employee's immediate superior prepares the evaluation draft which is submitted to the evaluation committee for discussion. The evaluation committee is chaired by the member of the highest rank. The decisions are made by majority. In the absence of majority, the member of the highest rank casts the decisive vote. The member or members who disagree with the decision may express the reasons of their disagreement in the report.

(4) In the case when the immediate superior of the employee under evaluation retires or is transferred during the second semester of the year, he shall prepare and submit an evaluation draft on a special form, which shall be taken into account during the employee's evaluation.

(5) Appraisal reports for employees on probation are drafted every six months on a special form in the same manner with annual appraisal reports.

(6) In the case of intention to include negative comments in the appraisal report, the employee should have the opportunity to be heard and submit his representations before the final decision is taken.

(7) Following the drafting of the appraisal report by the employee's immediate superior, it is shown to the employee under evaluation and then submitted to the Authority.

(8) No person shall participate in the evaluation of an employee if he is his spouse or related to him by blood or marriage up to and including fourth degree relation:

If, as a result of the obstacle of kinship, the preparation of an appraisal report for an employee is not possible, the provisions of this subsection will not apply. In such a case, the obstacle of kinship must be stated in the appraisal report.

(9) The Authority may decide on any matter with regard to appraisal reports and employees' evaluations which is not provided in these Regulations.

Seniority.

17.-(1) The seniority among employees holding the same permanent post, either permanently or temporarily or on contract or as acting employees, shall be determined by the effective date of their appointment or promotion to the particular post, as the case may be, irrespective of the way it is held.

(2) In the case of simultaneous appointment or promotion to the particular post, seniority shall be determined based on the previous seniority of the employees.

(3) The seniority among employees holding different posts with the same salary conditions shall be defined based on the effective dates of their appointments or promotions to their present posts, irrespective of the way they are held or, if these dates are the same, based on their previous seniority.

(4) The seniority among employees holding posts with different salary conditions shall be determined based on the salary conditions of the respective posts.

(5) The seniority among employees holding the same post or different posts with the same salary conditions, the salary and title of which have been changed as a result of a salary revision or re-organization, shall be

determined based on the employees' seniority immediately prior to such revision or re-organization.

(6) The seniority of an employee who was re-appointed to the same post after a break of service shall, subject to the other provisions of this Regulation and the provisions of any other law, be determined by the effective date of his re-appointment.

(7) In this Regulation –
 "salary conditions" in relation to some posts means the fixed salary attached to the posts or, in the case of salary scales, the highest point of the scales and in the case of salary scales with the same top scale, the lowest point of the scale and in the case of combined salary scales of a post, the top of the higher scale of every post and in the case of scales with the same top scale, the lowest point of the lower scale of every post.

"previous seniority" means the seniority of the employees in the post held by them immediately before they acquired their current post, and, if such seniority is the same, the previous seniority shall be determined by the same process, applied retrospectively up to the first appointments of the employees in the service. In case the seniority in the first appointments is the same, then the previous seniority shall be determined by their respective age.

Resignation.

18.-(1) No permanent employee may resign from his post without prior permission of the Authority.

(2) Any employee who resigns from his post without the Authority's prior permission, shall be considered to be absent from duty without leave and shall be liable to disciplinary proceedings.

Retirement. 19.-(1) Compulsory retirement age is that which applies in the Public Service.

(2) Subject to the provisions of subsection (1) and notwithstanding the provisions of any other Law, the Authority has the authority to decide the retirement of an employee from the National Betting Authority service, following a proposal submitted by the President, in any of the following cases:

- (a) When the employee attains the age of compulsory retirement;
- (b) when an employee who has attained the age of fifty-five years requests to retire;
- (c) upon the request of an employee for an early voluntary retirement;
- (d) on account of ill-health;
- (e) on account of bankruptcy of the employee;
- (f) when the employee retires in order to take up a public office incompatible with the post he is holding, or to be appointed to a public service or any other organization governed by public law or a body of local governance;
- (g) in case of unjustified inefficiency in the execution of his duties or unsuitability of the employee;
- (h) as a disciplinary punishment, in accordance with the provisions of these Regulations.

(3) In the cases of subparagraphs (c), (f) and (g), before submitting his proposal to the Authority, the President must make sure that:

- (a) the employee has no financial obligations towards the Authority, or if he has such obligations he shall settle them, and
- (b) no disciplinary or criminal case is pending against him.

(4) The decision for an employee's retirement, under subparagraphs (b), (d) and (g) of subsection (2) is taken after the employee is given the opportunity to be heard.

Date of Birth. 20. The date of birth of an employee is the date which appears on the official birth certificate, which is issued by the relevant authority.

Abolition of Posts. 21. Subject to the provisions of any other law, in case of abolition of a post, its holder is considered to continue to hold it with all its privileges and benefits until the holder of the abolished post retires or is appointed or promoted either to a post which was created or to another post.

PART III – EMPLOYEES' BENEFITS

Salary. 22. The salary of every post is defined by the Authority's annual budget.

Emoluments, cost of living allowance, 13th salary and representation allowance. 23.-(1) The employees' emoluments include the post salary, as well as any general increments and the cost of living allowance.

(2) Without prejudice to the provisions of subsection (1), an employee shall be granted allowances, compensations and other financial benefits, according to the provisions applying in the public service. A 13th salary is paid.

(3) The Head Officer of the National Betting Authority is entitled to an entertainment allowance, as described in the Authority's annual budget.

- Emoluments
Payment. 24. Emoluments are payable at the end of each month.
- Medical
treatment and
other benefits. 25. Medical treatment is offered to employees as defined by the Authority,
following the Minister's approval.
- Leave of
absence. 26.-(1) The Authority defines the extent and conditions upon which annual
leave of absence, sick leave, maternity leave are granted, in accordance with
the leave granted to civil servants.
- (2) Unpaid leave may be granted based on the Authority's judgment
according to terms set by the Authority's decision.

PART IV – DUTIES, OBLIGATIONS AND RIGHTS OF EMPLOYEES

- Fundamental
duties of
employees. 27.-(1) The employee shall –
- (a) be loyal and respect the Law and Regulations that govern the Authority;
 - (b) execute his duties diligently and faithfully, and do his best to promote the Authority's interests;
 - (c) not act or conduct himself in a defamatory way against the Authority in general or his post in particular or in a way which may impair the confidence of the public in the Authority;
 - (d) comply with all legal provisions and the administrative instructions and circulars, as well as with the instructions of his hierarchically superiors, and be responsible for the legality of his official actions;
 - (e) behave with propriety, politeness and sincerity;

- (f) do his utmost to serve the public in an objective, fair, impersonal and impartial manner;
- (g) not undertake, either in his personal capacity or as a member of a collective body, the solution of any matter and shall not take part in the issue of any acts or decisions, if he himself or any person with whom he has an individual relationship or a fourth-degree relation by marriage or blood has an apparent benefit.

(2) The duties of an employee shall be the defined duties of his post, as indicated in the relevant schemes of service, as well as any other relative duties which may be assigned to him.

Code of
conduct.

28.-(1) The conduct of an employee shall in all respects be compatible with the provisions of these Regulations and any circulars and directions which may be issued from time to time by the Authority.

(2) Non-compliance with these Regulations may lead to disciplinary measures.

Working hours.

29.-(1) The Authority's employees shall work from Monday to Friday inclusive covering the same weekly amount of working hours that applies in the Public Service of the Republic.

(2) The working hours are decided by the National Betting Authority's Board and may differ for each employee or group of employees, depending on the needs of Authority. Yet the weekly amount of working hours shall not exceed the defined weekly amount of working hours.

(3) All employees ought to be at their place of work in the specified working hours of the Authority.

(4) The employees may not be absent from their place of work in order to deal with personal affairs during working hours, without their immediate superior's permission.

Absence
without leave
or non-
execution of
duties.

30. An employee who is absent from duty without leave or who intentionally refuses or omits to execute his duties is liable to disciplinary proceedings.

Public holidays.

31. The Authority shall normally conform with the table of public holidays prescribed as official public holidays by the Public Service.

Confidentiality.

32.-(1) All oral or written information received or acquired by an employee in the course of execution of his duties shall be treated as confidential and shall not be disclosed or communicated to any person at any time except only for the proper execution of official duties.

(2) The Authority may request from all or from a group of employees to sign a confidentiality agreement upon their appointment or at any time after their appointment, in any way the Authority specifies.

(3) The employees shall take every possible measure so that no person who visits their offices shall have any opportunity of obtaining information from official documents or in any other way regarding Authority related matters or any other matter classified as confidential by the Authority.

(4) Subject to the provisions of any other law, when an employee is served with a summons to give evidence on a matter relating to the performance of his duties or to produce an official document which is in his custody, he shall refer this matter to the Authority for a decision whether such evidence or the production of such document is contrary to the public interest, in which case the Authority, after consulting its legal advisors, shall determine the matter accordingly.

Technical
advice etc.

33. No employee is allowed to give technical or professional advice to any person regarding matters related to the Authority while serving his duty, without the permission of the Authority.

Prohibition of
accepting
money,
commission,
etc.

34.-(1) No employee is allowed to receive any presents in the form of money, commission, present or other personal benefits for a service related directly or indirectly to his duties.

(2) Subject to the provisions of subsection (3), in case an employee is offered a present and it would be undesirable for the sake of public interest to reject it, the employee may accept it, but he shall immediately report the matter to the President of the Authority, providing all necessary details regarding the type and value of the present.

(3) The cases when it would be undesirable or contrary to the public interest to reject a present are when the present is offered:

- (a) to an employee who represents the Authority or participates at a formal delegation,
- (b) to an employee on his retirement from the service of the Authority, in accordance to the decision of the Authority in each case.

(4) When the President is informed directly or indirectly that an employee has been offered a person, except in the cases described in aforementioned subsection (3), he shall act as described below:

(a) If the present's value does not exceed the amount defined by the Authority, the matter is submitted to the Authority which shall decide whether to allow the employee to keep and use the present.

(b) If the present's value does not exceed the amount defined by the Authority and the Authority does not allow the employee to keep the present or in the case when the monetary value of the present exceeds the amount defined by the Authority, the Authority shall acquire the present, issuing a receipt and decides how to use it.

Property
acquisition.

35.-(1) No employee is allowed to acquire either directly or indirectly any movable or immovable property, by taking advantage of his position for this purpose, or to hold such property where his personal interests in such property are in conflict with his duties.

(2) Whenever a reasonable suspicion arises as to the source of an employee's financial resources, an inquiry may be carried out, in the prescribed manner, for the purpose of ascertaining the source of such resources. If, as a result of such an inquiry, it is established that the employee had acquired such resources under circumstances which constitute a criminal or disciplinary offence, the Authority shall proceed to take all necessary measures.

Freedom of expression.

36.-(1) Subject to the provisions of subsection (2), employees shall be free to express their opinion, either privately or in public, by way of speeches, lectures, announcements, studies or articles, on subjects related to science, art, religion or on any subject of general interest.

(2) Employees shall not be allowed to publish or broadcast on television or radio or any other media on any matter which is related to the performance of their duties, without the prior permission of the Authority.

(3) No employee shall receive payment for any publication or broadcast without the permission of the Authority.

Obligation to report acts of corruption or bribery.

37. An employee who, during the performance of his duties, ascertains or has reasonable cause to believe that an act of corruption or bribery had been committed by another employee in the performance of his duties, is bound to report it in writing to the Authority, providing all necessary particulars in support of his allegation.

Entering into debt charging the Authority.

38. It shall be prohibited for any employee to enter into a debt charging the Authority by purchasing goods on credit or to incur any money liability for the account of the Authority without the authorization of the Head Officer of the National Betting Authority.

Private employment and interest in companies.

39.-(1) The employee is obliged to offer his service at any time, in accordance to the needs of the Authority.

(2) No employee of the Authority is allowed to practice any profession or trade or to employ himself in any occupation or business other than his employment in the Authority:

In exceptional cases the Authority, with the consent of the Minister of Labour, Welfare and Social Insurance, may grant permission to an employee for part-time employment or recruitment, on such conditions as the Authority might

impose, under the circumstances, and as long as such employment or recruitment will not affect the efficient performance of the employee's duties.

(3) No employee is allowed-

(a) to participate in the management of any company or partnership or any other private undertaking;

(b) to hold any share or other interest in any company or partnership, which is not public, or in any other private undertaking,

except only with the permission of the Authority, which may be granted under such conditions as the Authority might specify, as long as the grant of such a permission is not incompatible with the performance of the duties of such employee.

(4) An employee shall have the right to acquire shares of public companies, the number of which shall not exceed the percentage of the share capital to be fixed by the Authority.

(5) Every employee must disclose to the Authority, on his appointment to the Authority and every year thereafter, particulars of any investment or interest that he may have in any company, partnership or other private undertaking, the activities of which are directly or indirectly connected with his duties.

Civil
responsibility.

40.-(1) An employee shall be responsible to the Authority for any loss or damage caused by his negligent, careless or dangerous act or omission during the performance of his duties and he may be charged with the full amount or part of the loss or damage caused in that way, if the Authority so

decides, after receiving the views of a Legal Consultant and offering the employee the opportunity to be heard.

(2) An employee shall also be responsible to the Authority for any compensation paid by the Authority to third parties for his negligent, careless or dangerous acts or omissions, during the performance of his duties.

(3) The Authority's aforementioned claim for reimbursement against the employees in the cases envisaged by the above-mentioned subsections is barred at the end of three years from the date of loss or damage to the Authority or from the date when the Authority has paid the compensation to third parties, depending on the case.

Political rights. 41.-(1) Subject to the provisions of this Regulation, every employee shall have the right to express his political convictions and his political views and beliefs freely, either publicly or in private, provided that he does not do so during his working hours.

102(l)/2015. (2) With regard to the participation in political parties, submission of candidature for an elected post and other relevant matters, the Law on Political Rights of Employees of the Public Sector, Educational Officials, Municipal Employees, Community Employees and Employees of Public Legal Entities applies.

The rights to trade unionism. 42. The freedom of trade unionism and the unhindered exercise of the rights related to it shall be guaranteed for all employees.

PART V – DISCIPLINARY CODE

Disciplinary offences.

43.-(1) An employee is liable to disciplinary prosecution if -
 (a) he commits an offence involving dishonesty or moral turpitude;
 (b) he does or fails to do something in a manner which amounts to a contravention of any of the duties or obligations.

(2) For the purposes of this section, the term "duties or obligations" includes every duty or obligation under this Regulation or arising from any decision of the Authority or under any order or directive issued from relevant bodies.

No employee is prosecuted twice for the same offence.

44. No disciplinary prosecution may be taken against an employee in respect of the same disciplinary offence for which he has already been found guilty or acquitted.

Only one disciplinary punishment for each disciplinary offence.

45. No more than one disciplinary punishment may be imposed for the same disciplinary offence:
 A reprimand or severe reprimand may be imposed concurrently with every punishment specified in paragraphs (c), (d), (e) or (f) of subsection (1) of Regulation 50.

Termination of disciplinary liability.

46. No disciplinary prosecution shall be instituted against a person who has in any way ceased to be an employee, however any disciplinary proceedings that may have been started shall continue even if such person ceased to be an employee, except in the case of death.

Criminal prosecution.

47. If a criminal prosecution is instituted against an employee, no disciplinary prosecution shall be taken or continued against him for reasons related to the criminal prosecution, until such criminal prosecution is finally disposed of.

Disciplinary prosecution following criminal prosecution.

48. If an employee who was prosecuted for a criminal offence is acquitted, he cannot be prosecuted disciplinarily for the same offence, he may however be prosecuted for a disciplinary offence arising out of his conduct, which is connected with the criminal case, but which does not raise the same sub juridical issue as that of the charge in the criminal prosecution.

Conviction for certain criminal offences.

49. When an employee has been convicted by the Court for an offence involving dishonesty or moral turpitude and the conviction has either been upheld on appeal or no appeal has been filed, the Authority shall, as soon as possible, obtain a copy of the minutes of the proceedings of the Court which tried the case and of the Court to which an appeal may have been filed. The Authority shall seek the opinion of the Attorney-General of the Republic and within two weeks of the receipt of the copy of the Court minutes of the proceedings, and after giving the employee concerned the opportunity to be heard, shall impose such disciplinary punishment as the circumstances of the case may justify.

Disciplinary punishments.

50.-(1) The following disciplinary punishments may be imposed under the provisions of this section:

- (a) reprimand;
- (b) severe reprimand;
- (c) disciplinary transfer;
- (d) stoppage of annual increment;
- (e) deferment of annual increment;
- (f) fine not exceeding the emoluments of three months;
- (g) demotion in salary scale;
- (h) demotion to a lower post;
- (i) compulsory retirement; and
- (j) dismissal.

(2) A reprimand shall be made orally and shall be noted in the

employee's personal file. A severe reprimand shall be made in writing and a copy thereof shall be given to the employee and registered in his personal file.

(3) Punishment by reprimand three years after its imposition, punishment by severe reprimand five years after its imposition and the remaining punishments, with the exception of compulsory retirement and dismissal, ten years after their imposition, shall be respectively deleted.

(4) Deleted punishments shall be withdrawn from the personal file of the employee and shall not thereafter constitute criteria for assessment.

(5) In the case of a compulsory retirement or dismissal of an employee, the conditions governing similar situations in the public service apply.

Disciplinary
proceedings.

51.-(1) In the case when the Authority receives a written report or a potential disciplinary offence by an employee fall to its attention in any other way -

(a) If the offence falls in the categories of offences as defined in subsection (2) of this Regulation, as a summary trial offence, the Authority undertakes an internal investigation as soon as possible in a way decided by the Authority.

If the Head Officer of the National Betting Authority believes that the severity of the offence or the conditions under which the offence was committed require a more severe punishment, he has the power to submit the case to the Authority in order for it to act in accordance to the subsection (b) of this section.

(b) In any other case, the Authority is responsible for an investigation to be carried out in accordance to subsection (5) of this Regulation

and to Part I of the Schedule and acts in accordance to the provisions of Regulation 52.

(2) The following disciplinary offences by an employee are tried summarily, unless the employee has been previously undergone at least three previous convictions on disciplinary offences:

- (a) Abandonment of work place without the supervisor's permission,
- (b) Late attendance at work,
- (c) Negligence, indifference or inaction in the performance of his duties,
- (d) Improper behavior towards the superiors, colleagues and the public,
- (e) Failure or refusal to comply with instructions or directives,
- (f) Failure or refusal to perform his duties.

(3) When, as a result of the departmental inquiry carried out in accordance with paragraph (a) of subsection (1) of this Regulation, the Authority decides that the committed disciplinary offence can be tried summarily, then copies of evidential statements and of any other existing relevant documents, shall be given to the employee concerned who shall also be given an opportunity to be heard. After having heard the employee concerned, the Authority may impose any of the punishments set out in the following subsection (4) having previously heard him on the kind of the punishment to be imposed.

(4) The disciplinary punishments which may be imposed in the case of summary trials are the following:

- (a) Reprimand,
- (b) Severe reprimand,
- (c) Deferment of annual increment for a period that does not exceed six months.

(5) In the case when an investigation is required in accordance to subsection (b) of section (1) of this Regulation, the Authority makes sure that this will be carried out subject to the provisions of Part I of the Schedule as defined in Regulation 52 as described below.

Proceedings
before the
Authority.

52.-(1) When the investigation carried out under subsection 1 (b) of section (2) of regulation 81 is completed and the commission of a disciplinary offence is revealed, the disciplinary proceedings shall commence.

(2) Disciplinary proceedings before the Authority shall commence by the preferment of the charge sent by the Authority's legal advisor, as provided in Part I of the Schedule. Within a period of four weeks from the date the Authority receives the charge, the Authority shall proceed to issue and serve a summons to the employee concerned in accordance with the prescribed form and manner as described in Part II of the Schedule.

The four-week deadline may be extended by the Authority's decision.

(3) An employee facing a disciplinary prosecution shall be entitled to know the case against him.

(4) Copies of witnesses' depositions and of any other relevant documents shall be given to the employee who is disciplinarily prosecuted.

(5) The hearing of the case before the Authority is conducted and completed in a manner as prescribed in Regulations of Part III of the Schedule.

(6) The employee who is disciplinarily prosecuted shall be given the opportunity to be heard both before the establishment of guilt as well as before the imposition of punishment.

(7) In every proceeding before the Authority, according to the provisions of this Part, the employee has the right to be represented by a lawyer of his choice.

Interdiction.

53.-(1) An employee may be interdicted from his duties if an investigation on a disciplinary offence is ordered, under the provisions of Regulation 51(1)(b) or if a police investigation commences with the object of instituting criminal proceedings against him if the public interest so requires.

(2) If there is an intention to interdict the employee, the employee should be notified in advance, and be called to submit his written representations, if he wishes so, within a period of four (4) working days. After studying the representations, the Authority decides immediately whether or not to interdict the employee from his duties. In extreme cases, in order to ensure that the investigation shall be carried out smoothly and impartially, the Authority may interdict the employee immediately, while the employee will have the right to submit a written objection against the decision, within four working days from the receipt of the decision. The Authority shall study the reasoning of the objection and shall immediately decide whether to continue or terminate the interdiction of the employee. In the case the Authority decides the termination of the interdiction, the employee regains all suspended powers, privileges and

benefits from the date the interdiction commenced, in accordance to the provisions of subsection (4) of this Regulation.

(3) The interdiction period during an investigation shall not exceed three (3) months; in case of a serious reason, it can be extended to three (3) additional months. If the investigation leads to a criminal or disciplinary prosecution of the employee, and if required by public interest, the Authority may decide to interdict the employee until the case is closed. If the Authority intends to extend the employee's interdiction, this should be announced to him four (4) days before the interdiction expiration, in accordance to the provisions of subsection 2.

(4) The powers and benefits of the employee are suspended during his interdiction period.

The Authority allows the employee to receive part of the emoluments of his post, not less than half, according to its decision.

(5) If the employee is acquitted or if the investigation does not prove a disciplinary case against him, the interdiction shall be terminated and the employee shall be entitled to the full amount of the emoluments that he would have received had he not been interdicted. If he is found guilty, the Authority shall decide whether any portion of his emoluments will be returned to the employee.

Offences.

54. Any person, apart from the prosecuted employee, who, having been summoned to appear before the Authority, fails to attend at the time and place mentioned in the summons or who refuses to answer any question that is lawfully put to him during the disciplinary hearings, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred euro.

PART VI - MISCELLANEOUS PROVISIONS

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|----------------------------------|---|
| Loss of employees' items. | 55. The Authority shall not be liable for any loss of item of property of the employees or damage thereto, caused by any reason whatsoever whilst such items are found on or in any immovable property or any of the vehicles of the Authority. |
| Certificate of service. | 56. Every employee leaving the service of the Authority may, if he wishes, acquire a certificate of service. |
| Directives on these regulations. | 57. The Authority may issue directives or circulars for a better implementation of these Regulations, following a communication with the employees' representatives. |
| General provisions. | 58. In the case of any matter for which there is no specific provision or reference in the Law or in these Regulations, the relevant provisions applying to public service apply respectively. |
| Regulations' dissemination. | 59. A copy of these Regulations shall be given to all employees upon being employed to the Authority and a signed copy by each employee shall be kept in the Authority's documents. |

SCHEDULES

PART I

[Sections 51(1)(b) and 53(5)]

Regulations relating to the investigation of disciplinary offences:

1. The Authority shall nominate one or more officers (in this Part referred as “the investigating officer”) the soonest possible, in order to carry out the investigation. The investigating officer must be a senior officer who must be of a higher rank than the officer accused:

Provided that, if in a certain case the Authority considers that it would not be possible, practicable or applicable to nominate an investigating officer from its Office, it shall refer the matter to the Minister of Finance who shall nominate a suitable officer either from the Ministry or from a Ministry’s department, provided that such officer shall not be of a lower rank than that of the officer accused, to carry out the investigation

2. The investigation shall be carried out the soonest possible and must be completed, in any case, not later than ninety days from the date of the order for investigation. In the case when, for whichever reason, the investigation is not completed within the aforementioned deadline, the investigating officer shall refer to the Authority in order to receive an extension for the investigation completion, defining the length of the required extension and outlining the reasons of such a request. The Authority shall decide on the matter based on the circumstances of each case, allowing the extension period which is considered absolutely necessary.

3. For the purposes of the investigation, the investigating officer shall have power to hear any witness or to obtain written statements from any person who may have knowledge of any of the facts of the case and any such person shall give all the information that came to his knowledge and shall sign any statement so made, after its having been read out to him.

4. The employee concerned shall be entitled to know the case for which he is prosecuted and at the same time, he shall be provided with a copy of the witnesses' statements and of any other relevant documents and shall be also given the opportunity to be heard.

5. After the completion of the investigation, the investigating officer shall forthwith report his conclusions to the Authority, giving full reasons in support thereof, and at the same time he submits all relevant documents.

6. On receiving the report of the investigating officer, the Authority shall forthwith refer it, together with all documents submitted, to its Legal Counsel for advice, together with its own views on the report.

7. The Legal Counsel shall study the matter with all reasonable speed and give his advice to the Authority whether a charge may be brought against the employee concerned. In case of an affirmative advice he shall draft the charge and submit it to the Authority.

PART II

[Section 52(2)]

Form of Summons

You are hereby summoned to appear before the National Betting Authority on.....at..... am/pm for the hearing of a disciplinary charge filed against you that

.....
.....(state shortly the offence or offences).

2. If you wish to call witnesses, either to testify or to bring evidential material before the Authority, you must make all necessary arrangements, in order to secure the attendance of the witnesses and the production of the evidential material.

3. If you fail to appear before the Authority at the above-mentioned place and time, the Authority may either demand your personal attendance or proceed to hear the case in your absence.

.....

Signature

.....

President of the National Betting Authority

...../ Service

Service of Summons

A summons shall be served upon the employee through his supervisor or the Head Officer of the National Betting Authority, who makes sure that the summons is delivered to him by hand and who signs an acknowledgement of its receipt by the employee on the copy of the summons, which shall then be returned to the Authority. In the case when the employee is not traceable, the summons may be served by a private summons server, who returns the signed declaration of its receipt to the Authority.

PART III

[Section 53(5)]

Hearing of a Case

1. If the employee appears on the date fixed by the Authority for the hearing of the case, the hearing shall be carried out as in this Law and in this Part provided.
2. If the employee does not appear on such date, then, on proof of service of the summons on him, the hearing of the case shall be carried out in his absence:

Provided that, the Authority may demand the personal attendance of the employee.

3. The Authority shall have the power to:

(a) summon witnesses and demand their attendance, as well as attendance of the employee, in the same way as in summary trials;

(b) demand the production of every document which is relevant to the charge;

(c) admit any evidence, whether written or oral, even if it would not be admissible in civil or criminal proceedings;

(d) adjourn the hearing from time to time, provided that the hearing proceeds as expeditiously as possible.

4. During the hearing minutes of the proceedings shall be kept.

5. The Authority may by its decision either find the employee guilty for all or for any of the offences for which he was charged and impose upon him whichever of the disciplinary punishments that the circumstances of the case would justify, having first heard him in mitigation of sentence, or acquit the employee.

6. Every judgment of the Authority must be duly reasoned and signed by the President. A copy of the judgment shall be given to the employee free of charge.