

## SUBSIDIARY LEGISLATION 10.40

### MAINTENANCE OF GOOD ORDER AT PLACES OF ENTERTAINMENT REGULATIONS

5th September, 1995

*LEGAL NOTICE 124 of 1995, as amended by Legal Notices 111 of 1996, 132 and 149 of 1999, 155 of 2001, 407 of 2007, 93 of 2008, 272 of 2009, 269 of 2011 and 426 of 2012.*

1. The title of these regulations is Maintenance of Good Order at Places of Entertainment Regulations.

Title.

2. In these regulations, unless the context otherwise requires -

Interpretation.  
Amended by:  
*L.N. 132 of 1999;*  
*L.N. 149 of 1999;*  
*L.N. 269 of 2011*

"admission ticket" means a ticket supplied by the proprietor showing the total amount paid, including the duty payable under the Value Added Tax Act;

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"arm" means any arm proper or improper as defined in article 64 of the Criminal Code and shall include any imitation thereof;

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"Commissioner" means the Commissioner of Police and includes any officer of the Malta Police Force;

"concert venue" means a place where a musical performance by one or more performing artists present at the venue is held for an audience;

"inhabited area" shall have the same meaning assigned to it by article 2 of the Code of Police Laws;

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"performing artist" does not include a disc jockey or an actor performing a part in a play other than a musical;

"place of entertainment" means any dancing hall, discotheque or dancing theatre, excluding places where seats are provided for stage performances or plays to be watched by a completely seated audience, and includes any other premises licensed for the sale of wine, beer and spirituous liquor, and any place in the open air, where any entertainment, show or dancing is carried out but does not include a concert venue;

"proprietor" in relation to any entertainment means the person organising or managing the entertainment or who is responsible for the organisation or management thereof and includes any person having any pecuniary interest in the entertainment or in the proceeds thereof, and any person on whose behalf payments for an entertainment are received; and in the case of a juridical person, the expression "proprietor" shall also include the manager or any other principal officer of such juridical person. "Proprietor" shall not include the Commissioner of land in relation to places of entertainment or concert venues which consist of streets or other public property.

3. In the case of dancing halls, discotheques and dancing theatres, admission to any part of the premises shall be refused to

Admission to  
dancing place.

anyone who is not provided with an admission ticket by the proprietor.

Dress.  
*Amended by:*  
*L.N. 269 of 2011.*

4. No one shall be permitted to enter or to remain inside a place of entertainment or a concert venue, who is not properly dressed to the satisfaction of the proprietor.

Police search.  
*Amended by:*  
*L.N. 269 of 2011.*

5. The Commissioner may search any person while gaining admission to, while inside or while leaving any place of entertainment or concert venue.

Admission age.  
*Amended by:*  
*L.N. 132 of 1999;*  
*L.N. 407 of 2007;*  
*L.N. 93 of 2008;*  
*L.N. 272 of 2009;*  
*L.N. 269 of 2011;*  
*L.N. 426 of 2012.*

6. (1) Persons under the age of seventeen shall not be allowed inside a place of entertainment, and young persons over the age of seventeen years shall prior to admission to any such place produce and show their legally valid identification document to the proprietor.

(2) Persons under the age of seventeen shall be allowed inside a place of entertainment if the proprietor applies for permission to allow persons under the age of seventeen to be permitted inside his place of entertainment and is granted such permission. Such permission shall be subject to the condition that wines, beers or spirituous liqueurs are not to be displayed, served, sold or consumed on such premises; conditions may also be attached to such permission regarding date, time and place as may be appropriate.

(3) The proprietor shall be responsible to ensure that, when persons under the age of seventeen are allowed in his place of entertainment, no wines, beers or spirituous liquors are displayed, served or consumed on the premises.

(4) Sub-regulation (1) shall be reproduced on the admission ticket to any place of entertainment and any such ticket shall also state that the holder shall only be admitted upon the production of a legally valid identification document, evidencing his identity.

(5) Any proprietor who is found in breach of this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of two hundred and thirty-three euro for every person under seventeen years of age found inside his place of entertainment, in addition to any punishment to which he is liable under regulation 15.

(6) Persons under the age of seventeen may be allowed inside a concert venue:

Provided that:

(a) where alcoholic beverages are sold or made available at a concert venue to which persons under the age of seventeen are admitted, such alcoholic beverages shall only be sold or served in a physically separate area of the concert venue as indicated or approved by the Commissioner to which access shall be limited to persons over seventeen years of age; and

(b) the Commissioner may if he considers it necessary:

(i) order the proprietor to observe any conditions and to make any arrangements as the

Commissioner may notify to the proprietor for the purpose of preventing the happening of any violation of the law relating to the maintenance of public order at the concert venue or relating to the sale of alcoholic beverages or tobacco products to persons who are not legally entitled to purchase such products at or in the vicinity of the said venue;

- (ii) require the proprietor to provide a bank guarantee to the satisfaction of the Commissioner and in an amount not exceeding fifty thousand euro (€50,000) for the purpose of guaranteeing that no alcoholic beverages will be sold to or consumed by persons under the age of seventeen at the concert venue and for the purpose of guaranteeing the observance of all the obligations and conditions relating to the order referred in sub-paragraph (i).

7. (1) Any person who while entering, is within, or is leaving a place of entertainment or a concert venue has in his possession any arm or who conducts himself in a manner likely to cause a breach of the peace shall be guilty of an offence against the provisions of these regulations.

Improper  
behaviour.  
Amended by:  
L.N. 269 of 2011.

(2) No one shall be allowed to obstruct any part of the premises reserved for dancing.

(3) No one shall be allowed in any part of the premises to which admission is forbidden.

(4) The Commissioner may remove from the premises any person who is disorderly or who disobeys his lawful orders.

(5) In the case of serious disorder, the Commissioner may stop the entertainment at any time and close the premises and require the public to leave the premises.

8. The proprietor shall display the admission charges in a conspicuous place at the entrance to the premises of a place of entertainment or a concert venue in respect of each show, event or entertainment.

Display of  
admission charges.  
Amended by:  
L.N. 269 of 2011.

9. (1) Smoking in the space or spaces reserved for dancing in a place of entertainment is prohibited.

(2) The proprietor may permit smoking in such space or spaces in the open air which are not roofed over.

(3) The proprietor shall ensure that such portion, as is considered adequate by the Commissioner, of those areas of a place of entertainment or of a concert venue which are open to the public and not falling under the provisions of sub-regulations (1) and (2), shall be reserved as areas where smoking is prohibited and such areas shall be indicated by appropriate notices:

Smoking and  
promotion of  
tobacco products  
prohibited.  
Substituted by:  
L.N. 111 of 1996.  
Amended by:  
L.N. 269 of 2011.

Provided that where the Commissioner is of the opinion that the total area of those areas of a place of entertainment or of a concert venue to which this paragraph applies is so small as not to allow for

a portion thereof to be reserved as areas where smoking is prohibited, the Commissioner may exempt the proprietor from providing such reserved areas as aforesaid.

(4) The Commissioner may prohibit smoking in those areas of a place of entertainment or of a concert venue not having adequate fire-fighting precautions as approved by him or not having adequate ventilation as approved by him. These area shall also be indicated by appropriate notices.

(5) Any direct or indirect promotion by means of the free distribution of cigarettes, cigars, or other tobacco products to persons in a place of entertainment or a concert venue is prohibited.

**10.** Any party, concert or disco taking place in the open air shall come to an end by not later than 2.00a.m:

Provided that where the place in the open air where the party, concert or disco is to take place is part of premises licensed as a place of entertainment which lies at a distance of more than five hundred metres from any inhabited area, the licensee of the premises may apply to the Commissioner for an extension of the time limit laid down in this regulation subject to such conditions as the Commissioner may deem appropriate and provided that such time limit shall in no case be extended beyond 4.00a.m.

**11.** No permit or licence shall be granted which allows a party, concert or disco in an enclosed place of entertainment or concert venue to commence or to continue between 4.00a.m. and 9.00a.m.

**12.** (1) The permit or licence authorising a party, concert or disco at any place of entertainment or concert venue shall lay down the maximum number of persons which may be admitted to the place of entertainment or concert venue.

(2) Where the number of persons at any place of entertainment or at the concert venue exceeds the maximum number laid down in the relative permit or licence, the proprietor and the owner or administrator of the place of entertainment or of the concert venue as the case may be shall be guilty of an offence and shall be liable to the same punishments laid down in regulation 6(4).

**13.** The Commissioner of Police shall refuse any application for a permit or licence for the organization of any public entertainment where he is not satisfied that the character and antecedents of the applicant, proprietor, disc jockey or performing artist are not such as to give sufficient guarantee that no drug or other abuses will take place during the entertainment.

**14.** (1) Any person, other than the proprietor or his employees, who commits an offence against these regulations shall be liable on conviction to a fine (*multa*) of not less than sixty euro (€60) but not exceeding one hundred and twenty euro (€120), and in the case of a second or subsequent conviction to a fine (*multa*) of not less than one hundred and twenty euro (€120) but not exceeding two hundred and fifty euro (€250).

End of parties or  
discos in the open  
air.

*Added by:*  
*L.N. 132 of 1999.*  
*Amended by:*  
*L.N. 149 of 1999;*  
*L.N. 269 of 2011.*

Time of discos or  
parties in enclosed  
places.

*Added by:*  
*L.N. 132 of 1999.*  
*Amended by:*  
*L.N. 269 of 2011.*

Maximum number  
of persons to be  
admitted.

*Added by:*  
*L.N. 132 of 1999.*  
*Amended by:*  
*L.N. 269 of 2011.*

Right to refuse  
permit or licence.

*Added by:*  
*L.N. 132 of 1999.*  
*Amended by:*  
*L.N. 269 of 2011.*

Offences by  
persons other than  
proprietor or his  
employees.

*Amended by:*  
*L.N. 407 of 2007;*  
*L.N. 269 of 2011.*

(2) Where a person has been found guilty of any offence against these regulations the court may, in addition to the punishment awardable under sub-regulation (1), prohibit the offender from attending at any place of entertainment or concert venue for a period not exceeding one year.

15. (1) In the case of offences committed by the proprietor or his employees against these regulations, the court shall on conviction award a fine (*multa*) of not less than five hundred euro (€500) but not exceeding one thousand euro (€1000), and in the case of a second or subsequent conviction a fine (*multa*) of not less than one thousand two hundred euro (€1200) but not exceeding two thousand and five hundred euro (€2500) saving the provisions of sub-regulation (2).

Offences by proprietor or his employees.  
Amended by:  
L.N. 111 of 1996;  
L.N. 407 of 2007;  
L.N. 269 of 2011.

(2) In the case of a second or subsequent conviction in respect of an offence against these regulations, other than an offence against regulation 9, the punishment of imprisonment for a term not-exceeding one month may be awarded either in substitution for the punishment of a fine (*multa*) or in addition to such punishment.

(3) In the case of a second or subsequent offence against these regulations, other than an offence against regulation 9, the court shall at the request of the prosecution suspend the relative licence for a period of not less than one month but not exceeding twelve months.

16. Where any person has been found guilty of an offence against these regulations, which offence, under the Criminal Code or any other law, is liable to a penalty graver than that provided under these regulations, the court shall award such graver punishment.

Graver punishment.  
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17. (1) The Minister responsible for Home Affairs shall appoint a board to be styled the Health and Safety Monitoring Board, hereinafter in this regulation referred to as "the board", which shall be composed of a chairman and three members, one of whom shall act as secretary to the Board, to be appointed from amongst persons who are experienced in matters relating to health, safety, noise pollution and civil protection.

Health and Safety Monitoring Board.  
Added by:  
L.N. 132 of 1999.  
Amended by:  
L.N. 149 of 1999;  
L.N. 155 of 2001;  
L.N. 269 of 2011.

(2) The board shall have the right to regularly monitor all places of entertainment to ascertain that health, noise levels and safety conditions meet satisfactory standards and for such purpose shall have the right to inspect any place of entertainment or concert venue at any time.

(3) The board shall have the right to order any proprietor of any premises used or intended to be used as a place of entertainment or as a concert venue to carry out, within a period of time to be fixed by the board, such alterations, additions and adjustments of any nature or any other measure as the board may deem fit to ensure satisfactory health, noise levels and safety conditions.

(4) Any person who wilfully obstructs any member of the board in the execution of his duties under these regulations shall be guilty of an offence against these regulations.

(5) Notwithstanding the provisions of any other law, where a proprietor fails to implement any order as is referred to in sub-regulation (3), the Commissioner of Police shall have the right to refuse the renewal of any licence or permit relating to the premises to which the order refers.

(6) Before issuing or renewing any permit or licence for any place of entertainment or concert venue, the Commissioner of Police shall have the right to seek the advice and recommendations of the board on the conditions of such licence or permit.

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