



MALTA

**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

MAGISTRATE DR.

NATASHA GALEA SCIBERRAS

Sitting of the 10 th August, 2015

Number 3/2015

The Police

(Inspector Sean Scicluna)

(Inspector William Scicluna)

vs

Liliana Kowalczyk

The Court,

Having seen the charges brought against the accused Liliana Kowalczyk of 24 years, daughter of Wieslaw Mieczyslaw and Romoalda nee` Rybotowicz, born in Bialystok, Poland born on 31st October 1990, residing at 15-131 Bialystok Stefana Batorego 36, and/or Henry, Bonavita Street, St. Julians, holder of Maltese Identity card number 0070168A and Polish Identity card number ARI778854;

Charged with having as Director of the company and judicial representative (according to article 121D of Chapter 9 of the Laws of Malta) of Orient Play Limited (C50143) during the month of July 2015 and in the preceding months and years, in the Maltese Islands, by means of several acts committed by the accused, even if at different times, which acts constitute violations of the same provisions of the law:

1. As a licensee failed to pay to the Authority the relevant license fees, renewal fees, approval fees and any other administrative fees laid down in the second schedule of SL 438.04;
2. And for having as the licensee as laid down in Chapter 438 of the Laws of Malta, failed to pay the relevant tax to the Authority laid down in the fourth schedule of SL 438.04.

The Court is also requested, in pronouncing judgement or in any subsequent order, to sentence the person/s convicted, jointly or severally, to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, within such period and in such amount as shall be determined in the judgement or order, as per Section 533 of Chapter 9 of the Laws of Malta.

Having seen the acts of the proceedings and the documents exhibited, including the sanction of the Attorney General in terms of Section 74(2) of Chapter 438 of the Laws of Malta;

Having heard the accused plead guilty to the charges brought against her, which plea she confirmed even after the court, in terms of Section 453 of Chapter 9 of the Laws of Malta, warned her of the legal consequences thereof and allowed her sufficient time to retract such plea;

Having heard oral submissions by the parties regarding the punishment to be inflicted.

Considered that:

In view of the guilty plea registered by the accused, the Court cannot but find her guilty of the charges brought against her.

As regards the punishment to be inflicted, the Court has taken into consideration the early guilty plea filed by the accused, her clean criminal record, that she cooperated fully with the police during its investigation and that the prosecution is not insisting upon an effective prison sentence, but is rather suggesting that the punishment meted out should be close to the minimum allowed by law.

The Court also took into consideration that the amount due to the Malta Gaming Authority by Orient Play Limited, of which the accused is Director and judicial representative, amounts to forty one thousand Euro (€41,000), representing gaming tax due between May 2013 and December 2014 and license fees due for the years 2013 and 2014 and that the administrative fine, which the Authority imposed upon the company and which to date remains unpaid, amounts to eleven thousand and one Euro and seventy six cents (€11,001.76).¹ In terms of Regulation 59(1) of Subsidiary Legislation 438.04, the Authority may impose an administrative fine, provided that such fine may

¹ *Vide* statement exhibited as Doc. SS3.

be imposed as an alternative to proceedings in court. Clearly, such proceedings have now been instituted.

The Court has also considered that the accused has paid all amounts due by the company to the Authority. In view of the considerations above made, the Court deems it appropriate to inflict a fine, which whilst ranging towards the minimum allowed by law, nonetheless also takes into account that the company had been given sufficient time to settle its dues and that rather than immediately requesting that court proceedings be initiated against the company, the Authority imposed an administrative fine, which however remained unpaid.

Conclusion

For these reasons, the Court after having seen the Second and Fourth Schedules, Regulations 6, 57 and 58 of Subsidiary Legislation 438.04 and Sections 17 and 18 of Chapter 9 of the Laws of Malta, finds the accused guilty of the charges brought against her and condemns her to **a fine (*multa*) of twelve thousand Euro (€12,000)**, which fine shall be paid within one month from today. In terms of the second proviso of Regulation 58 of Subsidiary Legislation 438.04, the company Orient Play Limited (C50143) shall be liable in *solidum* with the accused for the payment of the said fine.

Since no experts have been appointed in the course of these proceedings, the Court is not taking any further note of the Prosecution's request in terms of Section 533 of Chapter 9 of the Laws of Malta.

< Final Judgement >

-----END-----