

IT-TIENI SEZZJONI — APPELLI KRIMINALI

1st. March, 1952.

Judge :

The Hon. Mr. Justice A.J. Montanaro Gauci, LL.D.
The Police *versus* Bombardier Henry Williams

**Sports — Football — Bribery of Officials —
Referee — Sec. 2 of Ordinance XXV of 1946.**

When a person has been definitely appointed to act as referee in a football match and has accepted the appointment, he is an official for that match, and it is a crime under Ordinance XXV of 1946 to offer him corruptly a gift or consideration as an inducement or reward for doing or omitting to do any act calculated to influence the course or result of that match.

The fact that the match had not yet taken place, and the fact that subsequently, and because of that attempted bribery, that referee is removed from that match, does not alter the fact that at the material time of the offer that referee was an official for that match.

The Court — Upon seeing the record of proceedings of the preliminary investigation held by the Court of Magistrates of Judicial Police against Bombardier Henry Williams, on the charge of having at St. Julian's, on the 8th December 1951, corruptly attempted to offer a gift or consideration in the form of a sum of money, i.e. sixty pounds (£60), to William Mock, an official appointed by the Malta Football Association to officiate at the football match between Valletta Football Club and Sliema Wanderers on the 9th. December 1951, as an inducement for doing or omitting to do any act in relation to that match, or for influencing the course or result of that match;

Upon seeing the Attorney General's "nota" of the 15th. December, 1951, whereby the said record of proceedings was transmitted to that Court, in order that it may decide upon such offence, within its competence, which might result under the provisions of sections 2 (c) (d) and 3 of Ordinance no. XXV of 1946 and Government Notice no. 337 of 1940, namely that of having corruptly offered a gift or consider-

ation to an official as an inducement or reward for doing or omitting to do any act in relation to any game or sport, in or with which he is concerned, or for showing favour or disfavour to any person or side taking part in any game or sport, or for otherwise corruptly influencing the course or result of any game or sport — independently of all other circumstances;

Upon seeing the judgment of the Criminal Court of Magistrates of Judicial Police of Malta of the 8th. January, 1952, whereby that Court found the accused guilty of having on the 8th. December, 1951, at St. Julian's, corruptly offered a gift or consideration to an official, i.e. referee William Mock, as an inducement or reward for doing or omitting to do any act in relation to the football match between Valetta and Sliema, to be played on the 9th. December, 1951, with which he was concerned, or for showing favour to the Valetta team or disfavour to the Sliema team, or for otherwise corruptly influencing the course of the said football match; and upon seeing section 2 (c) (d), 3 and of Ordinance no. XXV of 1946, and Government Notice no. 337 of 1940, sentenced the said accused to imprisonment for a period of three months;

Upon seeing the application whereby the accused appealed against the said judgment;

Having perused the records of the case, and heard counsel of defence and the Crown counsel;

Whereas it has been proved by the evidence of William Mock, Jessie Mock, Charles Mock, and by the confession of accused himself, that on the 8th. December last accused, in the evening, went to the house of William Mock and offered to the latter £60 if he would give a win to the Valetta team in the football match which was going to be played on the following day. Mock refused the offer straight away, and later reported the matter to the Secretary of the Malta Football Association and to the Police. At the time William Mock had already been definitely appointed by the Malta Football Association to officiate as a referee at the said match, and he had accepted in writing the said appointment. Consequently, although the match had not taken place yet, he was already an official for that match; and the fact that sub-

sequently, and because of that attempted bribery, Mock was removed from referee for that match, does not alter the fact that at the material time of the offer Mock was still an official;

Whereas the offer of £60 by accused to the said Mock to give a win to the Valletta team implied an inducement or reward to Mock for doing or omitting to do some act in relation to the game with which Mock was concerned as a referee, and/or for showing favour to the Valletta team and disfavour to the other team taking part in that game, or for otherwise corruptly influencing the course or result of that game, i.e. the football match which had to be played the following day;

Whereas, therefore, the said offer was made corruptly by the accused;

Whereas by subsection (c) of section 2 of Ordinance XXV of 1946 the mere offer of a gift or consideration corruptly made by any person to an official, i.e. referee, as an inducement or reward for doing or omitting to do any act as above stated is a complete crime;

Whereas the fact alleged by the accused, that he made that offer as an intermediary to a third person actually named by him to the Police and to the Court during the proceedings, does not exonerate him from his guilt;

Whereas the prosecution for the said crime has been instituted by the consent of the Attorney General in terms of section 4 of the said Ordinance XXV of 1946;

Whereas, considering the gravity of the offence, the Court does not deem itself justified in mitigating the punishment inflicted by the Court below;

Dismisses the appeal of accused and confirms the said judgment of the First Court.