SUBSIDIARY LEGISLATION 438.07
GAMING DEVICES REGULATIONS

16th May, 2011*

LEGAL NOTICE 75 of 2011, as amended by Legal Notices 426 of 2012 and 85 of 2014.

Part I
Preliminary

1. (1) The title of these regulations is the Gaming Devices Regulations.

(2) These regulations have been notified in terms of the procedure for the provision of information in the field of technical standards and regulations and rules pertaining to information society services on the 11th day of March, 2010, which was followed by a standstill period as laid down in Directive 98/34/EC of the European Parliament and of the Council.

Part II
Definitions

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

"the Act" means the Lotteries and Other Games Act;

"administrator" means a person who manages, controls or administers an applicant or a licensee, including but not limited to a director, a manager or a trustee, and any person who carries out such functions even if under another title;

"advertising" means any form of announcement, notice or broadcast, the apparent purpose of which is to convey information to the public in and by newspaper or other printed publication, poster, circular notice, radio, television or any other form or medium of public communication;

"applicant" means a person that files an application for a licence;

"approved employee" means a person in respect of whom a certificate of approval has been issued by the Authority in terms of Part IX;

"approved premises" means premises approved by the Authority and in respect of which a certificate of approval has been issued in terms of Part VIII;

"associated equipment" means any hardware, other than the relevant gaming device or the central system, that is connected to the relevant gaming device or to the central system for the purposes of performing communication, validation or other functions, but excludes the communication equipment and facilities forming part

*See regulation 1(2) of these Regulations, as originally promulgated.
of publicly available communications networks and services;

"associated persons" means qualifying holders, officers, administrators, partners, key officials or other associates of a licensee or of an applicant for a licence, as the case may be;

"central monitoring system" means an electronic system, a computer system or a communication system that is designed or adapted for use: to receive data from or send data to a relevant gaming device or central system where such data relates to the security, accounting or operation of the relevant gaming device, the central system or any games or features played on, or associated with, the relevant gaming device; and to perform such other functions as may be determined by the Authority from time to time;

"central system" means an electronic system or a computer system to which relevant gaming devices may be connected directly or indirectly, and which is designed or adapted for use to:

(a) register all or part of the gaming taking place through such relevant gaming device; and, or

(b) supervise all or part of the operations carried out in or through such relevant gaming device; and, or

(c) to store and provide reports and information on the aforesaid matters;

"Class 1 Licence" means a licence granted by the Authority in terms of regulation 5(1), and the term "Class 1 Licensee" shall be construed accordingly;

"Class 2 Licence" means a licence granted by the Authority in terms of regulation 5(2), and the term "Class 2 Licensee" shall be construed accordingly;

"Class 3 Licence" means a licence granted by the Authority in terms of regulation 11, and the term "Class 3 Licensee" shall be construed accordingly;

"Class 4 Licence" means a licence granted by the Authority in terms of regulation 18, and the term "Class 4 Licensee" shall be construed accordingly;

"domestic computer" means an electronic or computer system that:

(a) is capable of being used for a purpose that is not related to the playing of a game;

(b) is located in a private residence; and

(c) if used, is used on a domestic occasion;

"employee" includes any person engaged to provide services in relation to the playing of a game and the term "employ" shall be construed accordingly;

"exempt relevant gaming device" means a relevant gaming device listed in the Fourth Schedule and such other relevant gaming devices as may be specified by directives issued by the Authority from time to time;

"financial credit" means allowing a person any length of time in
which to make payment or otherwise honour a financial obligation, whether express or implied, and includes lending of cash or cash equivalent but does not include the use of credit or debit cards used in lieu of cash;

"game provided through a relevant gaming device" means a game played by means of a relevant gaming device;

"gross gaming revenue" means the amount of money deposited by players to place a wager, less the amount of winnings of the relevant players;

"group company" and "group" shall have the meaning assigned to them by the Companies Act;

"key official" means an individual appointed in terms of regulation 60;

"licence" means a Class 1 Licence, Class 2 Licence, Class 3 Licence or a Class 4 Licence;

"licensee" means a Class 1 Licensee, a Class 2 Licensee, a Class 3 Licensee or a Class 4 Licensee, as the case may be;

"mystery game" means a game provided through a relevant gaming device that offers a player the possibility of winning a mystery jackpot;

"mystery jackpot" means a variable award which is additional to the maximum prize which can be won on a game provided through a relevant gaming device, and which is randomly awarded to a player;

"National Lottery Relevant Gaming Device" means a relevant gaming device used or to be used solely and exclusively for the purposes of, and in connection with, the operation of the National Lottery and, or any other activity authorised in terms of the National Lottery licence issued at the relevant time;

"progressive game" means a game provided through a relevant gaming device that offers a player the possibility of winning a progressive jackpot;

"progressive jackpot" means a variable award which is additional to the maximum prize which can be won on a game provided through a relevant gaming device, and which may be won by a player as a result of the happening of an event on one or more relevant gaming devices linked to each other for the purpose of offering such kind of variable award;

"personal computer" means an electronic or computer system that:

\( (a) \) is capable of being used for a purpose that is not related to the playing of a game; and

\( (b) \) is not adapted or presented in such a way as to facilitate, or to draw attention to the possibility of, its use for the playing of a game;

"player" means a person who plays a game provided through a relevant gaming device;
"premises" means any venue or other physical infrastructure;

"premises accessible to the public" means premises accessible to the public whether for free or for a charge, and includes private clubs where memberships are given or sold for the privilege of belonging to the private club and accessing premises for social or business purposes;

"qualifying holding" means:

(a) a direct or indirect holding in an entity of at least twenty per cent of the capital in issue, provided that where the rights held as to the percentage of votes, to profits available for distribution and to rights to assets available for distribution on a winding up in respect of such holding are not identical, the highest percentage figure shall be deemed to be the percentage of equity holding held; or

(b) an equity holding which makes it possible for the holder thereof to appoint the majority of the administrators of the entity;

and the term "qualifying holder" shall be construed accordingly;

"restricted access controls" means rules, measures and procedures for restricting physical access to approved premises as set out in regulation 34;

"single game":

(a) means a sequence of actions and states in a relevant gaming device that are:

(i) activated by a player through a wagering of credits; and

(ii) terminated when:

- all the credits wagered by the player relating to those actions or states have been lost; or

- all winnings relating to those actions or states have been paid out to the player or transferred to the player’s credit meter and are no longer available to be wagered on that sequence; and

(b) includes any feature of the relevant gaming device that is triggered by the wagering of the credits, unless all winning credits are transferred to the player’s credit meter before the feature is activated; and

"subsidiary" has the same meaning as is assigned to the term "subsidiary undertaking" by the Companies Act.

(2) For the purposes of these regulations, the term "operate" shall not include the use by a player of a relevant gaming device for the purpose of playing a game.

(3) Unless the context otherwise requires, terms used in these regulations and which are not defined herein shall have the meaning assigned to them in the Act.
(4) In these regulations, if there is any conflict between the English and Maltese texts, the English text shall prevail.

PART III
Licenses - General

3. (1) Notwithstanding the provisions of any other law, regulation, licence or authorisation, no person shall:

(a) manufacture, assemble, repair or service;

(b) place on the market, distribute, supply, sell, lease or transfer; or

(c) make available for use, host or operate;

any relevant gaming device, unless such person is in possession of a valid licence issued by the Authority as set out in the First Schedule.

(2) The provisions of this regulation shall not apply to exempt relevant gaming devices.

4. Except where these regulations expressly provide otherwise, a person may qualify for more than one type or class of authorisation, licence, approval or certification under these regulations.

PART IV
Licenses - Class 1 Licence and Class 2 Licence

5. (1) A Class 1 Licence may be granted by the Authority to a person for the purpose of authorising that person to manufacture, assemble, repair or service a relevant gaming device.

(2) A Class 2 Licence may be granted by the Authority to a person for the purpose of authorising that person to place on the market, distribute, supply, sell, lease or transfer a relevant gaming device.

(3) Applications for a Class 1 Licence or a Class 2 Licence (hereinafter in this Part referred to as a "Licence") shall be made on such forms designated by the Authority from time to time.

(4) The application form mentioned in sub-regulation (3) shall be accompanied by such information and, or documentation set out in the Second Schedule together with such other information or documentation requested by the Authority.

6. (1) The granting of a Licence under these regulations shall in all cases be subject to the payment of a one-time non-refundable application fee as set forth in the Third Schedule. The application fee shall be payable only once and shall not be payable for the purpose of renewal of the License in terms of regulation 7.

(2) The Authority may further require applicants for a Licence to pay, in addition to the application fee referred to in sub-regulation (1), the actual costs incurred by the Authority for the purpose of:
(a) conducting investigations into such applicant’s background, suitability and qualifications for being granted and for retaining a Licence; and

(b) verifying the information submitted by such applicant in terms of these regulations.

(3) The application fee referred to in sub-regulation (1) shall be paid simultaneously with the filing of the application for a Licence.

(4) Following the granting of a Licence, a Class 1 Licensee or a Class 2 Licensee (hereinafter in this Part referred to as a "Licensee") shall pay an annual licence fee as set out in the Third Schedule together with, where required by the Authority, the actual costs incurred by the Authority for the purpose of conducting investigations into such Licensee’s background, suitability and qualifications for retaining a Licence and for the purpose of verifying the information submitted by a Licensee in terms of these regulations. Such annual licence fee and, where applicable, the costs incurred by the Authority as aforesaid, shall be payable by the Licensee by not later than two weeks prior to the lapse of every calendar year following the date of issue of the Licence.

(5) No application for a Licence shall be processed, and no Licence shall be issued or renewed, until the Authority has been paid all amounts due to it in connection with:

(a) the processing of the application;

(b) the grant of the Licence;

(c) the Licence;

(d) the monitoring and enforcement of the Licence.

(6) If a Licensee fails to pay the annual licence fee as set out in the Third Schedule within the time period set out in sub-regulation (4), the Licence shall lapse automatically.

7. (1) A Licence granted by the Authority shall be for a term not exceeding one year.

(2) Following receipt by the Authority of an application for the renewal of a Licence, the Authority shall renew the Licence for further periods not exceeding one year each if the Authority is satisfied that the Licensee applying for renewal:

(a) has, at all times during the preceding original or renewed term of the Licence complied with:

(i) the provisions of the Act and of these regulations;

(ii) the terms and conditions of the Licence; and

(iii) any directive issued by the Authority in terms of the Act or of these regulations, which is applicable to such Licence; and

(b) satisfies the conditions mentioned in regulation 8.

(3) Applications for renewal of a Licence shall be made in the form designated by the Authority and shall be submitted to the Authority at least sixty days prior to the expiration of the term of
the current Licence. The application fee referred to in regulation 6(1) shall not be required to be paid for the renewal of a Licence.

8. (1) The Authority shall not grant or renew a Licence applied for under these regulations unless it is satisfied that the applicant and any associated persons are fit and proper persons.

(2) In determining whether the applicant for the granting or renewal of a Licence and any associated persons are fit and proper persons, the Authority may have regard to such matters as may be included in directives issued by the Authority from time to time.

(3) In determining whether to grant or renew a Licence applied for under these regulations, the Authority may, in addition, have regard to any matter or policy which the Authority reasonably considers relevant in the particular circumstances.

(4) A Licence granted by the Authority shall be in such form and shall contain such particulars as the Authority may determine.

9. In granting a Licence, the Authority may subject such Licence to such terms, conditions or requirements as it may deem appropriate, and at any time following the grant of the Licence the Authority may from time to time vary or revoke any term, condition or requirement so imposed, or may impose new terms, conditions or requirements.

10. A Licensee shall comply with:

(a) any applicable code or codes of conduct that may be issued by the Authority in respect of relevant gaming devices and, or games provided through relevant gaming devices; and

(b) any conditions specified in the Licence.

PART V
Licenses - Class 3 Licence

11. (1) A Class 3 Licence may be granted by the Authority to a person for the purpose of authorising that person to make available for use, host or operate a relevant gaming device, provided that the provisions of this Part shall not apply to the operation of a central system.

(2) Applications for a Class 3 Licence shall be made on such form designated by the Authority from time to time.

(3) The application form referred to in sub-regulation (2) shall be accompanied by such information and documents as set out in the Second Schedule together with such other information or documentation requested by the Authority.

12. (1) The granting of a Class 3 Licence under these regulations shall in all cases be subject to the payment of a one-time non-refundable application fee as set forth in the Third Schedule. The application fee shall be payable only once and shall not be payable for the purpose of renewal of the Class 3 License in terms of regulation 13.
(2) The Authority may further require applicants for a Class 3 Licence to pay, in addition to the application fee referred to in sub-regulation (1), the actual costs incurred by the Authority for the purpose of:

(a) conducting investigations into such applicant’s background, suitability and qualifications for being granted and for retaining a Class 3 Licence; and

(b) verifying the information submitted by such applicant in terms of these regulations.

(3) The application fee referred to in sub-regulation (1) shall be paid simultaneously with the filing of the application for a Class 3 Licence.

(4) Following the grant of a Class 3 Licence, a Class 3 Licensee shall, in respect of each approved premises in relation to which such Class 3 Licensee holds a certificate of approval, by not later than the lapse of twenty days from the end of each month, pay:

(a) a monthly licence fee as set out in the Third Schedule in respect of every relevant gaming device in each approved premises; and

(b) a monthly relevant gaming device placement tax consisting of:

(i) two hundred euro (€200.00) per relevant gaming device per month where the gross gaming revenue of each relevant gaming device does not exceed one thousand euro (€1,000.00) for that relevant month; or

(ii) twenty percent (20%) of the monthly gross gaming revenue generated by every relevant gaming device where the gross gaming revenue of each relevant gaming device exceeds one thousand euro (€1,000.00) for that relevant month; and

(c) where required by the Authority, the actual costs incurred by the Authority for the purpose of conducting investigations into such Licensee’s background, suitability and qualifications for retaining a Licence and for the purpose of verifying the information submitted by a Licensee in terms of these regulations.

(5) No application for a Class 3 Licence shall be processed, and no Class 3 Licence shall be issued or renewed, until the Authority has been paid all amounts due to it in connection with:

(a) the processing of the application;

(b) the grant of the Class 3 Licence;

(c) the Class 3 Licence; and

(d) the monitoring and enforcement of the Class 3 Licence.

(6) If a Class 3 Licensee fails to pay the amounts due as set out
in the Third Schedule within the time period set out in sub-
regulation (4), the Class 3 Licence shall lapse automatically.

(7) A Class 3 Licensee shall, together with the payment of the
placement tax referred to in sub-regulation (4)(b), deliver to the
Authority a return setting out the gross monthly revenue generated
from every relevant gaming device. The return shall be in such
form as may be established by the Authority from time to time.

(8) Should the Class 3 Licensee fail to submit the return
referred to in sub-regulation (7) or should the return contain false
or inaccurate information, the Authority shall, in addition to any
other remedy set out in the Act or these regulations, have the right
to suspend or revoke the Class 3 Licence of the Class 3 Licensee or
impose such conditions on the Class 3 License as it may deem
necessary.

13. (1) A Class 3 Licence granted by the Authority shall be
for a term not exceeding one year.

(2) Following receipt by the Authority of an application for the
renewal of a Class 3 Licence, the Authority shall renew the Class 3
Licence for further periods not exceeding one year each if the
Authority is satisfied that the Licensee applying for renewal:

(a) has, at all times, during the preceding original or
renewed term of the Class 3 Licence complied with:

(i) the provisions of the Act and of these
regulations;

(ii) the terms and conditions of the Class 3 Licence;

and

(iii) any directive issued by the Authority in terms of
the Act or of these regulations and which is
applicable to such Class 3 Licence; and

(b) satisfies the condition mentioned in regulation 14.

(3) Applications for renewal of a Class 3 Licence shall be made
in the form designated by the Authority and shall be submitted to
the Authority at least sixty days prior to the expiration of the term
of the existing Class 3 Licence. The application fee referred to in
regulation 12(1) shall not be required to be paid for renewal of a
Class 3 Licence.

14. (1) The Authority shall not grant or renew a Class 3
Licence applied for under these regulations unless it is satisfied
that the applicant and any associated persons are fit and proper
persons.

(2) In determining whether the applicant for the granting or
renewal of a Class 3 Licence and the associated persons are fit and
proper persons, the provisions of regulation 8(2) shall apply
mutatis mutandis.

(3) In determining whether to grant or renew a Class 3 Licence
applied for under these regulations, the Authority may, in addition,
have regard to any matter or policy which the Authority considers
relevant in the particular circumstances.
(4) A Class 3 Licence granted by the Authority shall be in such form and shall contain such particulars as the Authority may determine.

15. In granting a Class 3 Licence, the Authority may subject such Class 3 Licence to such other terms, conditions or requirements as it may deem appropriate, and at any time following the grant of the Class 3 Licence, the Authority may from time to time vary or revoke any term, condition or requirement so imposed, or may impose new terms, conditions or requirements.

16. (1) A Class 3 Licensee shall:

(a) not carry out any of the activities specified in the Class 3 License in any premises unless such premises are approved premises and the certificate of approval of such premises has been issued in the name of the Class 3 Licensee;

(b) not allow, or provide facilities for, the redemption or exchange of any voucher, token or other form of credit having a monetary value or capable of being converted into a prize, reward or other benefit of a monetary value or which can be used in lieu of cash, issued by relevant gaming devices or otherwise by the Class 3 Licensee in any premises -

(i) unless such premises are approved premises and the certificate of approval of such premises is issued in the name of the Class 3 Licensee,

(ii) unless the relevant gaming devices from which such vouchers or tokens are issued are made available for use, hosted or operated in the same approved premises in which the redemption or exchange of such vouchers or tokens is effected, and

(iii) unless such vouchers or benefits are issued by the approved central system connected to the relevant gaming device in conformity with regulation 18,

and each such voucher or token shall be taken into account for the purposes of calculating the gross gaming revenue and the relevant tax due per relevant gaming device in conformity with regulation 12(4)(b);

(c) not employ, or permit to work in relation to the playing of games, any person unless such person is an approved employee;

(d) not make available for use, host or operate any relevant gaming device and, or associated equipment unless such relevant gaming device and associated equipment is approved and registered by the Authority in terms of Part VII before the commencement of any such activity;

(e) not modify, tamper with or re-programme, or allow or suffer any other person to modify, tamper with or re-
programme, a relevant gaming device which has been approved and registered by the Authority in terms of Part VII, save with the consent of the Authority;

(f) not break any seals affixed by inspectors on a relevant gaming device which has been approved and registered by the Authority in terms of Part VII of these regulations, or allow any person to break such seals, save with the consent of the Authority and in the presence of an inspector or any other Authority official;

(g) where applicable, ensure that the means of distance communication through which a relevant gaming device and, or central system can be connected to other relevant gaming devices, central systems and, or the central monitoring system, are located at the approved premises and are at all times connected, and not modify, tamper with or re-programme, or allow or suffer any other person to modify, tamper with or re-programme, the operation of such means of distant communication;

(h) ensure that the relevant gaming devices which have been approved and registered by the Authority in terms of Part VII are placed and remain placed in the approved premises and that adequate restricted access controls are maintained;

(i) not permit a player to participate in a game provided through a relevant gaming device unless such person produces a legally valid identification document or passport;

(j) ensure at all times that the making available for use, hosting or operation of a relevant gaming device in an approved premises is carried out in a secure, safe and proper manner;

(k) ensure that during opening hours of the approved premises, the area in which the playing of games through relevant gaming devices is designed to take place is constantly supervised by approved employees;

(l) where required by the Authority, at the expense of the Class 3 Licensee install, connect, make and keep operational the means of communication approved by the Authority to ensure an adequate and properly functioning direct communication link between relevant gaming devices which have been approved and registered by the Authority in terms of Part VII;

(m) assume financial responsibility for proper and timely payments of all prizes awarded to players by way of redemption or exchange of vouchers or tokens issued by relevant gaming devices;

(n) engage or employ only Class 1 Licensees for the purpose of repairing or servicing relevant gaming devices and, or associated equipment which have been
approved and registered by the Authority in terms of Part VII;

\( (o) \) display on each relevant gaming device which has been approved and registered by the Authority in terms of Part VII, all information and keep affixed all certificates, seals or markers as required by the Authority and shall not remove or allow any person to remove such information, certificates, seals or markers unless prior approval of the Authority for such action has been obtained;

\( (p) \) ensure that there shall be installed and prominently displayed, within or about the approved premises:

(i) notices on the risks associated with gaming;

(ii) notices recommending responsible gaming;

(iii) information on associations or other organisations which can assist persons who have gambling problems;

(iv) information relating to the redemption or exchange of vouchers or tokens issued by relevant gaming devices; and

(v) any other material as may be required and, or supplied by the Authority;

\( (q) \) promptly notify the Authority in writing of any breakages or other kind of tampering with any relevant gaming device which have been approved and registered by the Authority in terms of Part VII, or seals affixed to such relevant gaming device;

\( (r) \) maintain, at all times and for a period of not less than ten years, audit trails and other statistical information as may be required from time to time by the Authority, and provide such information to the Authority upon the request of the Authority within such time period specified for such purpose;

\( (s) \) in a register to be kept for that purpose, keep a record of the identity, winnings and transactions carried out by any one player who, in approved premises of the Class 3 Licensee, on any one day wagers, receives or pays amounts which in aggregate exceed two thousand euro (€2,000.00). Such register shall, upon request, be made available to inspectors for review;

\( (t) \) open the approved premises for business only between 11:00 a.m. and 11:00 p.m.;

\( (u) \) comply with all the relevant provisions of these regulations and with the provisions of any applicable code or codes of conduct that may be issued by the Authority in respect of relevant gaming devices and, or games provided through relevant gaming devices; and

\( (v) \) comply with any conditions specified in the Class 3 Licence.

(2) A Class 3 Licensee who intends to offer a progressive
jackpot or a mystery jackpot (hereinafter in this regulation referred to as the "jackpots") through relevant gaming devices in approved premises shall apply to the Authority for its prior written approval following a request in writing by the Class 3 Licensee.

(3) A Class 3 Licensee who has obtained the approval required in terms of sub-regulation (2) shall:

(a) ensure that every mystery game and progressive game offering a jackpot has the same probability of awarding the jackpot;

(b) ensure that every relevant gaming device through which the mystery game or progressive game is provided is located in the same approved premises;

(c) ensure that where a jackpot is offered, such jackpot remains on offer until it is won by a player;

(d) ensure that the relevant gaming device through which the progressive or mystery game is provided clearly displays the value of the jackpot on offer;

(e) maintain at all times a record of the variations in the value of the jackpot on offer, and provide such record to the Authority upon the request of the Authority within such time period specified for such purpose; and

(f) maintain a minimum cash reserve which is sufficient to ensure that the Class 3 Licensee at all times has cash available to pay all jackpots on offer from time to time.

(4) A jackpot may only be transferred from one progressive game or mystery game to another progressive game or mystery game if the following conditions are satisfied:

(a) the prior approval for such transfer has been granted by the Authority following a request in writing by the Class 3 Licensee; and

(b) the transfer of the jackpot takes place amongst progressive games or mystery games provided through relevant gaming devices located in the same approved premises.

17. (1) A Class 3 Licensee shall take out, prior to the commencement of the activities specified in the Class 3 Licence, and shall at all times thereafter maintain, a bank guarantee issued by a bank or by a credit or financial institution acceptable to the Authority, in favour of the Authority on its own behalf and on behalf of the Government, in the amount mentioned in sub-regulation (2), for securing:

(a) the payment and distribution of prizes by the Class 3 Licensee to winners of a game provided through a relevant gaming device made available for use, hosted or operated under the Class 3 Licence;

(b) the payment of fees, duties or any other sums payable by the Class 3 Licensee to the Authority in terms of
these regulations; and

(c) the payment by the Class 3 Licensee of any fines or administrative penalties imposed by the Act or these regulations.

(2) The bank guarantee mentioned in sub-regulation (1) shall be for not less than the amount arrived at by multiplying five hundred euro (€500.00) by the number of relevant gaming devices located in approved premises in respect of which the Class 3 Licensee holds a certificate of approval.

(3) The bank guarantee shall become payable to the Authority on its first demand, and it shall not be incumbent upon the relative bank, credit or financial institution which issued the bank guarantee to verify whether such demand is justified.

(4) The bank guarantee shall remain valid until the expiry of one year from the expiry, cancellation, suspension or non-renewal of the Class 3 Licence or until such time as the Authority considers and notifies the Class 3 Licensee in writing that such bank guarantee is no longer required, whichever is the earlier.

(5) The bank guarantee shall be subject to such other terms and conditions as may be specified in the Class 3 Licence or as may be otherwise prescribed by the Authority.

PART VI
Licenses - Class 4 Licence

18. (1) It shall not be lawful for any person to operate a central system and connect such central system to a relevant gaming device or suffer such relevant gaming device to be so connected, unless such central system is approved by the Authority and such person is in possession of a Class 4 License issued by the Authority.

(2) Applications for a Class 4 Licence shall be made on such forms designated by the Authority from time to time and shall be accompanied by such information and documents as set out in the Second Schedule together with such other information or documentation requested by the Authority.

19. (1) The granting of a Class 4 Licence under these regulations shall in all cases be subject to the payment of a one-time non-refundable application fee as set forth in the Third Schedule.

(2) The Authority may further require applicants for a Class 4 Licence to pay, in addition to the application fee referred to in sub-regulation (1), the actual costs incurred by the Authority for the purpose of:

(a) conducting investigations into such applicant’s background, suitability and qualifications for being granted and for retaining a Class 4 Licence; and 

(b) verifying the information submitted by such applicant in terms of these regulations.
(3) The application fee referred to in sub-regulation (1) shall be paid simultaneously with the filing of the application for a Class 4 Licence.

(4) No application for a Class 4 Licence shall be processed, and no Class 4 Licence shall be issued or renewed, until the Authority has been paid all amounts due to it in connection with:

(a) the processing of the application;
(b) the grant of the Class 4 Licence;
(c) the Class 4 Licence; and
(d) the monitoring and enforcement of the Class 4 Licence.

20. (1) A Class 4 Licence granted by the Authority shall be for a term not exceeding one year.

(2) Following receipt by the Authority of an application for the renewal of a Class 4 Licence, the Authority shall renew the Class 4 Licence for further periods not exceeding one year each if the Authority is satisfied that the Class 4 Licensee applying for renewal:

(a) has at all times during the preceding original or renewed term of the Class 4 Licence complied with:

(i) the provisions of the Act and of these regulations;
(ii) the terms and conditions of the Class 4 Licence; and
(iii) any directive issued by the Authority in terms of the Act or of these regulations and which are applicable to such Class 4 Licence; and

(b) satisfies the conditions mentioned in regulation 21.

(3) Applications for renewal of a Class 4 Licence shall be made in the form designated by the Authority and shall be submitted to the Authority at least sixty days prior to the expiration of the term of the existing Class 4 Licence. The application fee referred to in regulation 19(1) shall not be required to be paid for renewal of a Class 4 Licence.

21. (1) The Authority shall not grant or renew a Class 4 Licence applied for under these regulations unless the applicant:

(a) and any associated persons, are fit and proper persons;
(b) has adequate financial and technical means, the expertise and experience necessary to properly operate the central system;
(c) has, to the satisfaction of the Authority, disclosed to the Authority all financing and refinancing arrangements for the purchase or acquisition by any other title of the central system, and showed that the applicant has a valid ownership title to the said central system; and
has made all the arrangements necessary to ensure that for the entire duration of the Class 4 Licence, all adequate security, safety, connectivity, service level and other standards as may be prescribed by the Authority will be complied with.

(2) In determining whether a Class 4 Licensee and any associated persons are fit and proper, the provisions of regulation 8(2) hereof shall apply *mutatis mutandis*.

22. In granting a Class 4 Licence, the Authority may subject such Class 4 Licence to such other terms, conditions or requirements as it may deem appropriate, and at any time following the grant of the Class 4 Licence, the Authority may from time to time vary or revoke any term, condition or requirement so imposed, or may impose new terms, conditions or requirements.

**Conditions of Class 4 Licence.**

23. A Class 4 Licensee shall:

   (a) locate all equipment forming part of the central system within a secure facility in conformity with regulation 24;

   (b) at all times have access to all the equipment used as part of central system, as well as to all software and data installed on the said equipment;

   (c) install, set up and maintain the central system in accordance with such requirements as may be prescribed by the Authority from time to time;

   (d) cause the central system to reset upon its every update;

   (e) keep the central system in proper functioning order at all times and provide a service level undertaking which is acceptable to the Authority;

   (f) not modify, tamper with, re-programme or otherwise alter or allow or suffer any other person to modify, tamper with, re-programme or otherwise alter the functioning of, the central system;

   (g) if and when required by the Authority, ensure that the central system is connected to the central monitoring system at all times; and

   (h) provide to the Authority all reports, summaries, statements, invoicing and such other information as may be requested by the Authority.

**Obligations of a Class 4 Licencee.**

24. (1) No Class 4 Licensee shall locate and maintain any equipment forming part of the central system in any premises unless such premises satisfy the criteria mentioned in sub-regulation (2) and are certified by the Authority as secure facilities.

(2) A secure facility shall:

   (a) be bound by a protected perimeter wall;

   (b) have a door access control system which records the flow of persons in and out of the area and which stores
such date, time and the identification details of such persons for a period of three months;

(c) have closed circuit television cameras which are in operation twenty-four hours a day, every day of the week, and on which all equipment forming part of the central system is clearly visible;

(d) be manned at all times;

(e) if required by the Authority, have network monitoring equipment that can be accessed remotely by the inspectors either through the operation of the central monitoring system or by other means; and

(f) comply with any other technical specifications, standards and requirements as may be stipulated by the Authority.

(3) Any footage recorded by the closed circuit television cameras referred to in sub-regulation (2) shall be maintained for a minimum period of sixty days and shall be accessible or provided to inspectors if and when required.

(4) A certificate of approval in respect of a secure facility shall remain valid until revoked by the Authority.

(5) The Authority shall at all times have the right to inspect the secure facility in order to determine whether or not to issue or whether or not to revoke the certificate of approval.

(6) Inspectors shall have the right to enter and observe operations within the secure facility at any time.

(7) The issuance of the certificate of approval may be made subject to conditions as may be deemed appropriate by the Authority.

PART VII

Approval of Relevant Gaming Devices

25. (1) No person shall carry out any of the activities listed in regulation 3(1)(b) and (c) unless and until the relevant gaming device in respect of which the aforesaid activities are carried out and, or associated equipment, has been approved and registered by the Authority following the submission by such person to the Authority of an application for that purpose.

(2) Applications made under sub-regulation (1) shall be made by a Class 2 Licensee or a Class 3 Licensee on such forms as may be prescribed by the Authority from time to time and shall be accompanied by the following:

(a) a certificate issued by a manufacturer and an independent testing lab accredited within a Member State of the European Union or a Member State of the European Economic Area or any other jurisdiction or territory approved by the Authority and recognised by the Authority as having the required accreditation to issue such certificate (hereinafter referred to as the "Testing Lab"), certifying compliance of the relevant
gaming device with Community law and standards as may be applicable from time to time and in accordance with these regulations;

(b) a certificate issued by a Testing Lab certifying compliance of the statistical randomness of the random number or symbol generator related to the relevant gaming device with Community law and standards as may be applicable from time to time and in accordance with these regulations;

(c) in the case where the certificate referred to in paragraph (a) does not cover the games provided through the relevant gaming device, a certificate issued by a Testing Lab certifying compliance of the game provided through the relevant gaming device with Community law and standards as applicable from time to time and in accordance with these regulations;

(d) evidence that any game to be provided through a relevant gaming device is an authorised game and that it complies with the provisions of the Act and these regulations;

(e) manuals, including software manuals, and any other documents issued by the manufacturer of the relevant gaming device containing:
   (i) a full description of the relevant gaming device;
   (ii) the theme of the games that can be played through the relevant gaming device;
   (iii) instructions to be followed by users of the relevant gaming device; and
   (iv) all the rules pertaining to the game provided through the relevant gaming device;

(f) the details of the approved premises where such relevant gaming device will be hosted;

(g) a statement of compliance with the terms of these regulations signed by the key official and the Class 2 Licensee or the Class 3 Licensee as the case may be;

(h) proof of the legal title of the applicant over the relevant gaming device;

(i) the serial number, type and specifications of the relevant gaming device and, or associated equipment in connection with which the activities listed in regulation 3(1)(b) and (c) shall be carried out by the Class 2 Licensee or Class 3 Licensee, as the case may be;

(j) if and when required by the Authority, a certificate confirming the compatibility of the relevant gaming device with the central monitoring system; and

(k) the non-refundable one-time approval fees for registration of the relevant gaming device as set out in the Third Schedule.
(3) Where an application submitted to the Authority pursuant to sub-regulation (2) is approved by the Authority, the Authority shall:

(a) register the relevant gaming device and the games provided through such relevant gaming device in the name of the applicant, and shall issue a certificate to that effect to the applicant;

(b) issue a registration tag to be permanently affixed to the relevant gaming device, which shall set out, *inter alia*:

(i) the registration number allocated by the Authority to the relevant gaming device;

(ii) the unique serial number of the manufacturer of the relevant gaming device;

(iii) the name of the manufacturer of the relevant gaming device;

(iv) the brand name of the relevant gaming device; and

(v) the model number of the relevant gaming device.

(4) The registration tag referred to in sub-regulation (3)(b) shall remain the property of the Authority and no person, other than officials, employees or agents of the Authority, shall affix, remove, erase or otherwise tamper with such registration tag.

(5) In the event that the registration tag mentioned in sub-regulation (3)(b) is, for any reason, detached from the relevant gaming device or defaced or otherwise damaged, it shall be the duty of any person in whose name the relevant gaming device is registered to forthwith:

(a) notify the Authority and

(b) disconnect and render inoperable the relevant gaming device until an inspector or other official of the Authority has checked, certified and re-affixed such registration tag.

(6) The Authority shall maintain a register containing the records of the relevant gaming devices registered in accordance with this regulation.

(7) No game may be provided through a relevant gaming device unless such game is an authorised game and the Authority has been provided with the evidence necessary to show that such game is an authorised game as required in terms of sub-regulation (2)(d). In terms of article 5 of the Act, no other authorisation by the Authority shall be required if the game complies with the provisions of the Act and these regulations and is already authorised to be operated under any law enacted by a Member State of the European Union or a Member State of the European Economic Area or by any other jurisdiction or territory approved by the Authority.

(8) A Class 3 Licensee may apply in writing to the Authority on a form prescribed for that purpose, for the Authority to authorise a particular game to be provided through a relevant gaming device.
(9) The application form referred to in sub-regulation (8) shall be accompanied by the non-refundable, one-time application fee set out in the Third Schedule, together with such other information or documentation requested by the Authority, including *inter alia*, the proposed stake or range of stakes for each game to be provided through a relevant gaming device.

(10) Following the grant of the authorisation of a game in terms of sub-regulation (8), the Class 3 Licensee who makes available for use, hosts or operates the relevant gaming device through which such game is provided shall, in respect of each relevant gaming device through which such game is provided, pay to the Authority the annual fee set out in the Third Schedule. Such annual fee shall be payable by the Class 3 Licensee by not later than two weeks prior to the lapse of every calendar year following the date of the authorisation referred to in sub-regulation (8).

26. (1) A licensee in whose favour a relevant gaming device is registered shall not effect, or suffer to be effected, any changes to such relevant gaming device or the games provided through such relevant gaming device without obtaining prior approval of the Authority, which approval shall be manifested by the issue of a replacement registration tag to be affixed by an inspector over, or in replacement of, the existing registration tag.

(2) It shall be the duty of the licensee in whose favour a relevant gaming device is registered and of the administrators and key officials thereof to notify the Authority forthwith, and in any case within no later than three working days, of any change in the details submitted to the Authority referred to in regulation 25(2)(a) to (i).

(3) No licensee shall transfer or otherwise dispose of a relevant gaming device registered in his name until he obtains the prior approval of the Authority by submitting an application form prescribed by the Authority for that purpose.

(4) The Authority may request such information as it deems necessary to be furnished to it in connection with the application referred to in sub-regulation (3).

(5) No person may destroy or otherwise permanently withdraw from operation a relevant gaming device which has been approved and registered by the Authority in terms of this Part VII until the Authority shall have removed the registration tag of the relevant gaming device and struck off the relevant gaming device from the register.

27. Any person carrying out an activity referred to in regulation 3(1)(b) or (c) shall, at all times, ensure that any relevant gaming device used or involved in carrying out any such activity:

(a) is made available for use, hosted or operated in approved premises;
(b) has a registration certificate attached thereon;
(c) is functioning properly and, when that is not the case, is immediately shut down until certified by an
inspector as having been repaired and made fit for operation;

\( (d) \) is not used to offer or play a game other than the approved games;

\( (e) \) is not modified, tampered with, re-programmed or otherwise altered, save with the approval of the Authority;

\( (f) \) in accordance with the way in which the machine is constructed, adapted or regulated, be designed to pay out on average a prize amounting to eighty five per centum (85\%) or more of the money or money’s worth inserted in the relevant gaming device:

Provided that a progressive or mystery jackpot shall not be taken into account for the purpose of calculating such average prize;

\( (g) \) as a result of, or in connection with, the use by any person of a relevant gaming device, does not offer, for each single game, a prize, reward or other benefit of a monetary value or capable of being converted into a prize, reward or other benefit of a monetary value, which is in excess of two thousand euro (€2,000.00):

Provided that in the case of a progressive or mystery jackpot, such maximum prize, reward or other benefit of a monetary value shall not exceed four thousand euro (€4,000.00);

\( (h) \) clearly indicates the limitation set out in paragraph \( (g) \);

\( (i) \) if and when required by the Authority, is at all times connected to the central monitoring system, either directly or through a central system which is itself connected to the central monitoring system; and

\( (j) \) restricts the maximum amount which can be committed by a player for a single game provided through the relevant gaming device (whether or not it is linked to other relevant gaming devices) to a maximum of five euro (€5.00).

28. A relevant gaming device which has been approved and registered by the Authority in terms of this Part VII shall provide the player with:

\( (a) \) the name of the game provided through the relevant gaming device;

\( (b) \) the cost of a credit;

\( (c) \) the rules of the game provided through the relevant gaming device;

\( (d) \) warnings against excessive playing;

\( (e) \) game information, relating to:

- the odds of winning the game provided through the relevant gaming device;
- the average winnings paid out to players of the
game provided through the relevant gaming device over a particular period of time or a particular number of plays; and

(iii) the maximum and minimum player spend rate for the game provided through the relevant gaming device; and

(f) player information, relating to:

(i) the duration of the player’s session of play;

(ii) the amount, expressed in euro and cents, that the player has spent during the player’s session of play; and

(iii) the player’s net wins or net losses during the player’s session of play.

29. (1) The Authority may require a licensee, a specific category of licensees or all licensees to upgrade, modify or replace a relevant gaming device and, or associated equipment so as to conform with any directive issued by the Authority from time to time. Without prejudice to the generality of the foregoing the Authority may at any time request a licensee, a specific category of licensees or all licensees to carry out such upgrades, modifications or replacements necessary to equip relevant gaming devices with a card reader system capable of carrying out debit or credit operations on the monetary contents recorded in a card and, or activating or deactivating the relevant gaming device.

(2) In the event that the Authority imposes any requirement referred to in sub-regulation (1) the relevant licensee or licensees shall bear the cost of upgrading, modifying or replacing the relevant gaming device or other associated equipment required to be so upgraded, modified or replaced so as to conform with the directives issued by the Authority.

PART VIII

Approval of Premises

30. It shall not be lawful for a Class 3 Licensee to make available for use, host or operate any relevant gaming device in any premises unless such premises are approved by the Authority in accordance with this Part VIII and a certificate of approval in relation to those premises is issued by the Authority in the name of the Class 3 Licensee.

31. (1) A Class 3 Licensee shall, prior to the commencement of any of the activities specified in the Class 3 Licence, make an application in writing to the Authority for the approval of the premises within which such activities are proposed to take place.

(2) An application for the approval of premises under sub-regulation (1) shall be made by the Class 3 Licensee on such form as may be designated by the Authority from time to time and shall include:

(a) the details of the Class 3 Licensee applying for approval of the premises;
(b) a description of the nature, location and dimension of the premises;

(c) a plan to scale of the premises;

(d) diagrams that indicate clearly where the relevant gaming devices shall be located within the premises;

(e) the development permit issued by the Malta Environment and Planning Authority in respect of the premises; and

(f) any other documents that may be specified by the Authority in the application form mentioned in this sub-regulation.

(3) The granting by the Authority of its approval of premises under sub-regulation (1) shall, in all cases, be subject to the payment of a non-refundable, one-time approval fee as set forth in the Third Schedule, which fee shall be paid simultaneously with the filing of the application for approval mentioned in sub-regulation (2).

32. The Authority shall only approve premises that satisfy the following conditions:

(a) the premises are operated, managed or otherwise controlled by persons deemed by the Authority to satisfy the requirements of the fit and proper test set out in regulation 8;

(b) the premises have, as their sole and exclusive purpose, the offering of games provided through relevant gaming devices and, for the avoidance of doubt, the making available for use, hosting or operation of amusement machines shall, in no case, take place in such premises;

(c) any and all access points to the premises are located at a radial distance of not less than seventy-five metres from the respective entry points at the perimeter of such places, locations, premises or establishments as may be determined by the Authority from time to time by means of directives;

(d) the premises have adequate restricted access controls in conformity with the provisions of regulation 33;

(e) the premises contain no more than one relevant gaming device per two square meters of the area in which the playing of games through relevant gaming devices is designed to take place:

Provided that in aggregate the premises shall not contain more than ten relevant gaming devices and provided further that in the case of relevant gaming devices designed or adapted in such a way as to allow more than one player to use such relevant gaming devices simultaneously, for the purposes of the limitations set out in this paragraph, the number of such relevant gaming devices shall be multiplied by
the aggregate number of players who could use such relevant gaming devices simultaneously;

(f) the premises indicate on all access points, by means of an identification plate issued by the Authority, that such premises are approved premises;

(g) the premises are equipped with closed circuit television cameras which are in operation twenty-four hours a day, every day of the week, and on which all relevant gaming devices are clearly visible and footage recorded by such closed circuit television cameras is stored for a minimum of sixty days; and

(h) the premises comply with any other specifications, rules or policies established by the Authority in terms of article 78 of the Act.

33. (1) The restricted access controls mentioned in this regulation shall be implemented at the access points of every approved premises.

(2) A Class 3 Licensee shall, at each approved premises for which he holds a certificate of approval issued in terms of regulation 30, keep a register of all persons entering and exiting such approved premises, including approved employees. Such register shall include the following information:

(a) the name and surname of the person entering the approved premises;

(b) a legally valid identification document or passport number as shown on a legally valid identification document or passport presented by the entrant prior to entry;

(c) in the case of approved employees, the number of the certificate of approval of the approved employee;

(d) the date and time of that person's entry into the approved premises; and

(e) such other information as may be required in terms of directives issued by the Authority from time to time.

(3) In order to discharge the obligations mentioned in sub-regulation (2), the Class 3 Licensee shall ensure that the approved premises include a reception area having at least one desk used solely for the reception and entrance control of persons entering the approved premises.

(4) The Class 3 Licensee shall ensure that a person shall not be allowed to enter any approved premises and, or make use of the relevant gaming devices if such person:

(a) is under the age of eighteen years;

(b) appears to be under the influence of alcohol or a drug or is acting in a disorderly manner;

(c) is requested by an approved employee not to enter the approved premises on the ground that the person has previously contravened any codes of conduct issued by
the Authority;

(d) upon a request to do so by an approved employee, he fails to produce his legally valid identification document or passport;

(e) has asked for an exclusion of his own admission, or an approved employee is aware that an exclusion or restriction is in force; or

(f) is included in the list of excluded persons provided by the Authority in terms of regulation 34.

34. (1) The Authority may from time to time issue codes of conduct applicable to Class 3 Licensees in relation to restricted access controls, including but not limited to the adoption of procedures for the collection and verification of records of persons excluded of their own accord or otherwise restricted from entering approved premises or participating in games provided through a relevant gaming device.

(2) The Authority shall, from time to time, make available to Class 3 Licensees a list of persons who are excluded, of their own accord or otherwise, from entering approved premises or participating in games provided through a relevant gaming device.

35. Where, before an application for the approval of premises is determined, or while a certificate of approval of premises is in force, a change occurs in a matter set out in, or in any documents lodged in connection with, the application for such approval, the Class 3 Licensee shall, not later than thirty days after the change has occurred, give the Authority written particulars of that change.

36. (1) The Authority shall consider each application for the approval of premises and shall -

(a) approve the application; or

(b) refuse to approve the application.

(2) Where the Authority approves an application for the approval of premises, it may determine conditions to which the approval shall be subject.

(3) The Authority may refuse to approve an application for the approval of premises where -

(a) the application does not comply with any one of the requirements of regulation 32; or

(b) a requirement made under regulation 62 in relation to the application is not complied with.

(4) The Authority shall refuse to approve premises if the Class 3 Licensee fails to satisfy the Authority that the proposed premises are eligible for approval in accordance with regulation 32.

(5) Where the Authority refuses to approve an application for the approval of premises, the Authority shall, within a reasonable time, notify such refusal in writing to the Class 3 Licensee specifying the reasons therefor.

(6) In considering an application for the approval of premises,
the Authority may inquire into such matters relating to the application as it may deem necessary.

37. (1) Where the Authority approves an application for the approval of premises, the Authority shall issue to the Class 3 Licensee a certificate of approval in a form determined by the Authority.

(2) The certificate of approval mentioned in sub-regulation (1) shall set out:

(a) the name of the Class 3 Licensee who shall be making available for use, hosting or operating relevant gaming devices within such premises; and

(b) any conditions determined by the Authority under regulation 36(2).

(3) The approval of premises under this regulation shall remain subject to the power of the Authority to add, vary or revoke any conditions relating to such approval during the currency of the same, provided that notice in writing thereof within a reasonable time is given to the Class 3 Licensee.

38. The certificate of approval of premises shall cease to have effect:

(a) upon cancellation or suspension of the certificate of approval in terms of regulation 40;

(b) upon surrender of the certificate of approval to the Authority;

(c) upon the expiration of one year from the issue of the certificate of approval, whereupon it may be renewed by the Authority in a form approved by the Authority for further periods of one year each;

(d) upon failure to pay the annual fee mentioned in regulation 39;

(e) upon termination, cancellation, suspension or non-renewal of the Class 3 Licence; and

(f) if the premises cease to be in compliance with these regulations, or any specifications, rules or policies established by the Authority in terms of article 78 of the Act, or any conditions determined by the Authority under regulation 36(2).

39. The Class 3 Licensee in whose name a certificate of approval of premises has been issued by the Authority shall pay an annual fee as set out in the Third Schedule. Such annual fee shall be payable by the Class 3 Licensee by not later than two weeks prior to the lapse of every calendar year following the date of issue of the certificate of approval.

40. (1) The Authority may cancel or suspend a certificate of approval where:

(a) the certificate of approval was issued at a time when there were valid reasons for refusing its issue which
were then unknown to the Authority;

(b) the holder of the certificate of approval is convicted of:

(i) an offence against the Act;

(ii) an offence that is to be taken to be related to an offence against the Act; or

(iii) an offence against any other law relating to gaming or betting;

(c) the holder of the certificate of approval is convicted of a criminal offence punishable with imprisonment;

(d) the holder of the certificate of approval contravenes a provision of the Act or of any regulations made thereunder;

(e) the holder of the certificate of approval contravenes a condition of the certificate of approval;

(f) the holder of the certificate of approval provides false or misleading information to the Authority;

(g) the holder of the certificate of approval is declared insolvent or has been declared bankrupt; or

(h) the holder of the certificate of approval is, for any other reason, a person not suitable to hold the certificate of approval.

(2) The holder of the certificate of approval shall give notice in writing to the Authority of the occurrence of any of the grounds for the cancellation or suspension of the certificate of approval in terms of sub-regulation (1) immediately upon becoming aware of such occurrence. If the holder of the certificate of approval fails to give the said notice, such failure shall constitute a ground of cancellation of both the certificate of approval and the Class 3 Licence of the holder of such certificate of approval.

(3) Where the Authority is satisfied that a ground for cancellation or suspension of a certificate of approval has arisen under sub-regulation (1), the Authority shall, by notice in writing, request the holder of the certificate of approval to show cause, within such period, being not less than twenty-one days after the issue of the notice, as is specified in the notice, why the certificate of approval should not be cancelled or suspended on such ground or grounds as stated in the notice.

(4) The Authority shall have regard to any response made under sub-regulation (3) and:

(a) where the matter is resolved to its satisfaction, shall take no further action;

(b) where although the matter is not resolved to its satisfaction, it considers that further action is not required, it shall issue a written caution to the holder of the certificate of approval; and

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is required, it may by
notice in writing served on the Class 3 Licensee:

(i) impose further conditions in the certificate of approval;

(ii) suspend the certificate of approval for such period as it thinks fit; or

(iii) cancel the certificate of approval.

(5) The Authority may at any time, by notice in writing given to the Class 3 Licensee, bring to an end or reduce the period of the suspension of the certificate of approval.

41. On receipt of notice of the suspension or cancellation of a certificate of approval of premises, the Class 3 Licensee shall cease to make available for use, host or operate any relevant gaming devices within the premises in respect of which such certificate of approval had been issued.

PART IX

Approval of Employees

42. It shall not be lawful for a Class 3 Licensee to employ or directly or indirectly engage any person, whether under a contract of service or otherwise, to provide a service related to gaming in an approved premises in relation to which the Class 3 Licensee holds a certificate of approval in terms of regulation 30, unless such person holds a certificate of approval issued by the Authority under regulation 43, and in this Part the terms "employee", "employ" and "employment" shall be construed accordingly:

Provided that for the purposes of this Part the term "employee" shall not include a Class 1 Licensee when carrying out the activities listed in regulation 3(1)(a) or a Class 2 Licensee when carrying out the activities listed in regulation 3(1)(b).

43. (1) Without prejudice to the provisions of regulation 48, the Class 3 Licensee shall, prior to the commencement of employment of an employee, make an application to the Authority in writing for the approval of such person’s employment on such form as shall be designated by the Authority from time to time.

(2) The application for the approval referred to in sub-regulation (1) shall:

(a) set out the functions that the proposed employee is to perform;

(b) be accompanied by any documents that the application form may specify; and

(c) be signed by the Class 3 Licensee and the proposed employee.

(3) The granting of approval by the Authority shall, in all cases, be subject to the payment of a non-refundable one-time application fee as set forth in the Third Schedule and shall be paid simultaneously with the filing of the application for approval mentioned in sub-regulation (1).
44. A person is not eligible for approval by the Authority as an employee if that person:

(a) is not a fit and proper person, and for this purpose the provisions of regulation 8(2) shall apply mutatis mutandis;

(b) is under the age of eighteen years; and

(c) does not satisfy such other requirement as may be established in terms of directives issued by the Authority from time to time, including but not limited to the requirement to follow and successfully complete courses on ethics and good conduct relating to gaming.

45. (1) Where, before an application for the approval of an employee is determined, or while a certificate of approval of an employee is in force, a change occurs in a matter set out in, or in any documents lodged in connection with, the application for such approval, the Class 3 Licensee shall, not later than thirty days after the change has occurred, provide the Authority with written particulars of that change.

(2) Where as a result of a change referred to in sub-regulation (1), irrespective of whether such change has been notified to the Authority, a situation is brought about that, had it existed at the time of the application for approval of an employee under these regulations, it would have precluded the grant of the approval, the Authority shall by notice inform the approved employee accordingly, and if such situation is not remedied to the satisfaction of the Authority within one month from the notice to that effect, the Authority may cancel or suspend the certificate of approval without complying with the provisions of regulation 51.

46. (1) The Authority shall consider each application for the approval of an employee and shall -

(a) approve the application; or

(b) after amending, with the consent in writing of the Class 3 Licensee and the proposed employee, the functions of the proposed employee set out in the application, approve the application as so amended; or

(c) refuse to approve the application.

(2) Where the Authority approves an application for the approval of an employee, it may determine conditions to which the approval shall be subject.

(3) The Authority may refuse to approve an application for the approval of an employee where:

(a) the application does not comply with any one of the requirements of regulation 43; or

(b) a requirement made under regulation 62 in relation to the application is not complied with.

(4) The Authority shall refuse to approve a proposed employee if the Authority is not satisfied that the proposed employee is eligible for approval in accordance with regulation 44.
Where the Authority refuses to approve an application for the approval of an employee, the Authority shall, within a reasonable time, notify such refusal in writing to the Class 3 Licensee specifying the reasons therefor.

In considering an application for the approval of an employee, the Authority may inquire into such matters relating to the application as it may deem necessary.

(5) Where the Authority refuses to approve an application for the approval of an employee, the Authority shall, within a reasonable time, notify such refusal in writing to the Class 3 Licensee specifying the reasons therefor.

(6) In considering an application for the approval of an employee, the Authority may inquire into such matters relating to the application as it may deem necessary.

47. (1) Where the Authority approves an application for the approval of an employee, the Authority shall issue to the proposed employee a certificate of approval in a form approved by the Authority.

(2) A certificate of approval of an employee shall set out:

(a) the functions that the approved employee may perform in relation to gaming;

(b) the name of the Class 3 Licensee for whom the approved employee is approved to provide services as set out in regulation 42; and

(c) any conditions determined by the Authority under regulation 46(2).

(3) The approval of an employee under this regulation shall remain subject to the power of the Authority to add, vary or revoke any conditions relating to such approval during the currency of the same, provided that notice in writing thereof within a reasonable time is given to the approved employee and to the Class 3 Licensee.

48. (1) Where a Class 3 Licensee has submitted an application for the approval of an employee, the Authority may, pending the issue of a certificate of approval, issue a provisional certificate of approval of an employee to the proposed employee in a form approved by the Authority and under such terms and conditions as the Authority may deem necessary.

(2) A provisional certificate of approval of an employee shall cease to have effect in any one of the following circumstances, whichever is the earlier:

(a) upon cancellation by the Authority by notice in writing given to the holder of the provisional certificate of approval and to the Class 3 Licensee;

(b) upon issue of a certificate of approval of an employee to the holder of the provisional certificate of approval;

(c) upon surrender of the provisional certificate of approval to the Authority;

(d) upon the expiration of three months from the issue of the provisional certificate of approval;

(e) upon the termination, suspension, cancellation or non-renewal of the Class 3 Licence held by the Class 3 Licensee for whom the provisionally approved employee is provisionally approved to provide services as set out in regulation 42(1);
49. A certificate of approval of an employee, other than a provisional certificate of approval as mentioned in regulation 48, shall cease to have effect:

(a) upon cancellation or suspension of the certificate of approval;

(b) upon surrender of the certificate of approval to the Authority;

(c) upon the expiration of one year from the issue of the certificate of approval, whereupon it may be renewed by the Authority in a form approved by the Authority for further periods of one year each;

(d) upon the termination, suspension, cancellation or non-renewal of the Class 3 Licence held by the Class 3 Licensee for whom the approved employee is approved to provide services as set out in regulation 42;

(e) upon termination of the employment with the Class 3 Licensee indicated in the certificate of approval; or

(f) upon the death of the holder of the certificate of approval.

50. (1) The functions that an approved employee may perform may not be varied unless the Class 3 Licensee indicated in the certificate of approval of the employee applies to the Authority in a form approved by the Authority for a variation of the functions that the approved employee may perform, and the Authority approves such application.

(2) Where the Authority proposes to approve an application under sub-regulation (1), the Authority:

(a) shall notify the Class 3 Licensee and the approved employee by notice in writing of the variation that the Authority proposes to make in relation to the certificate of approval of the employee;

(b) shall request the approved employee to forward such certificate of approval to the Authority for alteration; and

(c) on receipt of such certificate of approval, shall alter it in accordance with that proposal.

51. (1) A ground for cancellation or suspension of a certificate of approval of an employee arises where:

(a) the certificate of approval was issued at a time when there were valid reasons for refusing its issue which were then unknown to the Authority;
the holder of the certificate of approval is convicted of:

(i) an offence against the Act;
(ii) an offence that is related to an offence against the Act; or
(iii) an offence against any other law relating to gaming or betting;

(c) the holder of the certificate of approval is convicted of a criminal offence punishable with imprisonment;

(d) the holder of the certificate of approval contravenes a provision of the Act or of any regulations made thereunder;

(e) the holder of the certificate of approval contravenes a condition of such certificate of approval;

(f) the holder of the certificate of approval provides to the Authority false or misleading information;

(g) the holder of the certificate of approval is declared bankrupt, or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors;

(h) the holder of the certificate of approval is, for any other reason, a person not suitable to hold such certificate of approval; or

(i) the holder of the certificate of approval no longer fulfils the eligibility criteria mentioned in regulation 44:

Provided that the Authority may dispense with the condition under paragraphs (c) and (g).

(2) The Class 3 Licensee indicated in the certificate of approval of an employee shall give notice in writing to the Authority of the occurrence of any of the grounds for the cancellation or suspension of the certificate of approval in terms of sub-regulation (1) immediately upon the Class 3 Licensee becoming aware of such occurrence. If the Class 3 Licensee fails to give the said notice, such failure shall constitute a ground of cancellation of both such certificate of approval and the Class 3 Licence held by the Class 3 Licensee.

(3) Where the Authority is satisfied that a ground for cancellation or suspension of a certificate of approval of an employee has arisen under sub-regulation (1), the Authority shall, by notice in writing, request the holder of such certificate of approval to show cause, within such period, being not less than twenty-one days after the issue of the notice, as is specified in the notice, why the certificate of approval should not be cancelled or suspended on such ground or grounds as stated in the notice.

(4) The Authority shall have regard to any response made under sub-regulation (3) and:

(a) where the matter is resolved to its satisfaction, shall take no further action;
(b) where although the matter is not resolved to its satisfaction, it considers that further action is not required, it shall issue a written caution to the holder of the certificate of approval; and

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is required, it may by notice in writing served on the Class 3 Licensee and the holder of the certificate of approval:

(i) vary the functions that the holder of the certificate of approval may perform;

(ii) impose further conditions in the certificate of approval;

(iii) suspend the certificate of approval for such period as it thinks fit; or

(iv) cancel the certificate of approval.

(5) Where a variation of functions or a condition imposed by the Authority under sub-regulation (4)(c) is not complied with within the time specified in the notice, the Authority shall cancel or suspend the certificate of approval.

(6) The Authority may at any time by notice in writing given to the Class 3 Licensee and to a person who was the holder of a certificate of approval at the time of the suspension of such certificate of approval, bring to an end or reduce the period of the suspension of such certificate of approval.

52. The Class 3 Licensee shall, on receipt of notice of the suspension or cancellation of a certificate of approval of an employee of such Class 3 Licensee, cease to permit the person who was the holder of such certificate of approval to perform functions of the kind specified in such certificate of approval.

PART X

General

53. The granting of any licence, certificate of approval or other authorisation by the Authority in terms of these regulations (in this Part collectively referred to as an "Authorisation") is a revocable privilege and no holder thereof shall be deemed to have acquired any vested rights therein or thereunder.

54. (1) An Authorisation may not be directly or indirectly assigned or transferred in any way whatsoever to any other person without the prior written approval of the Authority.

(2) Any such assignment or transfer to any other person without the Authority's consent shall be considered null and void, shall constitute sufficient grounds for the Authority to suspend or cancel that Authorisation and shall constitute an offence against these regulations.

(3) In the event that a holder of an Authorisation wishes to surrender his Authorisation he shall notify the Authority in writing and the Authority shall proceed to cancel the Authorisation accordingly. A cancellation of an Authorisation shall not affect any
55. (1) It shall be the duty of a holder of an Authorisation, the administrators and the key official to notify the Authority of any material change in the holder’s circumstances and of any other circumstance that may be reasonably expected to affect the abilities of the holder of the Authorisation to comply with the Act, these regulations and the Authorisation.

(2) A change in any of the information provided in the application for an Authorisation in terms of these regulations and, or in any Authorisation condition shall be deemed to be a material change in the circumstances of the holder of the Authorisation.

(3) Where as a result of a change referred to in sub-regulation (1), whether such change has been notified to the Authority or otherwise, a situation is brought about that, had it existed at the time of the application for an Authorisation under these regulations, it would have precluded the grant of the Authorisation, the Authority shall by notice inform the holder of the Authorisation accordingly, and if such situation is not remedied to the satisfaction of the Authority within one month from the date of issue of a notice to that effect, the Authority may revoke or suspend the Authorisation without complying with the provisions of regulation 59:

Provided that the Authority shall not issue a notice as aforesaid any later than three months after becoming aware of the change referred to in sub-regulation (1).

56. (1) Every holder of an Authorisation, associated person and approved employee shall, at all times, adhere to the provisions of the Act, these regulations, every Authority’s directive applicable to them and all conditions of the Authorisation.

(2) Every holder of an Authorisation shall carry out the activities specified in the Authorisation issued thereto in accordance with the procedures, codes of conduct and internal controls which may be prescribed by the Authority from time to time, and all such procedures, codes of conduct and internal controls shall be deemed to be a condition of the Authorisation, whether or not expressly included therein.

(3) Every licensee shall maintain all accounting and technical records, and shall forward same to the Authority, in such a form, detail and with such frequency as may be prescribed by the Authority in codes of conduct which may be prescribed for this purpose by the Authority from time to time.

(4) Every holder of an Authorisation shall promptly report to the Authority any fact or circumstance relating to the operation of relevant gaming devices that he reasonably suspects of constituting an offence under these regulations or the Act.

(5) The granting by the Authority of an Authorisation under these regulations to any person shall not relieve such person from obtaining any other permit, approval or licence required by or
under any other law or regulations in force from time to time.

57. The Authority may issue codes of conduct regulating the conduct and operations of the holders of an Authorisation.

58. In the event of reasonable doubt as to whether an Authorisation is required in terms of these regulations, the matter shall be conclusively determined by the Authority.

59. (1) The Authority may revoke or suspend a licence granted in terms of these regulations on any of the following grounds:

(a) the licensee or any associated person, as the case may be, is convicted of an offence against the Act, or of theft, receiving stolen property, fraud or any crime affecting public trust;

(b) the licensee contravenes any provision of the Act or these regulations, or is in breach of any condition of the licence or of any directive issued by the Authority in terms of the Act or regulations;

(c) the licensee knowingly or negligently supplies to the Authority information that is false or misleading;

(d) the licensee fails to fulfil his financial commitments to the Authority when these become due and payable, or otherwise fails to pay any fees or taxes due under the Act or these regulations;

(e) the licensee is in the process of being wound up or otherwise dissolved;

(f) the licensee or an associated person carried out an act requiring approval of the Authority without having obtained such approval or in a manner which is not in accordance with such approval;

(g) the Authority is reasonably satisfied that the licensee is not, or has ceased to be, a person suitable to hold the licence.

(2) Where a ground for revocation, suspension or non-renewal of a licence arises under these regulations, the Authority shall, by means of a reasoned notice in writing, request the licensee to show cause, within such period being not less than twenty-one days after the issue of the notice as specified in the same notice, why the licence should not be revoked, suspended or renewed on such ground as is stated in the notice:

Provided that where the Authority deems that it is in the interest of the public to suspend the operations of the licensee with immediate effect, the Authority shall have the right to impose such condition with immediate effect as a precautionary measure, prior to the lapse of the aforementioned twenty-one day period.

(3) The Authority shall have regard to any response made under sub-regulation (2) in such manner that:

(a) where the matter is resolved to its satisfaction, it shall...
take no further action and shall inform the licensee in writing accordingly;

(b) where, although the matter is not resolved to its satisfaction, it considers that further action is not required, it shall issue a written caution to the licensee; or

(c) where the matter is not resolved to its satisfaction and it is satisfied that further action is required, it may by notice in writing:
   (i) give such direction to the licensee as it considers appropriate;
   (ii) suspend the licence for such period as it thinks fit; or
   (iii) revoke or not renew the licence.

(4) Where a direction given by the Authority under sub-regulation (3)(c) is not complied with within the time specified in the notice, the Authority may suspend, revoke or not renew the licence.

(5) The Authority shall, in the case of any action taken in terms of sub-regulation (3)(b) and (c), provide the licensee with reasons for its decision.

(6) The suspension, revocation or non-renewal of a licence shall not affect any liability of the licensee for anything done or omitted to be done before the date of suspension or expiration.

(7) The liability of the licensee to pay any fee shall continue during any period in which the licence is suspended.

Key official.

60. (1) A licensee shall appoint at least one individual, residing in a Member State of the European Union or a Member State of the European Economic Area or any other jurisdiction or territory approved by the Authority, as key official, and until such appointment is approved by the Authority, the licensee shall not be allowed to carry out any activity in respect of which the licence was granted.

(2) The key official shall be personally responsible to supervise the carrying out of the activities specified in the licence and ensure that the said activities are in compliance with the applicable laws and regulations, conditions of the licence and any directives issued by the Authority.

(3) The key official shall:

(a) have sufficient and adequate resources for the proper discharge of his duties as key official;

(b) be an administrator of the licensee who the Authority reasonably believes to have a significant influence in the management of the operations and activities of the licensee; and

(c) at all times be readily available to respond to requests made by the Authority in connection with the activities and operations of the licensee.
(4) An application for the approval of a key official shall be made to the Authority in writing, on such form as may be designated for such purpose by the Authority from time to time.

(5) The Authority shall not approve the appointment of a key official unless it is satisfied that such individual is fit and proper to fulfil his obligations and discharge his duties taking into account, *inter alia*, the matters referred to in sub-regulation (3). The Authority shall undertake any investigations which the Authority considers necessary to determine whether the key official is eligible and suitable to act as key official.

(6) In undertaking its investigations in terms of sub-regulation (5), the Authority may:

(a) require the key official and the licensee in respect of which the key official has been appointed to provide further information relating to the application;

(b) require the key official to undergo an independent investigation into his financial position and credit history; and

(c) refer to the Commissioner of Police a copy of the application and any further information provided by the key official or the licensee.

(7) The Authority shall cancel the key official approval if such key official fails to satisfy the requirements mentioned in sub-regulation (3).

(8) The Authority may cancel the approval of a key official if such key official:

(a) is convicted in any country or territory of an offence punishable with imprisonment;

(b) is found guilty of an offence against the Act or regulations made thereunder; or

(c) fails to satisfy any condition required to be fulfilled by a key official in terms of these regulations.

(9) A key official approval shall no longer remain valid if:

(a) it is cancelled by the Authority;

(b) the key official tenders his resignation and notifies the Authority thereof;

(c) the appointment of the key official is terminated by the licensee appointing him; or

(d) the key official notifies the Authority thereof together with details of the reasons for his removal.

61. (1) Notwithstanding anything contained in any other law, the approval in writing of the Authority shall be required before any person may lawfully:

(a) acquire a qualifying holding in a licensee;

(b) increase an existing holding which is not a qualifying holding so as to cause it to become a qualifying
holding in a licensee;

(c) increase an existing qualifying holding in a licensee to cause it to equal or exceed thirty per centum or fifty per centum or to cause the licensee to become that person’s subsidiary;

(d) reduce an existing qualifying holding in a licensee so as to cause it to fall below fifty per centum or thirty per centum, or to cause the licensee to cease to be that person’s subsidiary;

(e) reduce an existing qualifying holding in a licensee so as to cause it to cease to be a qualifying holding; or

(f) divest himself of a qualifying holding in a licensee.

(2) It shall be the duty of the licensee and the key official to notify the Authority forthwith upon, and in any case not later than seven days after, becoming aware that any person intends to take any of the actions listed in sub-regulation (1).

(3) The Authority may request such information as it deems necessary to be furnished to it in connection with the notification referred to in sub-regulation (2).

(4) Within three months of receipt of the notification referred to in sub-regulation (2) or of the information referred to in sub-regulation (3), whichever is later, the Authority shall:

(a) grant unconditional consent to the taking of the action;

(b) grant consent to the taking of the action subject to such conditions as the Authority may deem appropriate; or

(c) refuse consent to the taking of the action:

Provided that where the Authority fails for any reason to issue such a notice within the aforesaid period, this fact shall be construed as if the consent has been granted in terms of paragraph (a).

62. The Authority may, by notice in writing, require a holder of an Authorisation:

(a) to provide, in accordance with the directions set out in the notice, such information specified therein;

(b) to produce, in accordance with directions set out in the notice, such records specified in the notice;

(c) to permit examination of records, the taking of extracts from records and the making of copies of records; or

(d) to authorise a person specified in the notice to comply with a requirement of a kind referred to in paragraphs (a), (b) or (c).

63. It shall be unlawful for an employee, as defined in Part IX, or for an administrator of a Class 3 Licensee, to participate in the playing of a game provided through a relevant gaming device registered in the name of the said Class 3 Licensee.
PART XI

Provision of Money for Gaming

64. It shall not be lawful for a licensee or any person acting on behalf of the licensee or under any arrangement with the licensee, to make any loan to, or otherwise provide to or allow any financial credit to, or release or discharge on another person’s behalf the whole or part of any debt -

(a) to enable a person to play games provided through relevant gaming devices, and, or

(b) in respect of any losses incurred by any person in playing games provided through relevant gaming devices.

PART XII

Advertising

65. No advertising of any of the activities listed in regulation 3(1) shall be allowed where such advertising is in contravention of the code of conduct on advertising, promotions and inducements issued by the Authority. Compliance with such code shall be deemed to be a condition of a licence.

PART XIII

Central Monitoring System

66. (1) The Authority may, at any time, require a licensee, a specific category of licensees or all licensees to connect the relevant gaming devices and, or the central systems registered in their name to a central monitoring system operated by the Authority, and to maintain such connection at all times.

(2) In the event that the Authority imposes the requirement referred to in sub-regulation (1) the Authority may, at any time, require a licensee, a specific category of licensees or all licensees to upgrade, modify or replace relevant gaming devices and, or associated equipment to ensure their compatibility with the central monitoring system operated by the Authority in accordance with such technical specifications as may be specified in directives issued by the Authority from time to time.

(3) In the event that the Authority imposes the requirements referred to in this regulation, the licensee shall bear the costs of upgrading modifying or replacing the relevant gaming devices and, or associated equipment.

67. (1) The Authority may use a central monitoring system for:

(a) monitoring and receiving information about, *inter alia*:

(i) the funds used to play a game provided through a relevant gaming device and the destination of
those funds;
(ii) the gross proceeds generated from each relevant gaming device;
(iii) the number and location of relevant gaming devices connected to the central monitoring system;
(iv) faults with relevant gaming devices;
(v) tampering with relevant gaming devices; and
(vi) suspected contraventions of the Act or these regulations;

(b) controlling relevant gaming devices directly or through a central system to which the relevant gaming devices may be connected;

(c) disabling or enabling relevant gaming devices directly or through a central system to which the relevant gaming devices may be connected;

(d) such other purposes as may be specified in directives issued by the Authority from time to time.

(2) Any statistical information that is collected by the Authority in terms of sub-regulation (1)(a) may be made available on the Authority’s website, or in another electronic form that is easily accessible to the public.

(3) If a fault in the central monitoring system or in the telecommunications system used to operate the central monitoring system causes relevant gaming devices or central systems not to operate, the Authority shall not be liable for any compensation to any person for loss or damage caused by the failure to operate of the relevant gaming devices and, or central systems.

PART XIV
Offences and Penalties

68. (1) Any person who knowingly contravenes or fails to comply with any of the provisions of these regulations shall be guilty of an offence and shall on conviction, unless the offence is subject to a greater punishment under a provision of the Act or of any other law, be liable to a fine (multa) of not less than three thousand euro (€3,000) but not exceeding two hundred and thirty-five thousand euro (€235,000) in respect of every contravention of, or failure to comply with, the provisions of these regulations, and, or the seizure, removal, confiscation, destruction or disabling of relevant gaming devices, central system, associated equipment or any equipment or software related or connected thereto.

(2) In addition and without prejudice to any liability of an employee or other person, where any thing is done or omitted to be done by a body of persons, the provisions of this Part shall apply as if such thing were done or omitted to be done by every administrator or key official of that body of persons:

Provided that a key official or an administrator shall not be guilty of an offence in virtue of this sub-regulation if he proves that
he was unaware and could not with reasonable diligence have been aware of such act or omission and that he did everything within his power to prevent that act or omission.

(3) Where anything is done or omitted to be done by an employee in the course of his employment, or by any person acting on behalf of a licensee, whether such other person is an employee or not, the provisions of this Part shall apply as if such thing were done or omitted to be done by both:

(a) the said employee or other person; and
(b) the employer or licensee:

Provided that such an employer or licensee shall not be guilty of an offence by virtue of this sub-regulation if he proves that he was unaware and could not with reasonable diligence have been aware of such an act or omission and that he did everything within his power to prevent that act or omission.

69. The provisions of article 68 of the Act shall apply mutatis mutandis and any reference contained therein to a licensee or holder of a permit issued in terms of article 36 of the Act shall be deemed to be a reference to a "licensee" as defined in these regulations.

70. (1) Without prejudice to anything contained in articles 18, 19 and 20 of the Act, an inspector shall for the purpose of ascertaining that these regulations and that all the conditions of a licence, certificate of approval or other authorisation issued by the Authority under these regulations are being complied with, and that the full amount of fees, taxes or any other sums payable under the Act or under these regulations are being paid, also have the following powers:

(a) to inspect and examine a relevant gaming device or a component of a relevant gaming device, associated equipment and, or a central system;

(b) to play a game or games on a relevant gaming device for the purpose of confirming that the relevant gaming device is in compliance with the provisions of these regulations;

(c) to remove a relevant gaming device or part thereof, any associated equipment, a central system or components thereof to another place or premises approved and designated by the Authority, for the purpose of an inspection or examination to ensure that it complies with the provisions of these regulations and the Act;

(d) to inspect any premises, whether approved in terms of these regulations or not, where relevant gaming devices are kept, stored, hosted, operated, made available for use or displayed and, or offered to the public;

(e) to inspect any premises, whether approved in terms of these regulations or not, where a central system is
kept, stored, operated, made available for use or displayed;

\((f)\) to request information or the production for inspection of any document or any other thing for the purposes of an inspection;

\((g)\) to remove any document or any other thing produced as a result of a request under paragraph \((f)\) or discovered during an inspection conducted for the purpose of examining the document or other thing or making copies or taking extracts.

(2) An inspector removing a relevant gaming device, a component of a relevant gaming device, associated equipment, a central system, document or other thing from an approved premises or other place under sub-regulation (1) shall first provide a receipt for it to the person who owns or is in charge of the premises or place and, subject to sub-regulation (3), shall promptly return the relevant gaming device, component of the relevant gaming device, associated equipment, central system, document or other thing to the premises or other place after completion of the inspection, examination, making of copies or taking of extracts, as the case may be.

(3) An inspector may detain for the purposes of evidence any relevant gaming device, associated equipment, central system or component thereof, document or other thing that the inspector discovers while acting under this regulation and believes, on reasonable and probable grounds, may afford evidence of a violation of or a non-compliance with anything contained in these regulations:

Provided that copies of, or extracts from, documents or other things removed from an approved premises or other place under this regulation and certified by an official of the Authority making the copies or taking the extracts as being true copies of, or extracts from, the originals are admissible in evidence to the same extent as, and have the same probatory value as, the documents or things of which they are copies or from which they are extracts.

(4) An inspector may, without prior notice, disable or seal a relevant gaming device, associated equipment and, or a central system, if the inspector has reasonable grounds to believe that the relevant gaming device, the associated equipment or the central system is faulty or has been modified, tampered with, re-programmed or otherwise altered without the approval of the Authority and, or does not comply with these regulations and, or the minimum standards established by the Authority from time to time:

Provided that the Authority shall enable or unseal the relevant gaming device, the associated equipment or the central system if the Authority has reasonable grounds to believe that the reasons for its disablement or sealing have been remedied to the satisfaction of the Authority.

(5) A disablement or subsequent enablement of a relevant gaming device or central system may be effected through the
Conduct during inspections.

71. (1) The person who owns or is in charge of any place or premises entered into by an inspector, and any employee or agent of such person, shall give all necessary assistance to the inspector to enable the inspector to exercise the powers given under articles 18 and 19 of the Act and these regulations, and shall furnish the inspector with such relevant gaming device, component of a relevant gaming device, central system, associated equipment, information or other thing as the inspector may reasonably request.

(2) It shall be unlawful for any person to hinder, obstruct or otherwise interfere with, or knowingly make a false or misleading statement either orally or in writing to, or provide or produce a false document or other thing to, an inspector who is carrying out his or her duties and functions under this regulation.

72. (1) Notwithstanding any provision in these regulations, and without prejudice to the provisions of the Gaming Act or a casino licence issued in terms thereof, these regulations shall not apply to a person that makes available for use, hosts or operates any relevant gaming device in a casino complex in which the business of casino gaming is allowed to be operated in terms of a casino licence granted to that person under the Gaming Act.

(2) For the purpose of these regulations and article 7(1) of the Act, a personal computer or a domestic computer shall not, by reason only of the fact that it can be used to participate in any form of gaming by means of distance communications, be deemed to be a relevant gaming device:

Provided that in case of doubt as to whether a device is a personal computer, a domestic computer or a relevant gaming device, the Authority shall have the power to conclusively determine the matter after taking into account:

(a) the location of the device;
(b) the purposes for which the device is being used;
(c) the software installed on the device; and
(d) any other matter which the Authority considers relevant in the circumstances.
FIRST SCHEDULE

Regulation 3

Licences

CLASSES OF LICENCES

1. A Class 1 Licence shall cover the manufacture, assembly, repairing or servicing of relevant gaming devices.

2. A Class 2 Licence shall cover the placing on the market, distribution, supply, sale, lease or transfer of relevant gaming devices.

3. A Class 3 Licence shall cover the making available for use, hosting or operation of relevant gaming devices, but not the operation of a central system.

4. A Class 4 Licence shall cover the operation of a central system.

Amended by:
L.N. 426 of 2012.

SECOND SCHEDULE

Regulation 5

Application Documents and Information

1. Class 1 Licence Application

   a. Personal Declaration Form in such form as may be required by the Authority, for each associated person;

   b. Police Conduct Certificate updated to within fifteen (15) days of the date of filing of the application, for each associated person;

   c. Copy (certified by a notary public or advocate) of birth certificate, and passport or a legally valid identification document, for each associated person;

   d. Bank Reference for each associated person, in such form as may be required by the Authority;

   e. Two passport-sized photos for each associated person;

   f. Any agreements, pre-agreements or drafts thereof entered into or under negotiation (as the case may be) between the applicant and: a Class 1 Licensee; any other person applying for a license to manufacture, assemble, repair or service relevant gaming devices; a Class 2 Licensee; any person applying for a license to place on the market, distribute, supply, sell, lease or transfer relevant gaming devices; a Class 3 Licensee; or any person applying for a license to make available for use, host or operate relevant gaming devices;

   g. Detailed information on the manner in which the applicant intends to ensure the proper conduct of its business, including the procedures to be adopted in order to ensure the timely repair and maintenance of the relevant gaming devices as and when necessary;

   h. Where applicable, the relevant certificates and qualifications of the applicant relating to the activities to be conducted under the Class 1 Licence; and

   i. Any other information or document required by the Authority.
2. Class 2 Licence Application
   
   a. Personal Declaration Form in such form as may be required by the Authority, for each associated person;
   
   b. Police Conduct Certificate updated to within thirty (30) days of the date of filing of the application, for each associated person;
   
   c. Copy (certified by a notary public or advocate) of birth certificate, and passport or a legally valid identification document, for each associated person;
   
   d. Bank Reference for each associated person, in such form as may be required by the Authority;
   
   e. Two passport-sized photos for each associated person;
   
   f. A list of licensed manufacturers of relevant gaming devices or manufacturers of relevant gaming devices who have applied for a Class 1 Licence, as the case may be, whose relevant gaming devices the applicant intends to place on the market, distribute, supply, sell, grant on lease or transfer;
   
   g. Any agreements, pre-agreements or drafts thereof entered into or under negotiation (as the case may be) between the applicant and: a Class 1 Licensee; any person applying for a license to manufacture, assemble, repair or service relevant gaming devices; a Class 2 Licensee; any other person applying for a license to place on the market, distribute, supply, sell, lease or transfer relevant gaming devices; a Class 3 Licensee; or any person applying for a license to make available for use, host or operate relevant gaming devices;
   
   h. Detailed information on the manner in which the applicant intends to ensure the proper conduct of its business, including the procedures to be adopted in order to ensure the timely repair and maintenance of the relevant gaming devices as and when necessary; and
   
   i. Any other information or document required by the Authority.

3. Class 3 Licence Application

   a. Personal Declaration Form in such form as may be required by the Authority, for each associated person;
   
   b. Police Conduct Certificate updated to within fifteen (15) days of the date of filing of the application, for each associated person;
   
   c. Copy (certified by a notary public or advocate) of birth certificate, and passport or a legally valid identification document, for each associated person;
   
   d. Bank Reference for each associated person, in such form as may be required by the Authority;
   
   e. Two passport-sized photos for each associated person;
   
   f. Detailed information on the manner in which the applicant intends to ensure the proper conduct of its business, including the procedures to be adopted in order to ensure the timely repair and maintenance of the relevant gaming devices as and when necessary;
   
   g. The number of relevant gaming devices that the applicant intends to make available for use, host or operate in terms of the licence, which in no case shall exceed ten (10) relevant gaming devices per approved premises;
Where applicable, a description of the specifications and location of the central system to which all relevant gaming devices made available for use, hosted or operated under the licence will be connected; 

The dates and, or days of the week, on or during which games provided through a relevant gaming device may be played, and vouchers or tokens issued by relevant gaming devices may be exchanged or redeemed, in approved premises; 

The number, types and descriptions of games provided through a relevant gaming device which the applicant intends to make available for use, host or operate through the relevant gaming devices in terms of the licence, including the proposed range of payout percentages, the win determination process and the elements of the games provided through a relevant gaming device; 

The rules and regulations regarding the procedures for making use of relevant gaming devices and playing the games provided through relevant gaming devices; 

The procedures for printing, validation and authentication of vouchers or tokens issued by relevant gaming devices, for prizes; 

The proposed prizes to be awarded to players by way of redemption or exchange of vouchers or tokens issued by approved relevant gaming devices; 

Where applicable, the proposed procedures for registering and recording on the central system all gaming and other processes taking place on or carried out through the relevant gaming devices; 

Any agreements, pre-agreements or drafts thereof entered into or under negotiation (as the case may be) between the applicant and: a Class 1 Licensee; any person applying for a license to manufacture, assemble, repair or service relevant gaming devices; a Class 2 Licensee; any person applying for a license to place on the market, distribute, supply, sell, lease or transfer relevant gaming devices; a Class 3 Licensee; any other person applying for a license to make available for use, host or operate relevant gaming devices; or any other person directly or indirectly related to the making available for use, hosting or operation of the relevant gaming devices or to the approved premises; 

The proposed system of reporting of payouts effected by each relevant gaming device, on a monthly basis and, or upon inspection by an inspector; 

The proposed policies, procedures and measures to ensure the compliance of the relevant gaming devices and games provided through such relevant gaming devices with the Act, these regulations and the licence; 

A declaration by a person in possession of a warrant to practice as an Architect & Civil Engineer that the proposed premises are compliant with these regulations and any relevant policy issued by the Authority; and 

Any other information or document required by the Authority.
a. Personal Declaration Form in such form as may be required by the Authority, for each associated person;

b. Police Conduct Certificate updated to within fifteen (15) days of the date of filing of the application, for each associated person;

c. Copy (certified by a notary public or advocate) of birth certificate, and passport or a legally valid identification document, for each associated person;

d. Bank Reference for each associated person, in such form as may be required by the Authority;

e. Two passport-sized photos for each associated person;

f. Detailed information on the manner in which the applicant intends to ensure the proper conduct of its business, including the procedures adopted to ensure the timely repair and maintenance of the central system as and when necessary;

g. A technical description of the central system specifications as may be required by the Authority;

h. Details of the proposed location of the central system in Malta and the standards maintained therein;

i. A detailed operational manual outlining the application architecture, the system architecture, the software developer, security and control procedures, back-up and disaster recovery procedures;

j. A description of the relevant gaming devices that are proposed to be connected to the central system;

k. A list of the Class 3 Licensees in whose name the relevant gaming devices proposed to be connected to the central system are approved and registered;

l. Agreements with any person carrying out an activity referred to in regulation 3(1) with respect to that activity;

m. A detailed description of the proposed accounting procedures and procedures for registering and recording on the central system all gaming and other processes taking place on or carried out through the relevant gaming devices;

n. The proposed policies, procedures and measures to ensure the compliance of the central system with the Act, these regulations and the licence; and

o. Any other information or document required by the Authority.
<table>
<thead>
<tr>
<th>Description of Licence or Authorisation</th>
<th>One-time non-refundable application fee</th>
<th>Licence Fee</th>
<th>Placement Tax</th>
<th>One Time Approval Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Class 1 Licence</strong></td>
<td>€ 2,000</td>
<td>€ 2,000 per annum</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td><strong>Class 2 Licence</strong></td>
<td>€ 2,000</td>
<td>€ 2,000 per annum</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td><strong>Class 3 Licence</strong></td>
<td>€ 500</td>
<td>€ 125 per relevant gaming device per month</td>
<td>- €200 per relevant gaming device per month where the gross gaming revenue of each relevant gaming device does not exceed €1,000.00 for that relevant month; or - 20% of the monthly gross gaming revenue generated by every relevant gaming device where the gross gaming revenue of each relevant gaming device exceeds one thousand euro (€1,000.00) for that relevant month</td>
<td>nil</td>
</tr>
<tr>
<td><strong>Class 4 Licence</strong></td>
<td>€ 2,000</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td>Approval of relevant gaming devices</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
<td>€ 175 per relevant gaming device</td>
</tr>
</tbody>
</table>

*Amended by: L.N. 85 of 2014.*
FOURTH SCHEDULE

Exempt Relevant Gaming Devices

1. A National Lottery Relevant Gaming Device, specifically exempt by the Authority.

2. Coin-operate claw crane vending machine.

3. Totalisator authorised under the Racecourse Betting Ordinance (Cap. 78 of the Laws of Malta) and and any other relevant gaming device used in conjunction with such Totalisator, specifically exempt by the Authority.

4. Relevant gaming devices approved under the Commercial Bingo (Tombola) Regulations (S.L. 438.05), specifically exempt by the Authority.

5. Remote gaming equipment approved or authorised by the Authority in terms of the Remote Gaming Regulations (S.L. 438.04), specifically exempt by the Authority.

6. Relevant gaming devices authorised or licensed by the Authority under the Gaming Act (Cap. 400), specifically exempt by the Authority.