

Directive 5 of 2011

Self-Barring Directive 2011

In exercise of the powers conferred by article 76A of the Lotteries and Other Games Act, 2001, the Malta Gaming Authority is hereby issuing the following directive in order to regulate a person's right to self-bar himself from entering premises whereby gaming is being hosted and which are licensed by the Malta Gaming Authority.

Part I – Preliminary

1. The Short title of this Directive is the Self-Barring Directive 2011.

Part II – Definitions

2. In this Directive, unless the context otherwise requires:

'**Authority**' means the Malta Gaming Authority;

'**Database**' means the online system created by the Authority and accessible to licensees whereby all persons requesting to be self-barrred are inputted and saved;

'**Directive**' means the Self-Barring Directive;

'**Form**' means the Self-Barring Request Form attached in Annex A of this Directive;

'**Licensee**' means a person who holds a licence issued by the Authority to operate a land-based gaming premises;

'**Office Hours**' means 9am to 4pm from Monday to Friday, excluding public holidays;

'**Pathological Gambler**' means a person who is certified by a medical doctor as unable to resist impulses to gamble;

'**Premises**' means any land-based gaming premises approved and, or licensed by the Authority whereby a bingo hall licence or a casino licence or a gaming devices licence has been issued;

'**Self-Barring**' means when a person asks for a ban or restriction on his own admission.

Part III – Applicability

3. This Directive applies to the implementation of a person's right to self-bar himself from premises licensed by the Authority.
4. Every person has the right to self-bar himself from within any premises whereby legal gaming is hosted.
5. The person who wishes to self-bar himself shall fill in the Form which shall be available in every premises licensed by the Authority.
6. The premises which are to make available the Form are all:
 - i. Bingo Halls;
 - ii. Casinos;
 - iii. Gaming Parlours.
7. The Form may also be obtained from the Authority's office during office hours or downloaded from the Authority's website www.mga.org.mt or www.playresponsibly.org.mt.

8. The Form shall only be submitted by the person applying for the self-barring.
9. The licensee, immediately upon receiving the Form, shall verify the details contained in the Form to ensure that it has been completed in the correct manner and subsequently immediately enter the relevant details into the database, always ensuring that such details have been inputted correctly.
10. The licensee shall clearly explain the contents of the Form to a person who requests assistance with completing the Form.
11. The licensee shall ensure that the complete Form is submitted, therefore assuring that the Declaration of Applicant is also attached and submitted.
12. The Form is to have attached to it a recent photograph of the person requesting to be self-barred.

 Provided that if such person makes the request at a premises or at the Authority, the licensee or the Authority shall be responsible for taking the photo.
13. The completed original Form is to be sealed within a signed envelope and subsequently deposited in the duly assigned self-barring submission box provided by the Authority. Such original Forms shall be collected by the Authority's inspectors from time to time.
14. The self-barring submission box is to be placed in a clearly visible location behind the reception desk.
15. The licensee is to ensure that all data protection laws are observed as per the *Data Protection Act* (Cap. 440 of the Laws of Malta) and that all other relevant laws are also observed.

Part IV – Database

16. The licensee shall consult the database upon every entrance of every person into the premises to ensure that such person has not been flagged as self-barred in the database.
17. A person is primarily responsible for his actions and therefore it is his responsibility to abide by his request to be barred from any premises.
18. The database is a means of further assisting persons who have self-barred themselves in their initiative to curb their gaming problem or vice.
19. The licensee shall ensure that an internet connection to connect to the database is available at the premises at all times.
20. Whenever the licensee temporarily does not have an internet connection to connect to the database, due to technical issues out of the control of the said licensee, such licensee shall submit a detailed report to the Authority of such incident via e-mail on barring@mga.org.mt immediately upon re-connection to the internet.
21. Furthermore upon internet re-connection, the licensee shall verify on the database all the persons who entered the gaming premises within the internet downtime period.

 Provided that if a self-barred person entered the premises during such downtime period, the licensee shall immediately inform the Authority via e-mail on barring@mga.org.mt of such occurrence.

 Provided further that if a self-barred person entered the premises and is still within the premises, the licensee shall immediately terminate such person's game, return the money originally paid by the person and request such person to leave the premises immediately.
22. Whenever the database is not functioning, the licensee is to notify the Authority via e-mail on barring@mga.org.mt of such malfunction and once the database is functioning again the licensee shall follow the same procedure as defined in paragraph 21.

23. Whenever a licensee receives a notification from the Courts of Malta whereby such licensee is informed that a person has been precluded from entering a premises, such licensee is to immediately inform the Authority via e-mail on barring@mga.org.mt of such notification and a scanned copy of such notification is to be attached to the email.

Part V – Pathological Gamblers

24. For a person to be classified as a pathological gambler, such person is to provide to any licensee or to the Authority, an original certificate issued by a general practitioner, specialist, psychologist or psychiatrist confirming that the person is considered as a pathological gambler.
25. When a certificate as described in paragraph 24 is provided to a licensee, the licensee shall immediately input such person's details into the database barring such person for a period of one (1) year. *In oltre* the licensee shall immediately notify the Authority via e-mail on barring@mga.org.mt of such instance whereby a scanned copy of the certificate and any attached documents are to be attached to the e-mail. Furthermore, the licensee shall seal such original certificate, any attached documents and a photo of the person, in a signed envelope and forward such envelope to the Authority.
26. Upon receiving the e-mail notification as described in paragraph 25, the Authority shall confirm that such person's details were correctly inputted in the database and assure that such person has been barred for a period of one (1) year. The Authority shall annually automatically renew such person's barring by further periods of one (1) year.
27. A pathological gambler's barring shall be automatically renewed, unless such person provides the Authority with a certificate from a general practitioner, specialist, psychologist or psychiatrist confirming that such person no longer is a pathological gambler.

Part VI – Offence

28. If a licensee fails to comply with the Directive, such licensee shall be guilty of an offence under the relevant legislation.

ANNEX A

Self-Barring Request Form

1. Personal Details

1.1 Name

1.2 Surname

1.3 Present official address

1.4 Country

1.5 Nationality

1.6 Phone Number

1.7 Cell Number

1.8 Passport Number

1.9 Place of issue

1.10 Driving License No.

1.11 Place of issue

1.12 Identification Number

1.13 Date of Birth

1.14 Gender M F

1.15 I request that the ban is valid for (tick accordingly): six (6) months; or one (1) year.

By signing this Self-Barring Request Form (the 'Form'), I am declaring that I understand and agree with the declarations attached to this Form.

Player's Signature

Name and Surname

Date

2. For Official Use

This Self-Barring Request Form has been received on _____ {DATE}
 by _____ {NAME & SURNAME} holding
 the post of _____, on behalf of _____ {NAME OF LICENSEE}
 at _____ {ADDRESS}.

3. Declaration of Applicant

I hereby request that, with immediate effect, a ban and restriction is placed on my admission to enter any premises licensed by the Malta Gaming Authority (hereinafter the 'Authority') (i.e. licensed bingo halls, casinos and gaming parlours) whereby gaming is legally being held in Malta and Gozo.

I understand that my request is being formulated according to Art. 24(4)(iii) of the Commercial Tombola (Bingo) Regulations (S.L. 438.05); Art. 26(1)(e) of the Gaming Act (Cap. 400 of the Laws of Malta); and Art. 33(4)(f) of the Gaming Devices Regulations (S.L. 438.07).

I understand that if I do not specify the validity of the ban I am hereby applying for, such ban shall automatically be considered valid for one (1) year.

The ban hereby being requested shall not be cancelled before its expiry.

I understand that the bar, for which I am hereby applying for, shall no longer be valid as from the following day after either the six (6) month or one (1) year period, whichever I have applied for, has lapsed.

I declare that I am voluntarily requesting to be self-barrred and I understand that this request applies and is effective to all licensed bingo halls, casinos and gaming parlours in Malta and Gozo.

I understand that this barring shall become effective as from the date when I present this Self-Barring Request Form (hereinafter the 'Form') in any licensed bingo hall, casino or gaming parlour. If the Form is submitted at the Authority during its office hours (i.e. Monday to Friday, 9am to 4pm), the barring shall be effective as from the next working day from when it is received by the Authority.

I understand that the Authority, assisted by all concerned parties, shall implement means to restrict my entrance into any licensed land-based gaming premises but it is my responsibility, first and foremost, to assure that I do not contravene my request to be barred from such premises. Furthermore I acknowledge that entering a licensed gaming premises during the period I have chosen to be barred is tantamount to an offence and is punishable. I shall not hold the Authority responsible or liable if I enter any licensed gaming premises during such period.

I certify that all the information contained in this form is correct and accurate and I understand that submitting misleading or incorrect information is tantamount to a false declaration to a public authority.

I understand that for security and protection of personal data reasons I shall not send the Form by post. Furthermore I declare that I have personally submitted this Form.

I understand that the information provided on this Form shall be processed for the purposes necessary for the Authority to carry out its functions and meet its legal obligations. The data may be shared with third parties who fulfil a service on behalf of and under the express instructions of the Authority and other bodies where it is necessary to do so in order to carry out the Authority's functions and where the Authority is legally required or permitted to do so.

I understand that any material or information which I send to the Authority and which the Authority records will be treated as confidential and will only be disclosed to others where it is necessary to do so in order to carry out the Authority's functions or where the Authority is required by law to disclose the information.

Notwithstanding the above, I am granting to the Authority an unconditional authorisation to transfer my information to all operators licensed by the Authority in order to implement the self-barring mechanism.