

Directive 3 of 2011

Gaming Parlours No Objection Certificate 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 the procedure for the issuing of a 'No Objection' Certificate in relation to proposed locations to be used as Gaming Parlours.

Part I - Preliminary

1. The Short title of this Directive is the Gaming Parlours No Objection Certificate Directive 2011

Part II - Definitions

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

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

'**Directive**' means the Gaming Parlours No Objection Certificate Directive;

'**Gaming**' means the playing of a game of chance for money or money's worth;

'**Gaming Area**' means the area within a gaming parlour in which the playing of games through relevant gaming devices is designed to take place;

'**Gaming Parlour**' means any venue or physical infrastructure intended to make available for use, host or operate relevant gaming devices;

'**MEPA**' means the Malta Environment and Planning Authority;

'**Premises**' means any venue or physical infrastructure;

'**Regulations**' means the Gaming Devices Regulations (L.N. 75 of 2011).

Part III - Applicability

3. This Directive applies to proposed locations intended to be used as gaming parlours and to form the subject of a MEPA development application form.

Provided that the aforementioned application form shall not be accepted or processed by MEPA, unless a 'No Objection' Certificate is issued by the Authority and attached thereto.

Part IV – 'No Objection' Certificate

4. (1) A 'No Objection' Certificate may be granted by the Authority to a person in respect of any premises, as a form of no objection to the location thereof.

(2) Applications for a 'No Objection' Certificate shall be made on such forms designated by the Authority from time to time.

(3) The application form referred to in sub-article (2) hereof shall be accompanied by such information and documents as set out in the First Schedule to this Directive, together with such other information or documentation which may be requested by the Authority.

5. A 'No Objection' Certificate may only be issued in respect of premises which are prima facie compliant with the Locations for Gaming Parlours Directive 2011.

6. The onus of proving compliance with the Locations for Gaming Parlours Directive 2011 shall be on the applicant who shall use supporting documentation, not limited to those listed under Schedule 1 of this Directive, to the satisfaction of the Authority.

Provided that the Authority may appoint an independent certified architect to perform an audit of the proposed premises, at the applicant's expense, in order to ascertain that such location is in conformity with this Directive, before granting a 'No Objection' Certificate in respect of any proposed gaming parlour.

7. Upon a 'No Objection' Certificate being granted by the Authority, it shall be the responsibility of the applicant to attach the required documentation required under the MEPA application process.
8. Any plans forming part of the documentation required to be submitted to MEPA may be approved by the Authority. Provided that if, for any reason whatsoever, the applicant re-submits new or amended plans with MEPA, in respect of the same premises that was subject to a 'No Objection' Certificate process, such plans shall also require the reapproval of the Authority.
9. Subsequent to obtaining a 'No Objection' Certificate and a MEPA permit, the applicant is still required to obtain an approval of premises from the Authority according to the requisites of the Regulations and any directives issued thereunder.

First Schedule

Application Documents and Information

1. The 'No Objection' Certificate Application Form should include:
 - i) site plan of the proposed location;
 - ii) a plan (Scale 1:100) of the premises intended to be used as a gaming parlour. The plan shall, as a minimum, indicate:
 - a. the area in square metres;
 - b. the perimeter of the premises;
 - c. where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building and means of access between the buildings, if any;
 - d. where the premises form part of another building, the location of any external or internal walls of the building which are included in the premises;
 - e. the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads;
 - iii) Duly filled in Architect's declaration attached to Application Form as required, which shall include a statement that the proposed premises is beyond the established radial distance of seventy-five metres (75m) from the stipulated locations as listed in article 4 of the Locations for Gaming Parlours Directive 2011.