

Directive 5 of 2019

Amusement Machines Directive

In exercise of the powers conferred by article 7(2) of the Gaming Act, 2018 (Cap. 583 of the Laws of Malta), the Malta Gaming Authority is hereby issuing the following directive in order to delineate in further detail the specific requirements applicable to amusement machines.

Part I – Short Title and Definitions

1. The short title of this directive is the Amusement Machines Directive 2019.
2. This directive shall come into force on 1 December 2019.
3. (1) In this Directive, save as provided in sub-article (2) of this article, all words and phrases shall have the same meaning as prescribed in the Gaming Definitions Regulations (S.L. 583.04).

(2) In this directive, unless the context otherwise requires:

“Directive” means the Amusement Machines Directive 2019 (Directive 5 of 2019).

“Regulations” means the Gaming Authorisations Regulations (S.L. 583.05).

Part II – Applicability

4. Any person wishing to operate or in any other manner make available for use an amusement machine in premises accessible to the public shall adhere to the requirements specified hereunder.

Part III – Registration Requirements

5. No person shall carry out any of the activities listed in article 4 unless and until the amusement machine in respect of which such activity is carried out has been registered by the Authority following the submission, by such person to the Authority, of an application for that purpose.
6. For the purposes of article 31 of the Regulations, an application for the registration of an amusement machine shall be made by any person who wishes to operate or in any other manner make available for use an amusement machine in premises accessible to the public (hereinafter the “Applicant”), by submitting the appropriate application form to the Authority, together with such ancillary documentation as may be required by the Authority.

7. (1) An application for the registration of an amusement machine shall be accompanied by the following documentation:

- (i) the number of amusement machines for which registration is being sought;
- (ii) a detailed and accurate report containing a description of the amusement machine and the games that will be playable on such amusement machine;

Provided that this report shall be supplemented by any other relevant documentation, including photographic images.

- (iii) a declaration attesting that the exclusive purpose of the amusement machine is for amusement and not for gambling purposes;
- (iv) the details of the premises where the amusement machine will be situated; and
- (v) the details of the event or series of events where the amusement machine will be made available for use, including but not limited to, the name of the event, a description of the event and the duration thereof, if applicable.

8. Where an Applicant wishes to operate or make available for use an amusement machine for an event or a series of events, the Applicant shall be required to fill the relevant sections of the application form and submit it to the Authority in terms of article 6 of this Directive.

Part IV – Registration of Amusement Machines

9. (1) Where the application submitted pursuant to article 6 is approved by the Authority, the Authority shall proceed to:

- (a) Affect registration in the name of the Applicant and issue a certificate to such Applicant;
and
- (b) Issue a registration tag to be permanently affixed by the Applicant on the amusement machine, setting out the registration number allocated by the Authority to the amusement machine.

(2) Where the application submitted pursuant to article 6 is refused, the Authority shall inform the Applicant of its decision and state the reasons for such refusal.

(3) The registration tag shall remain the property of the Authority and no person, other than officials, employees or agents of the Authority, shall remove, erase or otherwise tamper with the registration tag.

(4) The Authority shall maintain a register containing the records of the amusement machines registered in accordance with this Directive.

(5) In the event that the registration tag is for any reason detached from the amusement machine or otherwise damaged, it shall be the duty of the person in whose name the amusement machine is registered, to notify the Authority forthwith and not later than three (3) working days.

Part V – Conditions relating to Amusement Machines

10. Any person in whose name an amusement machine is registered in terms of article 9 of this Directive shall, at all times, ensure that any such amusement machine:

(a) has a registration tag affixed thereto; and

(b) is not used to provide a gaming service that requires an authorisation in terms of the Act and any other regulatory instrument.

Part VI- Notification Requirements

11. The person in whose name an amusement machine is registered shall be obliged to notify the Authority within ten (10) days following any changes being made to an amusement machine registered in terms of article 9 of this Directive.

Provided that for the avoidance of doubt, no changes shall be made to the effect that the nature of an amusement machine is changed to that of a gaming device.

12. It shall be the duty of the person in whose favour an amusement machine is registered to notify the Authority forthwith and in any case within no later than ten (10) working days, of any change in the details submitted to the Authority in accordance with this Directive.

13. No person may dispose of or destroy an amusement machine unless and until the Authority shall have been notified and granted its approval for such purpose and removed the amusement machine's registration tag and struck the amusement machine off the register.

Part VII – Powers of the Authority

14. (1) Without prejudice to anything contained in the Act and any other regulatory instrument, an official, employee or agent of the Authority shall, for the purpose of ascertaining that the provisions of this Directive and any other regulatory instrument are being complied with, have the following powers:

(a) to inspect amusement machines;

(b) to remove an amusement machine from its present location in order for an inspection or examination to be carried out at a site approved and designated by the Authority, for the purpose of ensuring compliance with this Directive and any other applicable law; and

(c) to request information or the production for inspection of any document or other thing for the purposes of conducting an inspection.

(2) An official, employee or agent of the Authority that removes an amusement machine from any premises shall provide a receipt for it to the person who manages, runs or otherwise controls such premises and, subject to sub-article (3), shall promptly return the amusement machine to the same premises after completion of the inspection and, or examination as the case may be.

(3) An official, employee or agent of the Authority may detain for the purposes of evidence any amusement machine that the official, employee or agent discovers and believes, on reasonable grounds, may afford evidence of a violation of, or non-compliance with, anything contained in this directive or any other regulatory instruments.

15. The person who manages, runs or otherwise controls a premises wherein amusement machines are hosted, and any employee or agent of such person, shall give all reasonable assistance to any official, employee or agent of the Authority in order to exercise the powers granted to him by the Act and any regulatory instruments issued thereunder and shall furnish the official, employee or agent of the Authority with such information or other thing as the official, employee or agent may reasonably request.

Part VIII – Enforcement and Sanctions

16. (1) Any person that operates or in any other manner makes available for use an amusement machine in premises accessible to the public without having registered the amusement machine in terms of article 6 of this Directive shall be guilty of an offence against the Act.

(2) Without prejudice to sub-article (1), any person that contravenes or fails to comply with any provision of this Directive shall be liable to an administrative penalty and, or the seizure, removal, confiscation, destruction or disabling of the amusement machine or any equipment or software related or connected thereto.