

SUBSIDIARY LEGISLATION 583.07**GAMING PREMISES REGULATIONS**

20th July, 2018

LEGAL NOTICE 245 of 2018.

Arrangement of the Regulations

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Part I

Citation, Interpretation and Territoriality

- 1.** The title of these regulations is the Gaming Premises Regulations. Citation.
- 2.** (1) In these regulations, save as provided in sub-regulations (2) and (3), all words and phrases shall have the same meaning as prescribed in the Gaming Definitions Regulations. Interpretation.
S.L.583.04
- (2) In these regulations, unless the context otherwise requires, "the Act" means the Gaming Act. Cap. 583.
- (3) All other terms used in these regulations shall have the same meaning attributed to them in the Act.
- 3.** (1) These regulations only apply to gaming premises in Malta. Applicability.
- (2) No gaming service may be provided on vessels, aircraft or other vehicles in Malta, with the exception of authorised cruise casinos:

Provided that for the avoidance of any doubt, the previous paragraph does not apply to vessels or aircraft flying or entitled to fly the flag of Malta, or registered in Malta, whilst the said vessel or aircraft is navigating or flying outside and beyond the territorial waters of Malta.

Part II

Approval of Gaming Premises

Approval of gaming premises.

4. No person shall use, or knowingly or negligently allow the use of, whether actively or passively, premises in Malta to be used as gaming premises unless such person is in possession of a valid approval of such gaming premises in accordance with such procedure as may be prescribed by the Authority in a binding instrument and the gaming service provided therein is authorised:

Provided that the Authority may, by way of a binding instrument, exempt certain types or categories of gaming premises from the requirement of approval.

Part III

Registration of Players in Gaming Premises

Obligation to register.

5. (1) A gaming premises operator shall register all players forthwith upon their entry into the gaming premises, and in any case before they make use of its gaming service.

(2) Registration shall be carried out in such manner as the Authority may, by binding instrument, require.

Part IV

Self-Exclusion from Gaming

Self-exclusion to be made readily available.

6. (1) Gaming premises operators shall make readily available the possibility for any person to exclude himself from gaming for a period of time, with the option of such period of time being renewed automatically, and the procedure whereby he may avail himself of this opportunity, including such forms or other documentation as may be required.

(2) Gaming premises operators shall offer their assistance to any person that wishes to exclude himself from gaming and shall guide such person through the procedure to do so, duly explaining the contents of the procedure and its effects on the person to whom it shall apply.

Procedure for self-exclusion.

7. (1) Without prejudice to the provisions of regulation 8, the application for self-exclusion may only be submitted by the person to whom it shall apply.

(2) Upon receiving the self-exclusion form, the gaming premises operator shall ensure that any information and documentation required is duly provided, and shall forthwith enter the person's details in the unified self-exclusion database.

(3) Where the application is made on a hard copy of the self-exclusion form, the completed application shall be sealed and secured forthwith in the self-exclusion submission box.

(4) The self-exclusion submission box shall be placed in a location behind the reception desk of the gaming premises which is clearly visible in security footage at all times.

(5) The contents of such self-exclusion submission box shall be collected by officers of the Authority from time to time, otherwise delivered to the Authority in such manner as the Authority may, by binding instrument or otherwise, prescribe.

(6) With respect to the unified self-exclusion database:

(a) gaming premises operators shall ensure that they have in place all the necessary prerequisites to access the unified self-exclusion database at all times;

(b) if the gaming premises operator does not have access to the unified self-exclusion database for any reason outside of its control, it shall notify the Authority forthwith;

(c) if during such time a person fills in the relevant self-exclusion form, the gaming premises operator shall immediately notify the Authority of such person, and shall enter the person's details in the unified self-exclusion database forthwith upon regaining access thereto;

(d) upon regaining access to the unified self-exclusion database, the gaming premises operator shall verify that all persons who entered the gaming premises during the time in which it was inaccessible were not self-excluded persons:

Provided that if a self-excluded person entered the gaming premises during such time, the gaming premises operator shall immediately inform the Authority of such occurrence:

Provided further that if the self-excluded person is still within the gaming premises at such time, the gaming premises operator shall immediately terminate such person's game and request such person to leave the premises immediately. In doing so the gaming premises operator may call upon the assistance of such officers of the Authority or of the Police as may be necessary to ensure the compliance of the self-excluded person. The Authority may, by binding instrument, further prescribe what should occur in any such circumstance.

(7) Whenever the unified self-exclusion database is not functioning, any person that becomes aware of such malfunction shall notify the Authority forthwith. During such time as the unified

self-exclusion database is not functioning, the provisions of sub-regulation (6) shall apply.

(8) Without prejudice to the provisions of regulation 8, an exclusion of a person from gaming may only be implemented in terms of this regulation upon the request of such person.

(9) Any exclusion from gaming implemented in terms of this regulation shall only be removed upon request of the relevant player or upon expiry of the set duration, and the period thereof may only be decreased upon request of the relevant player.

(10) A notice by the player increasing or renewing the period of self-exclusion shall be effective immediately upon its receipt by the gaming premises operator.

(11) Notwithstanding any other provision of this article or any other law, a period of exclusion from playing in gaming premises shall not be decreased or revoked before the expiry of the set duration.

Pathological gamblers.

8. (1) Persons who are confirmed by a competent medical professional as being pathological gamblers may present proof of such diagnosis to any gaming premises operator or to the Authority, accompanied by a duly filled in self-exclusion form.

(2) In any such case:

(a) if the recipient is a gaming premises operator, he shall forthwith take the steps envisaged in regulation 7(2), excluding the person from gaming for a period of one year, which is automatically renewable and shall forthwith notify the Authority of the registration of a pathological gambler in the unified self-exclusion database;

(b) if the recipient is the Authority, it shall forthwith enter the person's details in the unified self-exclusion database, barring such person from gaming for a period of one year which is automatically renewable:

Provided that in either case, the Authority shall inform all gaming premises operators of the registration of a pathological gambler in the unified self-exclusion database forthwith, subject to all requirements in terms of data protection legislation and other applicable laws.

(3) A person who has been excluded from gaming in terms of sub-regulation (2) shall only be allowed to make use of a gaming service upon producing proof from a competent medical professional that he is no longer a pathological gambler.

(4) (a) The exclusion envisaged in this regulation may

also be requested by any interested person for any person who has been medically diagnosed as a pathological gambler.

(b) In any such case, the interested person shall apply in the manner envisaged in this regulation, specifying the person with regards to whom the exclusion is sought and his interest in the welfare of such person, and submitting all the necessary documentation to accompany the exclusion form.

9. Failure to adhere to the regulations envisaged in this Part shall amount to a criminal offence in terms of the Third Schedule of the Act. Criminal liability.

Part V

Controlled Gaming Premises

10. Controlled gaming premises shall, in order to be eligible for approval by the Authority, comply with all the provisions in this Part together with all other requirements applicable to gaming premises, and such other requirements as the Authority may, by binding instrument, prescribe. Controlled gaming premises require approval.

11. (1) Controlled gaming premises shall have any and, or all access points to the premises located at a radial distance of not less than seventy-five metres from the centre of the respective entry points at the perimeter of: Minimum distance from certain premises.

(a) the following educational establishments:

- (i) kindergartens;
- (ii) primary schools;
- (iii) secondary schools;
- (iv) post-secondary schools;
- (v) tertiary schools;
- (vi) special schools;
- (vii) child care centres;
- (viii) summer schools;
- (ix) commercial schools;
- (x) IT schools;

Provided that this limitation shall not apply with respect to language schools.

(b) senior citizens' care facilities which shall

include homes for the elderly and day-care centres;

- (c) places of worship covering all religions;
- (d) general venues or infrastructures covering the following:
 - (i) M.U.S.E.U.M;
 - (ii) Substance Abuse Therapeutic Unit;
 - (iii) SEDQA;
 - (iv) Appogóg;
 - (v) CARITAS;
 - (vi) Sports nurseries and, or training facilities;
- (e) playgrounds and playing fields:

Provided that the calculation shall be made from the centre of every entry point at the perimeter of the controlled gaming premises.

Minimum distance from other controlled gaming premises.

12. Without prejudice to the provisions of regulation 11, every controlled gaming premises shall be located at a minimum walking distance of fifty metres from any other controlled gaming premises, which distance shall be calculated from the centre of every entry point of each proposed and, or approved controlled gaming premises:

Provided that for the purposes of this regulation "a minimum walking distance of fifty metres" shall be calculated as being the shortest distance to walk between the entry points of the proposed and, or approved controlled gaming premises without any regard for traffic or pedestrian regulations:

Provided further that the Authority shall, when the need arises for it to decide between two or more completed applications for the approval of controlled gaming premises received within the same month and which are all compliant with the distances established in regulations 10 and 11, give preference to the applicant who does not yet have controlled gaming premises within the town or village to which the applications relate:

Provided further that if more than one applicant qualifies in accordance with the preceding proviso, or if all the applicants as contemplated in the preceding proviso all have controlled gaming premises within the town or village in question, preference shall be given to the applicant who submitted the first completed application to the Authority:

Provided further that if two or more completed applications are submitted on the same day and the preceding provisos cannot be applied, preference shall be given to the applicant who shall be determined by a ballot.

13. There shall not be more than one controlled gaming premises within any single venue or physical infrastructure, which shall include any residential, retail and, or entertainment complex:

No more than one controlled gaming premises in a single establishment or other premises.

Provided that the selection criteria envisaged in regulation 12 shall also be implemented in the scenario whereby more than one completed application for controlled gaming premises in the same premises accessible to the public, venue or physical infrastructure is received within the same month.

14. (1) All applications for consideration of approval for the proposed location for controlled gaming premises must be accompanied by:

Contents of application for approval.

(a) a reference to the relevant licence held by the applicant or, if the applicant is still in the process of obtaining the necessary licence, the relevant application number;

(b) the relevant Planning Authority permit; and

(c) a plan, on a scale of one is to one hundred (1:100) of the premises which complies with the following provisions as well as complying with any specific requirements that may be laid down for a particular type of gaming service.

(2) The plan must indicate:

(a) the area in square metres;

(b) the extent of the boundary or 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 a building, the location of any external or internal walls of the building which are included in the premises;

(e) the proposed gaming area, which shall cover that area in which gaming devices are proposed to be allocated;

(f) the positioning of the gaming devices within the proposed gaming area;

(g) 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 and the security features of each;

(h) any other matter required in accordance with the specific conditions that may be laid down for any particular type of gaming service, in any binding instrument;

(i) design, intensity and source of lighting of the gaming area, which should be adequately lit at all times. The intensity and movement of lighting, including that from the gaming devices themselves and any other commercial information and, or communication signs should not be conducive to over-stimulation to gamble;

(j) sound proofing measures in order to ensure that the sound levels within the premises cannot be heard outside the main entrance;

(k) the location and fixture of CCTV cameras and control console, ensuring that the gaming area allows for continuous surveillance of all players including when located within outdoor areas, if any;

(l) the location, extent and layout of any other part of the premises which will be used for providing any other gaming service other than through gaming devices, if any;

(m) the location, extent and layout of any part of the premises which will not be a gaming area, specifying the use thereof;

(n) the nature and location of barriers, security features or other fixtures separating any part of the premises in which gaming devices will be made available for use from any other part of the controlled gaming premises;

(o) the proposed prominent location for the display of the summary of controlled gaming premises approval document;

(p) the proposed design, location, size and materials of signs and information signs to be affixed to any part or parts of the façade;

(q) a declaration certified by a registered surveyor or architect that the controlled gaming premises respect the parameters set out in this Part so as to warrant for a certificate of approval;

(r) such other matters as the Authority may require.

15. An applicant seeking approval for proposed controlled gaming premises shall abide by such other requirements, including but not limited to requirements establishing procedures for public notice of the proposal to operate controlled gaming premises, as the Authority may, by binding instrument, determine.

Authority may impose other requirements.

16. (1) The Authority shall only approve controlled gaming premises that satisfy the following requirements:

Restrictions on operation.

(a) the premises are operated, managed or otherwise controlled by persons which are deemed to be fit and proper by the Authority;

(b) the premises have, as their sole and exclusive purpose, the offering of games provided through gaming devices which are not gaming tables and, for the avoidance of doubt, the making available for use, hosting or operation of amusement machines shall, in no case, take place in controlled gaming premises;

(c) the premises have adequate restricted access controls, including but not limited to player registration, in accordance with any applicable regulatory instrument;

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

Provided that in aggregate the premises shall not contain more than ten gaming devices:

Provided further that in the case of gaming devices designed or adapted in such a way as to allow more than one player to use such gaming device simultaneously, for the purposes of the limitations set out in this paragraph, the number of any such gaming devices shall be multiplied by the aggregate number of players who can use such gaming device simultaneously;

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

(f) 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 gaming devices, the reception area where registration is carried out, and the self-exclusion submission box are clearly visible and footage recorded by such closed circuit television cameras is stored for a minimum of thirty days.

(2) Without prejudice to the above and to any other requirements in terms of any other applicable law or regulatory instrument, controlled gaming premises shall:

(a) be dedicated solely to gaming as the sole activity. The offering of food or beverages, amongst others, is considered to constitute an ancillary activity and accordingly is not permitted to be carried out in controlled gaming premises

(b) not be accessible directly from any other premises which are not included in the site plans submitted to the Authority and the Planning Authority;

(c) not permit the gaming area to be visible to passing pedestrian traffic;

(d) provide for a registration area to be located at the entrance of the gaming premises for the purpose of registering every person prior to entry in terms of these regulations and any other applicable law or regulatory instrument. There shall not be any direct street access to the gaming area of controlled gaming premises;

(e) be operated in such a manner as to ensure that no person may make use of the gaming service provided therein unless such person has been registered in accordance with any applicable regulatory instrument and, or other law;

(f) be operated in such a manner as to ensure at all times that the making available for use, hosting or operation of a relevant gaming device therein is carried out in a secure, safe and proper manner;

(g) be structured and operated in a manner which ensures that during the opening hours of the controlled gaming premises, the area in which the playing of games is designed to take place is constantly supervised by employees; and

(h) be opened for business solely between the hours of eleven in the morning and eleven in the evening (11:00 a.m. and 11:00 p.m.).

(3) Controlled gaming premises shall also conform with any other requirements as the Authority may, by binding instrument, establish.

Matters considered
by the Authority.

17. (1) Without prejudice to any other law or regulatory instrument, when considering whether or not to issue a controlled gaming premises approval, the Authority shall *inter alia* consider:

(a) the extent to which gaming is offered to the public

in the general area or venue or establishment in which the controlled gaming premises are situated;

(b) whether alternative entertainment exists within the general area or venue or establishment in which the controlled gaming premises are situated;

(c) whether the general layout design and plan meet the objectives and requirements of the Act and all other regulatory instruments; and

(d) any other factors and requirements as may be objectively and reasonably justified and appropriate by the Authority to fulfil its functions and regulatory objectives.

(2) On the basis of its consideration of the matters envisaged in sub-regulation (1) and any other relevant matter, the Authority may require the applicant to modify its plans and proposal in order to reach the objectives of the Act and other applicable regulatory instruments.

(3) The Authority shall not approve any proposed controlled gaming premises if it considers on reasonable grounds that there will be a negative impact on the amenity of the general area or wider community where the controlled gaming premises shall be situated.

18. (a) The Authority may at its discretion appoint an independent certified architect and, or surveyor to perform an audit of a proposed controlled gaming premises to verify the declaration required in terms of regulation 14(2)(q).

Audit of
conformity with
this Part.

(b) The Authority may at its discretion appoint an independent certified architect and, or surveyor to perform an audit of a controlled gaming premises to verify its continued adherence to the requirements of this Part.
