

L.N. 131 of 2016

**LOTTERIES AND OTHER GAMES ACT
(CAP. 438)**

Remote Gaming (Amendment) Regulations, 2016

IN EXERCISE of the powers conferred by article 78 of the Lotteries and Other Games Act, the Minister for the Economy, Investment and Small Business, after consultation with the Malta Gaming Authority, has made the following regulations:-

1. The title of these regulations is the Remote Gaming (Amendment) Regulations, 2016, and these regulations shall be read and construed as one with the Remote Gaming Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 438.04

2. Regulation 2 of the principal regulations shall be amended as follows:

Amends regulation 2 of the principal regulations.

(a) immediately after the definition "the Minister", there shall be added the following new definition:

" "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 licensee's system, as may be required by the Authority for the fulfilment of its functions;" and

(b) for the definition "qualifying shareholding" there shall be substituted the following new definition:

" "qualifying shareholding" means a direct or indirect shareholding in a company which represents five *per centum* or more of the share capital issued by such company or of the voting rights attaching to such share capital or which makes it possible to exercise a significant influence over the management of the company, 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, and "qualifying shareholder" shall be construed accordingly."

Adds new regulation to the principal regulations.

3. Immediately after regulation 46 of the principal regulations there shall be added the following new regulation:

"Average return to player.

46A. (1) A licensee offering games using repetitively generated random selection for determining winning combinations to players shall ensure that, in accordance with the way in which the game is designed, the licensee shall pay out on average a prize amounting to ninety two *per centum* (92%) or more of the money or money's worth wagered, or any such higher percentage as may be stipulated through a condition of the licence.

(2) The Authority may issue a directive regulating the manner in which licensees are required to report, certify or comply with the requirements established in this regulation, and, or exempt types or categories of games from the requirements of this regulation:

Provided that for the purposes of calculating and ensuring compliance with the percentage referred to in sub-regulation (1), a licensee shall take into consideration the transactions occurring from the 1st of January 2015 onwards."

Adds new regulation to the principal regulations.

4. Immediately after regulation 49 of the principal regulations there shall be added the following new regulation:

"Information to players.

49A. A licensee shall inform and make available and accessible to players at all times, information relating to any commission or any fee held by the licensee, or any other fee charged to the player, and which information shall include the amount of such commission or fee held by the licensee or charged to the player.

Provided that the Authority may, for a transitory period not exceeding twelve months from the entry into force of this regulation, and for any cause deemed reasonable by the Authority, exempt persons holding a licence from the provisions of this regulation."

Adds new Part to the principal regulations.

5. Immediately after regulation 60 of the principal regulations, there shall be added the following new Part:

"Part XVIII

Monitoring System

Monitoring system.

61. (1) The Authority may, at any time, following consultation with the licensees, require a licensee, a specific category of licensees or all licensees to connect any of its systems to a 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 specify the specifications necessary for it to be able to, and the manner in which it shall operate the monitoring system in directives, and licensees shall modify or upgrade their systems as necessary to ensure their compatibility with the monitoring system and the requirements of the Authority.

Use of monitoring system.

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

(a) receiving reports or statements which licensees are obliged to submit to the Authority in terms of these regulations, any directive, any other applicable law or any condition of the licence;

(b) monitoring and receiving information relating to the games and the gaming operation, including player, game and financial data as may be required by the Authority to fulfil its objectives at law;

(c) investigating the compliance by the licensee with the Act, these regulations, any licence conditions, directives, and any other applicable legislation, including any laws or regulations at any time in force for the prevention of money laundering;

(d) the compilation of statistics and analytics in an aggregated format and research; and

(e) any other purpose required by the Authority in fulfilling its objectives at law, or as may be specified in directives issued by the Authority from time to time.

(2) Any information collected by the Authority in terms of sub-regulation (1)(d) may be made available to the public.

(3) The Authority shall not be liable for any compensation to any person for loss or damage due to a fault in the monitoring system, or in the telecommunications system used to operate the monitoring system.

Compliance with the requirements of the monitoring system.

63. Where the obligations referred to in regulation 61 have been imposed, a licensee shall ensure that its systems, and the means of distance communication through which its systems are connected to the monitoring system, comply with any standards or requirements established by the Authority, and remain so compliant throughout the duration of the licence, and shall not be modified, tampered with, or re-programmed by any person without the approval of the Authority."

Amends the Third Schedule to the principal regulations.

6. Immediately after sub-item (f) of item 6 of the Third Schedule to the principal regulations, there shall be added the following new sub-item:

"(g) information relating to the average winnings paid out to players of the game over a period of time or a particular number of plays."

