

**- REVIEWED -
LEGISLATION UNIT
MINISTRY FOR
JUSTICE,
CULTURE & LOCAL
GOVERNMENT**

.....
Prim Ministru

.....
Segretarju Parlamentari għas-
Servizzi Finanzjarji, Ekonomija
Diġitali u Innovazzjoni

.....
Chairperson,
Awtorità ta' Malta dwar il-
Logħob

A.L. tal-2018

**ATT DWAR IL-LOGHOB
(ATT TAL-2018)**

Regolamenti tal-2018 dwar Awtorizzazzjonijiet għal-Logħob

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B 2

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Il-Ħames Skeda - Logħob ta' Riskju Baxx

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A.L. tal-2018

**ATT DWAR IL-LOGHOB
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Regolamenti tal-2018 dwar Awtorizzazzjonijiet ghal-Loghob

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 12 tal-Att dwar il-Logħob, is-Segretarju Parlamentari għas-Servizzi Finanzjarji, Ekonomija Digitali u Innovazzjoni, wara konsultazzjoni mal-Awtorità ta' Malta dwar il-Logħob, għamel dawn ir-regolamenti li ġejjin:-

Taqsimi I

Titolu u Tifsiriet

1. It-titolu ta' dawn ir-regolamenti huwa r-Regolamenti tal-2018 dwar Awtorizzazzjonijiet għal-Logħob. Titolu.

2. (1) F'dawn ir-regolamenti, bla ħsara għal dak previst fis-subregolamenti (2) u (3), il-kliem u l-frazzjonijiet kollha għandhom l-istess tifsira bħal dik preskritta fir-Regolamenti tal-2018 dwar Tifsiriet fil-Logħob. Tifsir.
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(2) F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma teħtiegħ xort'oħra, "l-Att" tfisser l-Att tal-2018 dwar il-Logħob. **ACT NUMBER
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(3) It-termini l-oħra kollha użati f'dawn ir-regolamenti għandhom l-istess tifsira mogħtija lilhom fl-Att.

Taqsimi II

Htiegħa ta' Liċenza

3. (1) L-ebda persuna ma tista' tipprovdi jew twettaq servizz ta' logħob jew tipprovdi provvista ta' logħob kritika minn jew Malta lil xi persuna f'Malta jew permezz ta' entità legali Maltija sakemm ma tkunx fil-pussess ta' liċenza valida, jew hi eżentata mill-ħtiegħa ta' liċenza taħt l-Att jew kull strument regolatorju ieħor. Htiegħa ta'
liċenza.

(2) L-ebda persuna ma tista' toffri logħba liċenzjabbli, kemm bħala parti minn servizz tal-logħob, provvista ta' logħob kritika jew mod ieħor, sakemm dik il-logħba ma tkunx approvata jew mod ieħor rikonoxxuta mill-Awtorità.

4. L-Awtorità jkollha s-setgħa li toħroġ liċenzi tal-kategoriji stabbiliti fl-Ewwel Skeda: Kategoriji ta'
liċenzi.

Iżda meta l-politika tal-Gvern teħtieg li ċerti servizzi ta' logħob jistgħu jiġu provduti biss meta wiehed ikun id-detentur ta' konċessjoni mill-Gvern, l-Awtorità m'għandhiex toħroġ liċenza għat-twettieq ta' dak is-servizz ta' logħob sakemm l-applikant ma jkunx fil-pussess tal-konċessjoni mill-Gvern rilevanti u valida.

Ebda liċenza għal logħbiet eżentati.

5. (1) L-ebda liċenza jew awtorizzazzjoni oħra ma tkun meħtieġa għall-provdiment ta' servizz ta' logħob jew provvista ta' logħob kritika meta dak is-servizz jew dik il-provvista jitwettqu unikament fir-rigward ta' logħbiet eżentati, hekk iżda li l-Awtorità tista', meta u sal-limitu li jidhrilha idoneu u xieraq, madankollu tistabbilixxi kondizzjonijiet u miżuri regolatorji xierqa għal logħbiet eżentati jew xi tip tagħhom u teħtieg u tenforza it-tħaris tagħhom.

(2) Il-logħbiet u l-kategoriji ta' logħbiet elenkati fit-Tieni Skeda jitqiesu li huma logħbiet eżentati:

Iżda f'każ ta' dubju jekk logħba għandhiex tiġi klassifikata fi ħdan kategorija ta' logħbiet eżentati, l-Awtorità jkollha d-diskrezzjoni assoluta biex tiddetermina konkluzivament il-kwistjoni permezz ta' deċiżjoni jew strument ieħor vinkolanti:

Iżda wkoll l-Awtorità tista' temenda jew tissostitwixxi kull strument vinkolanti bħal dan meta jidhrilha li dan ikun ġustifikat.

Terminu ta' liċenza.

6. (1) Terminu ta' liċenza, kemm jekk oriġinali jew imġedded, għandu jkun ta' għaxar snin, sakemm ma jkunx preskritt mod ieħor permezz ta' dawn ir-regolamenti:

Iżda fil-każ ta' servizz ta' logħob li jeħtieg konċessjoni mill-Gvern, jekk il-konċessjoni mill-Gvern tkun għal terminu iqsar, il-liċenza tingħata għal dak it-terminu iqsar.

(2) Kull tiġdid ta' liċenza għandu fil-każijiet kollha jkun soġġett għat-tħaris kontinwu min-naħa tad-detentur tal-liċenza, matul it-terminu tal-liċenza preċedenti, oriġinali jew imġedded, tad-dispożizzjonijiet tal-Att, l-istrumenti regolatorji kollha u l-liġijiet l-oħra kollha applikabbli.

(3) Mingħajr preġudizzju għas-setgħa tal-Ministru li jvarja l-politika ġenerali applikabbli għal-logħob, ma jsir l-ebda tiġdid ta' xi liċenza jekk dak it-tiġdid imur kontra l-interess pubbliku jew l-ordni pubbliku li jkun jeżisti fiż-żmien tat-tiġdid jew hu raġjonevolment mistenni li jkun jeżisti matul iż-żmien propost għat-tiġdid tat-terminu ta' liċenza.

(4) L-Awtorità tista', wara li ssir applikazzjoni, toħroġ liċenza għal terminu limitat, li t-tul tiegħu jiġi stabbilit mill-Awtorità, hekk

izda li l-Awtorità tista' tistabbilixxi aktar kondizzjonijiet jew limitazzjonijiet fi strument vinkolanti:

Izda l-Awtorità m'għandhiex tohroġ aktar minn erba' (4) liċenzi ta' terminu limitat f'xi sena kalendarja lil xi persuna waħda, kemm jekk il-persuna tkun l-operatur, l-organizzatur jew il-persuna jew l-entità li f'isimha dik l-attività tal-logħob giet organizzata, jew qed tiġi organizzata.

7. L-Awtorità hi vestita bid-diskrezzjoni esklużiva li tikklassifika attività bħala logħba tax-xorti, logħba ta' abbiltà jew mod ieħor, hekk izda li dik id-deċiżjoni għandha tittiehed fuq il-bażi tal-konsiderazzjonijiet elenkati fis-Sitt Skeda, wara li tingħata konsiderazzjoni lil kull sottomissjoni magħmula minn xi persuna li topera jew li tippromwovi dik l-attività, u kull riċerka jew pubblikazzjoni maħruġa minn xi għejjun awtorevoli:

Logħbiet ta' abbiltà.

Izda l-piż tal-prova li attività hi logħba ta' abbiltà jkun fi kwalunkwe ħin fuq il-parti li topera jew li tippromwovi dik l-attività.

8. L-Awtorità tista' tohroġ deċiżjoni jew strument ieħor vinkolanti li jiddetermina li logħba hi logħba ta' abbiltà kontrollata jekk l-Awtorità jidhrilha li dan ikun neċessarju u, jew mixtieq skont il-prinċipji regolatorji u bħala segwitu għall-miri regolatorji stabbiliti fl-Att, u fuq il-bażi tal-konsiderazzjonijiet elenkati fis-Sitt Skeda.

Logħbiet ta' abbiltà kontrollati.

Taqsimha III

Eligibilità għal-Liċenza, Kriterji dwar l-Għoti ta' Liċenza u Proċedura dwar Liċenzjar

9. (1) Persuna li tixtieq tikseb jew iġġedded liċenza għandha tapplika lill-Awtorità billi tagħmel użu mill-formuli preskritti rilevanti ppubblikati mill-Awtorità u għandha tagħti l-informazzjoni, id-dokumentazzjoni u l-assigurazzjonijiet kollha meħtieġa u għandha mod ieħor tħares il-prerekwiżiti kollha għal-liċenza preskritti mill-istrumenti regolatorji rilevanti fis-seħħ jew xort'oħra meħtieġa mill-Awtorità, skont il-prinċipji regolatorji u bħala segwitu għall-miri regolatorji stabbiliti fl-Att:

Prerekwiżiti għal liċenza.

Izda talba għat-tiġdid ta' liċenza għandha ssir matul iż-żmien preskritt mill-Awtorità f'xi strument regolatorju, jew skont xi proċeduri preskritti jew formuli ppubblikati mill-Awtorità.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subregolament (1), l-Awtorità tista' teħtieġ mill-applikant kull informazzjoni, dokumentazzjoni u assicurazzjonijiet li jistgħu jkunu neċessarji sabiex l-Awtorità teżamina u tiddeċiedi dwar kemm hu xieraq li l-

applikant tingħatalu liċenza, skont il-kategorija tal-liċenza, it-tip jew tipi ta' logħbiet u, jew is-servizzi li l-applikant biħsiebu joffri.

Eligibilità għal liċenza.

10. (1) Persuna ma tkunx eligibbli li jkollha liċenza sakemm dik il-persuna ma tkunx stabbilita fiż-Żona Ekonomika Ewropea.

(2) Meta l-applikant għal liċenza jkun korp inkorporat, dak l-applikant jista' japplika għal liċenza jew għalih innifsu biss jew għall-grupp inkorporat tiegħu.

(3) Fil-każ li applikazzjoni għal liċenza hi għal korp inkorporat, ir-referenzi kollha f'dawn ir-regolamenti għal applikant għandhom jitqiesu li jirreferixxu għal kull wiehed mill-membri u għall-membri kollha tal-grupp inkorporat, u meta tingħata liċenza bħal din kull membru tal-grupp inkorporat u kollha kemm huma *in solidum* għandhom jitqiesu li huma d-detenturi tal-liċenza.

Għoti ta' liċenza.

11. L-Awtorità, waqt li taġixxi skont il-prinċipji regolatorji u b'segwitu għall-miri regolatorji stabbiliti fl-Att, għandha tirrifjuta li toħroġ liċenza f'kull wiehed mill-każijiet li ġejjin:

(a) jekk l-applikazzjoni ma tkunx sottomessa skont il-formula stabbilita jew skont il-proċedura applikabbli; jew

(b) jekk il-miżati applikabbli ma jkunux tħallsu; jew

(c) jekk l-Awtorità, fid-diskrezzjoni raġjonevoli tagħha, mhijiex sodisfatta li l-applikant u l-persuni rilevanti kollha, inkuzi, iżda mhux limitati għal, il-persuni kollha li għandhom interess kwalifikat fl-applikant, huma idoneji u adatti:

Iżda għandha tkun l-Awtorità li tistabilixxi liema persuni involuti fl-applikant għandhom jiġu valutati għall-finijiet ta' dan il-paragrafu:

Iżda wkoll għall-finijiet tal-valutazzjoni, l-interess kwalifikanti għandu jiġi stabbilit bħala mill-inqas għaxra fil-mija, jew kull perċentwali inqas kif tista' tiġi determinata mill-Awtorità; jew

(d) jekk, fejn ikun applikabbli u fl-opinjoni raġjonevoli tal-Awtorità, ikun jidher fuq il-baži tal-valutazzjoni, tal-evidenza jew taċ-ċertifikazzjoni mwettqa skont kif ikun preskritt mill-Awtorità għal xi tip ta' logħba, li l-logħbiet li l-applikant biħsiebu joffri ma jharsux il-htigiet minimi ta' sens ta' ekwità għat-tipi ta' logħob rispettivi;

(e) fejn isir magħruf li xi informazzjoni mogħtija jew sottomissjoni magħmula lill-Awtorità tkun falza, qarrieqa, mhux preċiża jew inkompleta f'xi aspekk materjali;

(f) jekk l-Awtorità, fid-diskrezzjoni raġjonevoli tagħha, ma tkunx sodisfatta li:

(i) l-applikant hu kapaċi li jiffinanzja b'mod sostenibbli s-servizz jew il-provvista ta' logħob; jew

(ii) l-applikant għandu l-kompetenza neċessarja, l-għarfien tekniku u r-riżorsi biex iwettaq il-logħob offert; jew

(iii) l-applikant għandu mudell ta' negozju biex iwettaq il-logħob offert b'mod vijabbli u b'mod li jkun konformi mal-istrumenti regolatorji applikabbli fis-sehħ; jew

(iv) l-applikant ser jhares il-htigiet regolatorji kollha applikabbli għal detenturi ta' liċenza tal-kategorija rilevanti u kull htieġa addizzjonali li l-Awtorità tikkunsidra, fuq il-bażi ta' approċċ ibbażat fuq ir-riskju, li huma neċessarji li jiġu imposti fuq l-applikant, liema htigiet jistgħu jinkludu, iżda mhumiex limitati għal, salvagwardji finanzjarji, il-protezzjoni ta' ġugaturi u, jew l-implimentazzjoni ta' kull politika u proċedura.

12. L-Awtorità tista', waqt li taġixxi skont il-prinċipji regolatorji u b'segwitu għall-miri regolatorji stabbiliti fl-Att, tirrifjuta li tagħti awtorizzazzjoni f'kull wiehed mill-każijiet li ġejjin:

Għoti ta' awtorizzazzjoni.

(a) jekk l-Awtorità temmen li l-offerta ta' logħob li qed tiġi proposta mhijiex konformi mal-istrumenti regolatorji fis-sehħ; jew

(b) jekk l-Awtorità temmen li l-għoti ta' awtorizzazzjoni lill-applikant jista' joħloq riskju għar-reputazzjoni ta' Malta jew ikun mod ieħor mhux fl-interess pubbliku jew kuntrarju għall-miri regolatorji stabbiliti bl-Att; jew

(ċ) jekk ma tkunx ingħatat informazzjoni suffiċjenti kif mitluba mill-Awtorità.

13. (1) L-Awtorità tista', b'segwitu għall-miri regolatorji taht l-Att u waqt li tapplika approċċ ibbażat fuq ir-riskju f'konformità mal-prinċipji regolatorji:

Htigiet oħra.

(a) tistabbilixxi, fejn ikun xieraq jew neċessarju, permezz ta' strumenti vinkolanti, htigiet aktar estensivi, ridotti jew emendati sabiex applikant jikkwalifika għal awtorizzazzjoni f'ċerti ċirkostanzi predeterminati; u, jew

(b) timponi fuq applikant jew fuq persuna awtorizzata, fejn ikun xieraq jew neċessarju, htigiet addizzjonali speċifiċi permezz ta' strument vinkolanti.

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(2) Mingħajr preġudizzju għar-Regolamenti tal-2018 dwar t-Tharis u l-Infurzar fil-Logħob, meta l-Awtorità tkun imponiet htigiet speċifiċi fuq persuna awtorizzata jew fuq bosta persuni awtorizzati, jew fejn l-Awtorità jidhrilha li jkun neċessarju jew xieraq li timponi htigiet speċifiċi ġodda fuq persuna awtorizzata jew bosta persuni awtorizzati, ikun x'ikun l-istrument vinkolanti li bih issir l-impożizzjoni, l-Awtorità jkollha s-setgħa li tagħmel jew tvarja dik l-impożizzjoni matul it-terminu tal-awtorizzazzjoni, hekk iżda li fejn il-varjazzjoni jew l-impożizzjoni ġdida tikkonsisti f'li tagħmel il-htigiet aktar onerużi fuq persuna awtorizzata, sakemm dik il-varjazzjoni jew impożizzjoni ma tkunx ġiet mitluba mill-persuna awtorizzata stess, l-Awtorità għandha b'avviż bil-miktub tinforma lill-persuna awtorizzata dwar l-intenzjoni tal-Awtorità li tvarja l-imsemmija htigiet jew li timponi htigiet ġodda, waqt li titlob lill-imsemmija persuna awtorizzata biex tagħti prova, fi żmien perjodu li ma jkunx inqas minn għoxrin (20) ġurnata wara l-ħruġ tal-avviż kif jista' jiġi speċifikat fl-imsemmi avviż, dwar ir-raġuni li għaliha dik il-htieġa m'għandhiex tiġi varjata jew dik il-kundizzjoni ġdida m'għandhiex tiġi imposta, u l-Awtorità għandha tikkunsidra kull sottomissjoni magħmula mill-persuna awtorizzata fi żmien il-perjodu speċifikat fl-avviż, qabel ma tvarja l-htieġa jew timponi htieġa ġdida:

Iżda fil-każ fejn, fl-opinjoni raġjonevoli tal-Awtorità, hemm preġudizzju serju jew theddida imminenti ta' preġudizzju serju għas-sigurtà pubblika, is-saħħa pubblika, is-saħħa tal-ġugaturi, is-sigurtà finanzjarja tal-ġugaturi, ir-reputazzjoni ta' Malta, jew xi raġuni oħra oġhla ta' interess pubbliku, l-Awtorità jkollha s-setgħa li timponi t-tharis immedjat tal-varjazzjoni jew tal-htieġa ġdida.

L-ebda
duplikazzjoni
ta' kontrolli u
simplifikazzjoni
ta' proċeduri.

14. (1) Fil-valutazzjoni ta' applikazzjoni għal awtorizzazzjoni, l-Awtorità għandha tqis u, fejn ikun possibbli, tevita li jiġu duplikati proċeduri u kontrolli li jkunu diġà ġew imwettqa mill-Awtorità stess jew minn awtorità kompetenti f'ġurisdizzjoni oħra taż-ŻEE, sakemm dawk il-proċeduri u kontrolli l-oħra ġew imwettqa fi żmien raġjonevoli mill-valutazzjoni tal-applikazzjoni għal awtorizzazzjoni, kif jista' jiġi stabbilit mill-Awtorità:

Iżda l-Awtorità tista', fuq bażi ta' każ b'każ, ukoll tieħu

f'kunsiderazzjoni l-proċeduri u l-kontrolli li jkunu diġà saru minn awtorità kompetenti f'għurisidizzjoni oħra li l-Awtorità tikkunsidra li jipprovdu salvagwardji ekwivalenti għal dawk provduti taħt il-liġi ta' Malta, jew kif jista' jiġi stabbilit mill-Awtorità.

(2) Meta tiġi mitluba biex toqgħod fuq il-proċeduri u l-kontrolli jew miżuri oħra mwettqa minn awtorità kompetenti f'għurisidizzjoni oħra, l-Awtorità tkun awtorizzata li tassogġetta dawk il-miżuri għal verifika u ma tkunx marbuta li taċċettahom jekk, fid-diskrezzjoni tal-Awtorità, dawk il-proċeduri, kontrolli u miżuri oħra ma jipprovdux salvagwardji ekwivalenti għal dawk provduti taħt il-liġi ta' Malta, jew kif jista' jiġi stabbilit mill-Awtorità.

(3) Fil-verifika ta' applikazzjoni għal awtorizzazzjoni, meta jidhrilha li jkun għustifikat fuq il-bażi ta' eżami tal-applikant ibbażat fuq ir-riskju, l-informazzjoni disponibbli lill-Awtorità u l-prestazzjoni regolatorja preċedenti u ċ-ċirkostanzi tal-applikant, l-Awtorità għandha tapplika l-prinċipju ta' simplifikazzjoni ta' proċeduri u htigiet għall-ipproċessar effiċjenti tal-applikazzjoni.

15. Il-piż tal-prova li l-applikant hu kwalifikat biex ikollu awtorizzazzjoni jew ikompli jkollu awtorizzazzjoni għandu jkun unikament fuq l-applikant jew il-persuna awtorizzata, kif ikun il-każ.

Piż tal-prova
għall-kwalifika.

16. L-ebda loġġba, sistema, *software*, apparat, fond, kondizzjoni, proċedura, politika jew xi haġa oħra approvata mill-Awtorità ma tista' tiġi emendata jew sostitwita sakemm il-persuna awtorizzata ma tkunx kisbet minn qabel l-approvazzjoni bil-miktub mill-Awtorità għal dik l-emenda jew sostituzzjoni:

Konformità

Iżda l-Awtorità tista', wara valutazzjoni bbażata fuq ir-riskju, tistipula permezz ta' strument vinkolanti li f'ċerti każijiet ikun suffiċjenti li ssir notifikazzjoni.

17. Awtorizzazzjoni mogħtija mill-Awtorità ma tistax tiġi assenjata jew trasferita:

Transferibbiltà.

Iżda liċenza u, jew ċertifikat ta' provvista materjali jistgħu jiġu assenjati u, jew trasferiti lil entità legali fl-istess grupp inkorporat bl-approvazzjoni bil-miktub tal-Awtorità.

Taqsimha IV

Htieġa ta' Awtorizzazzjonijiet Ohra

Approvazzjoni
ta' fond.
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PUBLICATION**

18. L-ebda persuna ma tista' tuża, jew xjentement jew bi traskuraġni tippermetti li jiġi wżat, kemm attivament kif ukoll passivament, fond f'Malta bħala fond għal-logħob sakemm dik il-persuna ma tkunx debitament awtorizzata skont ir-Regolamenti tal-2018 dwar Fondi għal-Logħob jew xi strumenti regolatorji applikabbli oħra:

Iżda l-Awtorità tista', permezz ta' strument vinkolanti, teżenta ċerti tipi jew kategoriji ta' fondi għal-logħob mill-htieġa tal-approvazzjoni.

Approvazzjoni
ta' apparat għal-
logħob.

19. L-ebda persuna ma tista' tagħti servizz, tqiegħed fis-suq, tqassam, tforni, tbiegħ, tikri, tittrasferixxi, tilqa', topera jew b'xi mod ieħor tagħmel disponibbli xi apparat tal-logħob jew sistema tal-logħob fuq it-territorju ta' Malta, sakemm dak l-apparat jew sistema tal-logħob, kif ikun il-każ, ma jkunx ġie approvat mill-Awtorità jew eżentat mill-approvazzjoni tal-Awtorità.

Approvazzjoni
ta' fornimenti
materjali.

20. (1) Kull persuna li toffri forniment ta' logħob materjali elenkat fit-Tielet Skeda lil persuna awtorizzata tista' titlob ċertifikat ta' forniment ta' logħob materjali mill-Awtorità.

(2) Kull persuna awtorizzata li tagħmel użu jew li biħsiebha tagħmel użu minn provvista ta' logħob materjali provduta minn parti terza għandha tiżgura li jew dak il-fornitur ta' materjal hu fil-pussess taċ-ċertifikat imsemmi fis-subregolament (1) jew il-provvista ta' logħob materjali hi mod ieħor approvata mill-Awtorità fuq bażi ta' każ b'każ u soġġetta għal approċċ ibbażat fuq ir-riskju:

Iżda meta xi persuna awtorizzata tirċievi provvisti ta' logħob materjali minn parti terza li ma tkunx fil-pussess taċ-ċertifikat imsemmi fis-subregolament (1), dik il-persuna awtorizzata li tirċievi l-provvisti għandha tassumi r-responsabbiltà regolatorja kollha għal dawk il-provvisti.

(3) L-Awtorità tista' tippreskrivi kull proċedura, tiġbor miżati, jew timponi xi kondizzjonijiet jew htigiet li jitqiesu rilevanti fir-rigward ta' ċertifikat biex jiġu offerti provvisti ta' logħob materjali.

Junkets.

21. (1) Persuna awtorizzata li jkollha liċenza skont dawn ir-regolamenti u kif ukoll konċessjoni skont l-artikolu 11(3)(a) tal-Att, tista' tissottometti applikazzjoni għand l-Awtorità biex tikklassifika l-attività ta' ġugatur wieħed jew aktar minn wieħed, fil-fond tal-logħob tal-persuna awtorizzata hawn fuq imsemmija, bħala *junkets*.

(2) Persuna awtorizzata li jkollha liċenza skont dawn ir-regolamenti u kif ukoll konċessjoni skont l-artikolu 11(3)(a) tal-Att, tista' tissottometti applikazzjoni lill-Awtorità għall-approvazzjoni ta' avveniment *junket*.

(3) Kull persuna li toffri s-servizzi ta' *junket leader* fir-rigward ta' attività mwettqa minn persuna awtorizzata li jkollha liċenza skont dawn ir-regolamenti u kif ukoll konċessjoni skont l-artikolu 11(3)(a) tal-Att, għandha tapplika għand l-Awtorità għall-approvazzjoni ta' *junket leader*:

Iżda kull persuna awtorizzata li bihsiebha tagħmel użu mis-servizzi ta' *junket leader* għandha tiżgura li dak il-*junket leader* hu fil-pussess tal-approvazzjoni tal-Awtorità.

(4) Tali approvazzjonijiet jew klassifikazzjoni għandhom isehhu skont it-termini tal-proċedura u l-parametri stabbiliti mill-Awtorità permezz ta' strument vinkolanti.

(5) Applikazzjoni għal *junket*, *avvenimenti junket*, jew *junket leader* tista' titqies invalida jekk ma ssirx skont il-proċedura stabbilita mill-Awtorità, jekk ma jkunx fiha l-htigiet kollha neċessarji, jew ma tiġix sottomessa fil-ħin, jew jekk ma jiġihall-sux il-miżati amministrattivi rilevanti.

22. (1) Kull persuna li toffri logħbiet liċenzjabbli f'Malta jew minn Malta mingħajr awtorizzazzjoni maħruġa skont dawn ir-regolamenti, iżda skont awtorizzazzjoni maħruġa minn Stat Membru tal-UE jew tal-ŻEE, jew minn Stat li hu meqjus mill-Awtorità li joffri salvagwardi fil-biċċa l-kbira ekwivalenti għal dawk offerti bil-liġi ta' Malta, għandha tapplika għand l-Awtorità għal avviż ta' għarfien skont il-proċedura stabbilita mill-Awtorità.

Avviż ta' għarfien.

(2) Avviż ta' għarfien maħruġ skont is-subregolament (1) ikollu l-istess effett bħal awtorizzazzjoni maħruġa mill-Awtorità għall-finijiet li jiġu provduti servizz ta' logħob, provvista ta' logħob, funzjoni ewlenija, jew awtorizzazzjoni oħra f'Malta jew minn Malta.

(3) L-Awtorità tista' tirrevoka kull tali avviż ta' għarfien, u tista' tassogġetta għal miżati amministrattivi applikant għal avviż ta' għarfien fejn dan ikun raġjonevoli.

Part V

Fornitura ta' Funzjonijiet Ewlenin

Ċertifikat biex tingħata funzjoni ewlenija.

23. L-ebda persuna ma tista' tippovdi funzjoni ewlenija elenkata fir-Raba' Skeda sakemm dik il-persuna ma tkunx fil-pussess ta' ċertifikat ta' funzjoni ewlenija maħruġ mill-Awtorità biex tiġi provduta dik il-funzjoni.

Htiġiet u kwalifiki għal ċertifikat ta' funzjoni ewlenija.

24. L-Awtorità tista', permezz ta' strument vinkolanti, tistipula l-htiġiet u l-kwalifiki sabiex persuna tkun eliġibbli biex ikollha ċertifikat biex tippovdi funzjoni ewlenija taħt dawn ir-regolamenti.

Taqsimi VI

Kondizzjonijiet għal Awtorizzazzjonijiet

Kondizzjonijiet,

25. L-Awtorità għandha s-setgħa li toħroġ kondizzjonijiet għal awtorizzazzjonijiet mogħtija skont l-Att jew regolamenti magħmulin taħtu.

Konformità mal-Att.

26. Konformità mal-Att, regolamenti magħmulin taħtu jew strumenti vinkolanti oħra maħruġa mill-Awtorità għandhom jinftehmaw awtomatikament bħala kondizzjonijiet għal awtorizzazzjonijiet.

Taqsimi VII

Sospensjoni u Terminazzjoni Volontarja

Sospensjoni volontarja.

27. (1) Persuna awtorizzata tista' titlob is-sospensjoni volontarja ta' awtorizzazzjoni billi tagħti avviż bil-miktub ta' mhux inqas minn għoxrin (20) ġurnata lill-Awtorità.

(2) L-Awtorità tista' tirrifjuta li tagħti approvazzjoni għal sospensjoni volontarja ta' awtorizzazzjoni fuq il-bażi li ma tkunx fl-interess ta' ġugaturi jew għal raġunijiet ta' ordni pubbliku, sigurtà pubblika jew is-salvagwardja tar-reputazzjoni ta' Malta.

(3) Meta l-Awtorità tapprova sospensjoni volontarja, dik is-sospensjoni ma taffettwax ir-responsabbiltà tad-detentur tal-awtorizzazzjoni għal dak kollu li jkun sar jew li naqas milli jsir, jew għal ammonti dovuti li jkunu diġà ġew akkumulati, qabel id-data tas-sospensjoni volontarja. Madankollu, ir-responsabbiltà tal-persuna awtorizzata li tħallas il-miżata tal-liċenza varjabbli, l-imposta fuq apparat tal-logħob u t-taxxa fuq il-logħob, kif ikun applikabbli, għandha tieqaf milli takkumula matul kull perjodu li fih l-awtorizzazzjoni tkun volontarjament sospiża.

(4) Il-persuna awtorizzata tista' titlob ir-riattivazzjoni tal-awtorizzazzjoni, fil-manjiera u permezz tal-formoli li tistabbilixxi l-Awtorit  billi tissottometti d-dokumenti kollha ne essarji:

Izda l-Awtorit  tista', fid-diskrezzjoni tagħha, tagħmel l-ewalwazzjonijiet kollha li tħoss li huma ne essarji, u tista' tirrifjuta li tirriattiva l-awtorizzazzjoni għall-istess raġunijiet li tista' tirrifjuta applikazzjoni għida għal awtorizzazzjoni.

28. (1) Persuna awtorizzata tista' titlob i - essjoni ta' awtorizzazzjoni billi tagħti lill-Awtorit  avvi  ta' mhux inqas minn għoxrin (20) gurnata bil-miktub.  essjoni.

(2) L-Awtorit  tista' tirrifjuta li tagħti approvazzjoni għa - essjoni volontarja ta' awtorizzazzjoni fuq il-ba i li ma tkunx fl-interess ta' gugaturi jew għal raġunijiet ta' ordni pubbliku, sigurt  pubblika jew is-salvagwardja tar-reputazzjoni ta' Malta

(3) Meta l-Awtorit  tapprova  essjoni volontarja, dik i - essjoni ma taffettwax ir-responsabbilt  tad-detentur tal-awtorizzazzjoni għal dak kollu li jkun sar jew li naqas milli jsir, jew għal ammonti dovuti li jkunu diġ  g ew akkumulati, qabel id-data ta'  essjoni volontarja

Taqsimha VIII

Logħob Ieħor

29. (1) Il-ħtieġa li operatur ta' logħbiet ta' riskju baxx ikollu li enza skont it-Taqsimha II ta' dawn ir-regolamenti tkun sodisfatta jekk l-istess operatur jikseb permess għal logħob ta' riskju baxx mill-Awtorit . Logħbiet ta' riskju baxx.

(2) Sakemm ma jkunx preskritt mod ieħor f'dawn ir-regolamenti jew f'xi strument regolatorju ieħor, operatur ta' logħob b'riskju baxx li jkollu permess għal logħob ta' riskju baxx għandu, għall-finijiet ta' dawn ir-regolamenti u ta' kull liġi oħra, jitqies li hu persuna awtorizzata.

(3) Permess għal logħob ta' riskju baxx għandu:

- (a) ikun validu biss għall-avveniment jew avvenimenti singoli li għalih jew għalihom ikun ingħata;
- (b) jiskadi ladarba jintemm l-avveniment;
- (c) ma jkunx jista' jiġi mgedded;

(d) ma jkunx trasferibbli mingħajr il-permess minn qabel tal-Awtorità; u

(e) ikun soġġett għal-limitazzjonijiet stabbiliti fil-Hames Skeda:

Izda għall-finijiet ta' dan is-subregolament, avveniment singolu jitqies li jintemm ladarba l-eżitu li jiddetermina r-rebbieh jew ir-rebbieha tal-avveniment inkwistjoni jkun gie gġenerat konkluzivament.

Każinò abbord
cruise ship.

30. (1) Il-htieġa li operatur ta' każinò abbord *cruise ship* ikollu liċenza skont it-Taqsima II ta' dawn ir-regolamenti tkun sodisfatta jekk l-istess operatur jikseb permess għal każinò abbord *cruise ship* mill-Awtorità.

(2) Sakemm ma jkunx preskritt mod ieħor f'dawn ir-regolamenti jew f'xi strument regolatorju ieħor, operatur ta' każinò abbord *cruise ship* li jkollu permess għal każinò abbord *cruise ship* għandu, għall-finijiet ta' dawn ir-regolamenti u ta' kull liġi oħra, jitqies li hu persuna awtorizzata.

(3) Permess għal każinò abbord *cruise ship* għandu:

(a) ikun validu biss għal terminu li ma jeċċedix il-ħin li fih il-*cruise ship* tkun irmiġġjata fi jew fi hdan it-territorju ta' Malta;

(b) ikun validu biss fir-rigward tal-passiġġieri registrati tal-*cruise ship*;

(c) ma jistax jiġi trasferit; u

(d) ikun limitat għal *cruise ships*, li jkunu bastimenti tal-passiġġieri wżati għal vjaġġi ta' divertiment b'minimu ta' tliet (3) portijiet ta' waqfien fi tliet (3) ġurisdizzjonijiet differenti li jistgħu jinkludu lil Malta jew le, li għandhom il-faċilitajiet tagħhom, li jinkludu faċilitajiet ta' akkomodazzjoni għall-passiġġieri kollha, u li jakkomodaw minimu ta' mija u hamsin (150) passiġġier.

Magni tal-
logħob tad-
divertiment.

31. Minkejja l-istatus tagħha bħala logħba eżentata, persuna m'għandhiex tqieghed fis-suq, tqassam, tforni, tbiegħ, tikri, tittrasferixxi, tospita, topera jew b'xi mod ieħor tagħmel disponibbli għall-użu xi makna tal-logħob tad-divertiment f'xi fond għal-logħob, sakemm dik il-makna tal-logħob tad-divertiment ma tkunx giet reġistrata mal-Awtorità permezz tal-proċedura applikabbli kif jista' jiġi stabbilit mill-Awtorità:

Iżda meta tirreġistra tali makna tal-logħob tad-divertiment, l-Awtorità tista' tiġbor kull miżata amministrattiva applikabbli:

Iżda wkoll il-persuna li tirreġistra l-magni tal-logħob ta' divertiment għandha tiżgura li l-Awtorità tiġi notifikata b'kull bidla għall-informazzjoni mogħtija lill-Awtorità.

Taqsim IX

Mixxellanji

32. Persuna awtorizzata għandha tħallas lill-Awtorità l-miżati amministrattivi applikabbli kollha kif jista' jiġi stabbilit mill-Awtorità permezz ta' xi strument regolatorju. Miżati amministrattivi.

L-Ewwel Skeda

Kategoriji ta' Liċenza

1. L-Awtorità tista' tohroġ liċenzi fil-kategoriji li ġejjin:
 - (a) liċenza għal-Servizz ta' Logħob: liċenza ta' negozju lil konsumatur biex wiehed joffri jew iwettaq servizz ta' logħob;
 - (b) liċenza għall-Provvista ta' Logħob Kritika: liċenza ta' negozju lil negozju biex wiehed jipprovdi jew iwettaq provvista ta' logħob kritika:

Iżda servizz ta' logħob jew provvista ta' logħob kritika għandhom jikkostitwixxu xi wiehed jew aktar mil-logħob li ġej:

- (i) Servizzi ta' Logħob tat-Tip 1, li tfisser logħob tax-xorti milgħuba kontra *l-house*, li l-eżitu tiegħu hu determinat minn ġeneratur bl-addoċċ, u tinkludi logħob tat-tip ta' każinò, inkluzi *roulette*, *blackjack*, *baccarat*, *poker* milgħuba kontra *il-house*, lotteriji, lotteriji sekondarji u logħob tal-isport virtwali; u, jew
- (ii) Servizzi ta' Logħob tat-Tip 2, li tfisser logħob tax-xorti milgħuba kontra *l-house*, li l-eżitu tiegħu mhuwiex determinat minn ġeneratur bl-addoċċ, iżda hu determinat mir-riżultat ta' avveniment jew kompetizzjoni li huma estraneji għal-logħob tax-xorti, u li permezz tiegħu l-operatur jimmaniġġja r-riskju tiegħu jew tagħha stess billi jimmaniġġja l-probabbiltajiet offerti lill-ġugatur; u, jew
- (iii) Servizzi ta' Logħob tat-Tip 3 li tfisser logħob tax-xorti mhux milgħuba kontra *l-house* u li fihom l-operatur mhuwiex espost għal riskju tal-logħob, iżda jiġġenera dħul billi jieħu kummissjoni jew ħlas ieħor ibbażat fuq il-ġugati jew il-premju, u tinkludi logħob bejn ġugatur kontra ġugatur bħal *poker*, *bingo*, skambju ta' logħob tal-ażżard u logħob ieħor ibbażat fuq kummissjoni; u, jew
- (iv) Servizzi ta' Logħob tat-Tip 4 li tirreferi għal logħob ta' abbiltà kontrollat skont ir-regolament 4 ta' dawn ir-regolamenti:

Iżda wkoll fil-każ ta' logħba li jkun fiha elementi li jaqgħu taħt iktar minn wiehed mit-tipi msemmija hawn qabel, l-Awtorità jkollha d-diskrezzjoni sħiħa li tikkategorizza l-logħba fit-tip li temmen li jirrifletti l-aktar in-natura tal-logħba.

2. Għall-finijiet ta' din l-Iskeda, is-servizzi li ġejjin għandhom, kull wiehed minnhom, jikkostitwixxu servizz tal-logħob:
 - (a) l-offerta, il-fornitura, jew l-operazzjoni ta' servizz ta' logħob;

- (b) l-ilqugħ minn persuna fil-fond tiegħu aċċessibbli għall-pubbliku jew f'fond aċċessibbli għall-pubbliku li hu fil-pussess jew taħt il-kontroll tiegħu, l-operazzjoni jew d-disponibbiltà b'xi mod ieħor għall-użu ta' apparat tal-logħob jew ta' sistema tal-logħob.
3. Għall-finijiet ta' din l-Iskeda, il-provvisti li ġejjin għandhom, kull waħda minnhom, jikkostitwixxu provvista ta' logħob kritika:
- (a) provvista u manigġjar ta' elementi materjali ta' logħba;
 - (b) provvista u manigġjar ta' *software*, kemm bhala tagħmir singolu kif ukoll bhala parti minn sistema, biex jiġġenera, jaqbad, jikkontrolla jew mod ieħor jipproċessa xi *record* regolatorju essenzjali u, jew il-provvista u manigġjar tas-sistema ta' kontroll infisha, li fuqha jirrisjedi tali *software*:

Izda għall-finijiet ta' din l-Iskeda, il-kelma 'immanigġjar' tfisser il-fornitura ta' manutenzjoni u appoġġ attivi u kontinwi li huma indispensabbli għall-għoti ta' servizz tal-logħob.

It-Tieni Skeda

Eżenzjonijiet

1. Il-logħob li ġej għandu, kull wieħed minnhom, jitqies bhala logħba eżentata:
 - (a) logħba ta' abbiltà li la teħtieġ ġugata biex tippermetti parteċipazzjoni u lanqas tipprevedi l-possibbiltà ta' premju;
 - (b) logħba ta' abbiltà li teħtieġ ġugata biex tippermetti parteċipazzjoni u, jew tipprevedi l-possibbiltà ta' premju, sakemm l-Awtorità ma toħroġx deċiżjoni li tali logħba ta' abbiltà hi logħba ta' abbiltà kontrollata;
 - (ċ) logħba tax-xorti li la teħtieġ ġugata biex tippermetti parteċipazzjoni u lanqas tipprevedi l-possibbiltà ta' premju;
 - (d) logħba *de minimis*, kif definita permezz ta' strument vinkolanti maħruġ mill-Awtorità;
 - (e) logħba liċenzjabbli organizzata abbord xi tagħmir li jtajjar jew li hu intitolat itajjar il-bandiera ta' Malta, jew reġistrat f'Malta, waqt li tali tagħmir ikun qed ibaħħar barra mill-ibhra territorjali ta' Malta.

2. L-Awtorità tista', permezz ta' deċiżjoni u, jew strument vinkolanti, u wara li tikkonsulta mal-Ministru, teżenta apparat tal-logħob jew kategorija ta' apparati tal-logħob minn xi hteġa jew mill-htigiet kollha skont dawn ir-regolamenti u, jew xi strument regolatorju ieħor:

Iżda dawk id-deċiżjonijiet dwar eżenzjonijiet għandhom jinħarġu biss f'konformità mal-miri regolatorji skont it-Taqsima II tal-Att.

It-Tielet Skeda

Provvisti ta' Logħob Materjali

Mingħajr preġudizzju għal provvisti ta' logħob kritiku elenkati fl-Ewwel Skeda, it-tipi ta' provvisti ta' logħob li ġejjin jikkostitwixxu provvisti ta' logħob materjali:

1. Manifattura, assemblaġġ, tqegħid fis-suq, distribuzzjoni, forniture, bejgħ, kiri jew trasferiment ta' apparat tal-logħob;
2. Forniture ta' servizzi ta' mmaniġġjar ta' riskju għall-operazzjoni ta' logħba liċenzjabbli;
3. Forniture ta' avvenimenti, kontenut u, jew probabbiltajiet;
4. Forniture ta' servizzi għall-immaniġġjar ta' frodi għall-operazzjoni ta' logħba liċenzjabbli;
5. Żamma u, jew maniġġjar ta' fondi ta' ġugaturi;
6. Forniture ta' servizzi li jirrigwardaw id-diligenza dovuta ta' klijenti;
7. Forniture ta' servizzi li jirrigwardaw il-verifika tal-identità ta' ġugatur;
8. Forniture ta' kollokament u servizzi oħra ta' teknoloġija ta' informazzjoni mmaniġġjata, inkluż servizzi ta' *cloud computing* u, jew protokollu jew servizzi oħrajn ta' kollokament deċentralizzat fejn dawn ma jammontawx għal provvista ta' logħob kritika; u
9. Forniture ta' servizzi ta' *back-up* u rkupru f'każ ta' diżastri.

Ir-Raba' Skeda

Funzjonijiet Ewlenin

L-irwoli u r-responsabbilitajiet li ġejjin imwettqa f'konnessjoni mal-attività tal-logħob ta' detentur ta' liċenza jikkostitwixxu, kull wieħed minnhom, funzjoni ewlenija:

1. Uffiċjal Eżekuttiv Ewleni;
2. Responsabbiltà għal operazzjonijiet tal-logħob;
3. Responsabbiltà għal affarijiet legali u konformità mal-istrumenti regolatorji applikabbli;
4. Responsabbiltà għall-finanzi;
5. Responsabbiltà għal tqegħid fis-suq u reklamar;
6. Responsabbiltà għall-appoġġ lil ġugaturi;
7. Responsabbiltà għat-teknoloġija, inkluż iżda mhux limitatament is-sigurtà tal-informazzjoni u l-operazzjoni u l-immaniġġjar tas-sistema ta' kontroll;
8. Responsabbiltà għal kontra *l-money laundering* u l-finanzjar tat-terroriżmu;
9. Responsabbiltà għall-immaniġġjar tar-riskju u l-prevenzjoni tal-frodi; u
10. Responsabbiltà għall-awditjar intern.

Fil-każ ta' detentur ta' liċenza li jipprovdi servizz tal-logħob f'fond għal-logħob, l-attivitajiet li jikkostitwixxu funzjoni ewlenija għandhom jikkomprenđu l-attivitajiet elenkati fil-paragrafi 1 sa 10 ta' hawn qabel, kif ukoll dawn li ġejjin:

1. Responsabbiltà għas-sorveljanza u l-immaniġġjar tax-xogħol tal-impjegati li jhaddnu funzjonijiet fiż-żona tal-logħob;
2. Responsabbiltà għall-immaniġġjar taż-żona tal-logħob, inkluża s-sorveljanza fuqha biex titrażżan frodi mill-klijenti, u r-riżoluzzjoni ta' tilwim mal-klijenti;
3. Responsabbiltà għall-immaniġġjar tas-sistemi ta' sorveljanza tal-fond għal-logħob.

Il-Ħames Skeda

Logħob ta' Riskju Baxx

Dawn li ġejjin jitqiesu bħala logħob ta' riskju baxx:

1. Logħbiet mhux għall-profitt, fejn il-valur tal-gugata ma jeċċedix il-ħames euro (€5) għal kull gugatur;
2. Logħbiet ta' komunikazzjoni kummerċjali:

Iżda persuna jew entità waħda li torganizza serje ta' logħbiet ta' komunikazzjoni kummerċjali m'għandhomx flimkien jeċċedu mitt elf euro (€100,000) fi premji matul xhar kalendarju u mhux iżjed minn ħames mitt elf euro (€500,000) matul sena kalendarja:

Iżda wkoll kull avveniment wieħed m'għandux jagħti premju li jeċċedi ħamsin elf euro (€50,000);

3. Logħbiet ta' komunikazzjoni kummerċjali limitati, fejn il-valur tal-gugata ma jeċċedix żewġ euro (€2) kull gugatur, u l-valur tal-premju ma jeċċedix mitejn u ħamsin euro (€250):

Iżda persuna jew entità waħda li torganizza serje ta' logħbiet ta' komunikazzjoni kummerċjali limitati m'għandhomx flimkien jeċċedu ħamest elef euro (€5,000) fi premji matul xhar kalendarju u mhux iżjed minn ħamsin elf euro (€50,000) matul sena kalendarja.

Is-Sitt Skeda

Logħob ta' Abbiltà

Il-konsiderazzjonijiet li l-Awtorità tqis biex tiddetermina jekk logħba hijiex logħba ta' abbiltà jew logħba ta' abbiltà kontrollata skont ir-regolamenti 7 u 8 ta' dawn ir-regolamenti għandhom jinkludu dawn li ġejjin:

1. il-preżenza ta' tluġh bix-xorti u l-effett tiegħu fuq ir-riżultat;
2. jekk il-logħba tintlagħabx għall-flus u, jew premjijiet b'valur monetarju;
3. jekk il-parteciċipazzjoni f'logħba tinvolvix kwalunkwe forma ta' impenn monetarju, jew impenn ta' valur monetarju;
4. il-possibbiltà ta' kwalunkwe impatt soċjali negattiv tal-logħba;

5. jekk l-attività hijiex assoċjata mill-qrib ma' logħob tax-xorti u, jew logħob tal-ażżard;
 6. it-tul ta' kull avveniment, kompetizzjoni jew logħba;
 7. jekk, mal-ewwel ħarsa, ġugatur ta' abbiltà huwiex kapaċi jirbaħ aktar minn ġugatur mingħajr abbiltà;
 8. jekk il-possibbiltà li ġugatur jirbaħ tiżdid b'mod sinjifikanti bl-esperjenza fil-logħba;
 9. jekk l-abbiltà tistax tinkiseb permezz ta' taħriġ, esperjenza, qari ta' kotba jew materjal edukattiv ieħor;
 10. jekk sett ta' regoli jew format li huma użati jkomplux iġibu fix-xejn l-effett ta' kwalunkwe element tax-xorti;
 11. jekk il-logħba tintlagħabx kontra ġugaturi umani oħrajn, jew mod ieħor;
 12. il-livell ta' interazzjoni bejn il-ġugaturi, il-livell ta' interazzjoni bejn l-operatur u l-ġugaturi, u l-livell ta' intervent mill-operatur matul l-avveniment, kompetizzjoni jew logħba; u
 13. il-kumplessità tal-logħba, inkluż l-ammont ta' għażliet tal-ġugatur u l-effett potenzjali tagħhom fuq ir-riżultat, u l-istrategiji involuti.
-

**- REVIEWED -
LEGISLATION UNIT
MINISTRY FOR
JUSTICE,
CULTURE & LOCAL
GOVERNMENT**

.....
Prime Minister

.....
Parliamentary Secretary for
Financial Services, Digital
Economy and Innovation

.....
Chairperson,
Malta Gaming Authority

L.N. of 2018

**GAMING ACT
(ACT OF 2018)**

Gaming Authorisations Regulations, 2018

Arrangement of the Regulations

		Regulations
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First Schedule - Licence Categories

Second Schedule - Exempt Games

Third Schedule - Material Gaming Supplies

Fourth Schedule - Key Functions

Fifth Schedule - Low Risk Games

Sixth Schedule - Skill Games

L.N. of 2018

**GAMING ACT
(ACT OF 2018)**

Gaming Authorisations Regulations, 2018

IN exercise of the powers conferred upon him by article 12 of the Gaming Act, the Parliamentary Secretary for Financial Services, Digital Economy and Innovation, in consultation with the Malta Gaming Authority, has made the following regulations:-

Part I

Citation and Interpretation

Citation. **1.** The title of these regulations is the Gaming Authorisations Regulations, 2018.

Interpretation. **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, 2018.

ACT NUMBER TO BE INSERTED UPON PUBLICATION (2) In these regulations, unless the context otherwise requires, "the Act" means the Gaming Act, 2018.

(3) All other terms used in these regulations shall have the same meaning attributed to them in the Act.

Part II

Requirement of a Licence

Requirement of a licence. **3.** (1) No person shall provide or carry out a gaming service or provide a critical gaming supply from Malta or to any person in Malta, or through a Maltese legal entity, except when in possession of a valid licence, or when such person is exempt from the requirement of a licence under the Act or any other regulatory instrument.

(2) No person shall offer a licensable game, whether as part of a gaming service, critical gaming supply or otherwise, unless such game is approved or otherwise recognised by the Authority.

Licence categories. **4.** The Authority shall have the power to issue licences of the categories set forth in the First Schedule:

Provided that where Government policy requires that

certain gaming services may only be provided when in possession of a Government concession, the Authority shall not issue a licence for the carrying out of such gaming service unless the applicant is in possession of a relevant and valid Government concession.

5. (1) No licence or other authorisation shall be required for the provision of a gaming service or a critical gaming supply where such service or supply is carried out solely in relation to exempt games, provided that the Authority may, where and to the extent it deems fit and appropriate, nevertheless establish appropriate regulatory conditions and measures for exempt games or any type thereof and require and enforce compliance therewith. No licence for exempt games.

(2) Games or categories of games listed in the Second Schedule shall be deemed exempt games:

Provided that in case of doubt as to whether a game shall be classified within an exempt category of games, the Authority shall have sole discretion to conclusively determine the matter through a ruling or other binding instrument:

Provided further that the Authority may amend or substitute any such binding instrument where it deems it justified.

6. (1) A term of a licence, whether original or renewed, shall be of ten years, unless otherwise prescribed by means of these regulations. Licence term.

Provided that in the case of a gaming service that requires a Government concession, if the Government concession is of a shorter term, it shall be granted for such shorter term.

(2) Any licence renewal shall in all cases be subject to the continued compliance by the licensee, during the preceding original or renewed term of the licence, with the provisions of the Act, all applicable regulatory instruments and all other applicable laws.

(3) Without prejudice to the Minister's power to vary the general policy applicable to gaming, no renewal of any licence shall take place if such renewal is contrary to public interest or public policy in place at the time of renewal or is reasonably anticipated to come into place during the proposed renewal term of a licence.

(4) The Authority may, on application, issue a limited duration licence, the term of which shall be established by the Authority, provided that the Authority may establish further conditions or limitations in a binding instrument:

Provided that the Authority shall not issue more than four (4) limited duration licences in any calendar year to any one person, whether the person is the operator, organiser or the person or entity on behalf of whom such gaming activity has been organised, or is being organised.

Skill games.

7. The Authority is vested with the sole discretion to classify an activity as a game of chance, a game of skill or otherwise, provided that such a decision shall be made on the basis of the considerations listed in the Sixth Schedule, and after taking into consideration any submissions made by any person operating or promoting such activity, and any research or publication issued by any other authoritative source:

Provided that the burden of proving that an activity is a skill game shall rest at all times on the party operating or promoting such an activity.

Controlled skill games.

8. The Authority may issue a ruling or other binding instrument determining that a game is a controlled skill game if the Authority deems it necessary and, or desirable in line with the governing principles and in furtherance of the regulatory objectives established by the Act, and on the basis of the considerations listed in the Sixth Schedule.

Part III

Licence Eligibility, Licence Grant Criteria, Licensing Procedure

Licence prerequisites.

9. (1) A person who desires to obtain or renew a licence shall apply to the Authority by making use of the relevant prescribed forms published by the Authority and shall provide all information, documentation and assurances required and shall otherwise fulfil all the licence prerequisites prescribed by the relevant regulatory instruments in force or otherwise required by the Authority, in line with the governing principles and in furtherance of the regulatory objectives established by the Act:

Provided that a request for the renewal of a licence shall be made within the time-frame prescribed by the Authority in any binding instrument, or in terms of any prescribed procedures or forms published by the Authority.

(2) Without prejudice to the generality of sub-regulation (1), the Authority may require from the applicant any information, documentation and assurances as may be necessary or relevant for the Authority to examine and determine the suitability of the applicant to hold a licence, depending on the licence category, type or types of

games and, or services that the applicant intends to offer.

10. (1) A person is not eligible to hold a licence unless such person is established in the European Economic Area. Eligibility for a licence.

(2) Where the applicant for a licence is a body corporate, such applicant may apply for a licence either for itself only or for its corporate group.

(3) In the case where a licence application is for a corporate group, all references in these regulations to an applicant shall be deemed to refer to each and all members of the corporate group, and where such licence is granted each member of the corporate group and all of them jointly and severally shall be deemed to be a licensee.

11. The Authority, acting in line with the governing principles and in furtherance of the regulatory objectives established by the Act, shall refuse to grant a licence in any of the following instances: Grant of licence.

(a) if the application is not submitted in accordance with the established form or in accordance with applicable procedure; or

(b) if the applicable fees have not been paid; or

(c) if the Authority, in its reasonable discretion, is not satisfied that the applicant and all relevant persons, including but not limited to all persons having qualified interest in the applicant, are fit and proper:

Provided that it shall be up to the Authority to establish which persons involved in the applicant have to be assessed for the purposes of this paragraph:

Provided further that for the purposes of this assessment, the qualifying interest shall be established as at least ten percent, or any lower percentage as may be determined by the Authority; or

(d) if, where applicable and in the reasonable opinion of the Authority, it appears on the basis of the assessment, evidence or certification carried as may be prescribed by the Authority for any type of game, that the games the applicant intends to offer do not satisfy the minimum requirements of fairness for their respective game types;

(e) if it transpires that any information or submission made to the Authority is false, misleading, inaccurate or

incomplete in a material respect;

(f) if the Authority, in its reasonable discretion, is not satisfied that:

(i) the applicant is capable of sustainably financing the gaming service or supply; or

(ii) the applicant has the necessary competence, technical know-how and resources to carry out the gaming offering; or

(iii) the applicant has a business model to carry the gaming offering in a viable way and in a way that is compliant with the applicable regulatory instruments in force; or

(iv) the applicant will comply with all regulatory requirements applicable to licensees of the relevant category and with any additional requirements that the Authority considers, on the basis of a risk-based approach, necessary to impose on the applicant, which requirements may include but are not limited to financial safeguards, protection of players and, or the implementation of any policies and procedures.

Grant of
authorisation.

12. The Authority, acting in line with the governing principles and in furtherance of the regulatory objectives established by the Act, may refuse to grant an authorisation in any of the following instances:

(a) if the Authority believes that the gaming offering being proposed is not compliant with the regulatory instruments in force; or

(b) if the Authority believes that granting an authorisation to the applicant may pose a risk to the reputation of Malta or be otherwise not in the public interest or contrary to regulatory objectives established by the Act; or

(c) if no sufficient information as requested by the Authority has been provided.

Further
requirements.

13. (1) The Authority may, in furtherance of the regulatory objectives under the Act and in applying a risk-based approach in line with the governing principles:

(a) establish, where appropriate or necessary, by means of binding instruments, more extensive, reduced or amended

requirements for an applicant to qualify for an authorisation in certain pre-defined circumstances; and, or

(b) impose on an applicant or on an authorised person, where appropriate or necessary, specific additional requirements by means of a binding instrument.

(2) Without prejudice to the Gaming Compliance and Enforcement Regulations, 2018 where the Authority has imposed specific requirements on an authorised person or several authorised persons, or where the Authority deems necessary or appropriate to impose new specific requirements on an authorised person or several authorised persons, by whichever binding instrument such imposition is made, the Authority shall have the power to make or vary such imposition during the term of the authorisation, provided that where a variation or a new imposition consists of making requirements more onerous on an authorised person, unless such variation or imposition has been requested by the authorised person itself, the Authority shall by notice in writing inform the authorised person of the Authority's intention to vary the said requirements or to impose new requirements, calling upon the said authorised person to show cause, within such period being not less than twenty (20) days after the issue of the notice as may be specified in the same notice, why such requirement should not be varied or such new condition should not be imposed, and the Authority shall consider any representations made by the authorised person within the period specified in the notice, before varying the requirement or before imposing a new requirement:

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Provided that in case where, in the Authority's reasonable opinion, there is serious prejudice or an imminent threat of serious prejudice to public security, public health, players' health, players' financial security, Malta's reputation, or other overriding reason of public interest, the Authority shall be authorised to impose immediate compliance with the variation or a new requirement.

14. (1) In assessing an application for an authorisation, the Authority must take into consideration and, where possible, avoid duplicating procedures and controls already carried out by the Authority itself or by a competent authority in another EEA jurisdiction, as long as such other procedures and controls have been conducted within a reasonable time from the assessment of the application for an authorisation, as may be established by the Authority:

No duplication of controls and simplification of procedures.

Provided that the Authority may, on a case by case basis, also take into account procedures and controls already carried out by

a competent authority in any other jurisdiction which the Authority considers to provide equivalent safeguards to those provided under Maltese law, or as may be established by the Authority.

(2) When requested to rely on procedures and controls or other measures carried out by a competent authority in another jurisdiction, the Authority shall be authorised to subject such measures to verification and shall not be bound to accept them if, in the Authority's discretion, such procedures, controls or other measures do not provide equivalent safeguards to those provided under Maltese law or as may be established by the Authority.

(3) In assessing an application for an authorisation, where it considers it justified on the basis of a risk-based examination of the applicant, information available to the Authority and previous regulatory performance and circumstances of the applicant, the Authority shall apply the principle of simplification of procedures and requirements for an efficient processing of the application.

Burden of proof of qualification.

15. The burden of proving the applicant's qualification to hold an authorisation or to continue holding an authorisation shall be solely on the applicant or the authorised person, as the case may be.

Compliance.

16. No game, system, software, device, premises, condition, procedure, policy or any other matter approved by Authority shall be amended or substituted unless the authorised person has obtained a prior written approval by the Authority of any such amendment or substitution:

Provided that the Authority, following a risk-based evaluation, may stipulate by means of any binding instrument that in certain cases notification may be sufficient.

Transferability.

17. An authorisation granted by the Authority cannot be assigned or transferred:

Provided that a licence and, or material supply certificate may be assigned or transferred to another entity within the same corporate group, subject to the prior written approval of the Authority.

Part IV

Requirement for Other Authorisations

18. No person shall use, or knowingly or negligently allow the use of, whether actively or passively, premises in Malta as gaming premises unless such person is duly authorised in accordance with the Gaming Premises Regulations, 2018 or any other applicable regulatory instruments:

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

19. No person shall service, place on the market, distribute, supply, sell, lease, transfer, host, operate or in any other manner make available for use any gaming device or gaming system in the territory of Malta, unless such gaming device or system, as the case may be, has been approved or exempted from approval by the Authority.

Approval of gaming devices.

20. (1) Any person offering a material gaming supply listed in the Third Schedule to an authorised person may request a material gaming supply certificate from the Authority.

Approval of material supplies.

(2) Any authorised person making use of or seeking to make use of a material gaming supply provided by a third party shall ensure either that such a material supplier is in possession of the certificate envisaged in sub-regulation (1) or the material gaming supply is otherwise approved on a case-by-case basis by the Authority and subject to a risk-based approach:

Provided that where any authorised person receives material gaming supplies from a third party not in possession of the certificate envisaged in sub-regulation (1), such authorised person receiving material gaming supplies shall assume full regulatory responsibility for such supplies.

(3) The Authority may prescribe any procedure, levy fees, or impose any conditions or requirements deemed relevant with respect to a certificate to offer material gaming supplies.

21. (1) An authorised person holding a licence in terms of these regulations and a concession in terms of article 11(3)(a) of the Act may apply to the Authority to classify the activity of one or more players within the same authorised person's gaming premises, as junkets.

Junkets.

(2) An authorised person holding a licence in terms of these

regulations and a concession in terms of article 11(3)(a) of the Act may apply to the Authority for a junket event approval.

(3) Any person offering the services of junket leader with respect to the activity conducted by a person holding a licence in terms of these regulations and a concession in terms of article 11(3)(a) of the Act, may apply to the Authority for a junket leader approval:

Provided that an authorised person intending on making use of the services of a junket leader shall ensure that such junket leader is approved by the Authority.

(4) Such approvals or classification shall occur in terms of the procedure and parameters established by the Authority in a binding instrument.

(5) An application for a junket, a junket event, or a junket leader may be deemed invalid if it is not made according to the procedure established by the Authority, if it does not include all the necessary requisites, if it is not submitted in a timely manner, or if the relevant administrative fees are not paid.

Recognition
notice.

22. (1) Any person offering licensable games in or from Malta without an authorisation issued in terms of these regulations, but under an authorisation issued by another Member State of the EU or the EEA, or a State which is deemed by the Authority to offer safeguards largely equivalent to those offered by Maltese law, shall apply to the Authority for a recognition notice according to the procedure established by the Authority.

(2) A recognition notice issued in terms of sub-regulation (1) shall have the same effect as an authorisation issued by the Authority for the purpose of providing a gaming service, gaming supply, key function, or any other authorisation in or from Malta.

(3) The Authority may revoke any such recognition notice, and may subject an applicant of a recognition notice to administrative fees where reasonable.

Part V

Provision of Key Functions

Certificate to
provide a key
function.

23. No person shall provide a key function listed in the Fourth Schedule, unless such person is in possession of a key function certificate issued by the Authority to provide such function.

24. The Authority may, by means of a binding instrument, stipulate requirements and qualifications for a person to be eligible to hold a certificate to provide a key function under these regulations.

Requirements and qualifications for a key function certificate.

Part VI

Conditions to Authorisations

25. The Authority shall have the power to issue conditions to authorisations granted in terms of the Act or any regulations thereunder.

Conditions.

26. Compliance with the Act, any regulations thereunder and any other binding instruments issued by the Authority shall automatically be construed as conditions to authorisations.

Compliance with the Act.

Part VII

Voluntary Suspension and Termination

27. (1) An authorised person may request the voluntary suspension of an authorisation by giving not less than twenty (20) days' notice in writing to the Authority.

Voluntary suspension.

(2) The Authority may refuse to grant an approval for voluntary suspension of an authorisation on the basis that it is not in the interest of players or on grounds of public policy, public security or the safeguarding of the reputation of Malta.

(3) Where the Authority approves a voluntary suspension, such suspension shall not affect any liability of the authorisation holder for anything done or omitted to be done, or for any amounts due which may have already accrued, before the date of the voluntary suspension. However, the liability of the authorised person to pay the compliance contribution, the levy on gaming devices and gaming tax, as may be applicable, shall stop accruing during any period in which the authorisation is voluntarily suspended, as approved by the Authority.

(4) The authorised person may request the reactivation of the authorisation, in such manner and using such forms as the Authority may issue, upon submitting the necessary documentation:

Provided that for the sake of clarity, the Authority shall have the discretion to conduct any checks it may deem necessary, and to refuse reactivation of the authorisation on the same grounds as it may refuse an application for an authorisation.

28. (1) An authorised person may request the surrender of

Surrender.

an authorisation by providing not less than twenty (20) days' notice in writing to the Authority.

(2) The Authority may refuse to grant an approval for a voluntary surrender of an authorisation on the basis that it is not in the interest of players or on grounds of public policy, public security or the safeguarding of the reputation of Malta.

(3) Where the Authority approves a voluntary surrender of an authorisation, such surrender shall not affect any liability of the authorisation holder for anything done or omitted to be done, or for any amounts due which may have already accrued before the date of the voluntary surrender.

Part VIII

Other Games

Low risk games.

29. (1) The requirement for an operator of low risk games to hold a licence in terms of Part II of these regulations shall be satisfied if the same operator acquires a low risk games permit from the Authority.

(2) Unless otherwise prescribed in these regulations or any other regulatory instrument, a low risk games operator holding a low risk games permit shall, for the purposes of these regulations and any other law, be deemed to be an authorised person.

(3) A low risk games permit shall:

(a) be valid only for the singular event or events for which it is granted;

(b) expire once the event is concluded;

(c) not be renewable;

(d) not be transferable without the Authority's prior approval; and

(e) be subject to the limitations laid down in the Fifth Schedule:

Provided that for the purposes of this sub-regulation, a singular event shall be deemed to be concluded once an outcome determining the winner or winners of the event in question has been conclusively generated.

Cruise casino.

30. (1) The requirement for an operator of a cruise casino to

hold a licence in terms of Part II of these regulations shall be satisfied if the same operator acquires a cruise casino permit from the Authority.

(2) Unless otherwise prescribed in these regulations or any other regulatory instrument, an operator of a cruise casino holding a cruise casino permit shall, for the purposes of these regulations and any other law, be deemed to be an authorised person.

(3) A cruise casino permit shall:

(a) be valid only for a term not exceeding the time during which the cruise ship is moored at or within Maltese territory;

(b) be valid only in regard to registered passengers of the cruise ship;

(c) not be transferable; and

(d) be limited to cruise ships, being passenger ships used for pleasure voyages with a minimum of three (3) ports of call in three (3) different jurisdictions which may or may not include Malta, having its own amenities, that include lodging facilities for all passengers, and a minimum capacity of one hundred and fifty (150) passengers.

31. Notwithstanding its status as an exempt game, a person shall not place on the market, distribute, supply, sell, lease, transfer, host, operate or in any other manner make available for use any amusement machine in any gaming premises, unless such amusement machine has been registered with the Authority by means of the applicable procedure as may be established by the same Authority:

Amusement machines.

Provided that in registering any such amusement machine, the Authority may levy any applicable administrative fees:

Provided further that the person registering the amusement machines shall ensure that the Authority is notified of any changes to the information provided to the Authority.

Part IX

Miscellaneous

32. An authorised person shall pay to the Authority all applicable administrative fees as may be established by the Authority by means of any regulatory instrument.

Administrative fees.

First Schedule

Licence Categories

1. The Authority may issue licences of the following categories:
 - (a) Gaming Service licence: a business to consumer licence to offer or carry out a gaming service;
 - (b) Critical Gaming Supply licence: a business to business licence to provide or carry out a critical gaming supply:

Provided that a gaming service or a critical gaming supply shall constitute any one or more of the following game types:

- (i) Type 1 gaming services, which shall mean games of chance played against the house, the outcome of which is determined by a random generator, and shall include casino type games, including roulette, blackjack, baccarat, poker played against the house, lotteries, secondary lotteries and virtual sports games; and, or
- (ii) Type 2 gaming services, which shall mean games of chance played against the house, the outcome of which is not generated randomly, but is determined by the result of an event or competition extraneous to a game of chance, and whereby the operator manages his or her own risk by managing the odds offered to the player; and, or
- (iii) Type 3 gaming services, which shall mean games of chance not played against the house and wherein the operator is not exposed to gaming risk, but generates revenue by taking a commission or other charge based on the stakes or the prize, and shall include player versus player games such as poker, bingo, betting exchange, and other commission based games; and, or
- (iv) Type 4 gaming services, which shall refer to controlled skill games in accordance with regulation 8 of these regulations:

Provided further that in the case of a game displaying elements which may fall under more than one of the types referred to above, the Authority shall have full discretion in categorising the game in the type it believes closest reflects the nature of the game.

2. For the purposes of this Schedule, the following services shall each constitute a gaming service:
 - (a) the offering, provision, or operation of a gaming service;

- (b) the hosting by a person in his premises accessible to the public or in premises accessible to the public that are in his possession or under his control, the operation or in any other manner the making available for use of a gaming device or gaming system.
3. For the purposes of this Schedule, the following supplies shall each constitute a critical gaming supply:
- (a) supply and management of material elements of a game;
 - (b) supply and management of software, whether as a stand-alone or as part of a system, to generate, capture, control or otherwise process any essential regulatory record and, or the supply and management of the control system itself on which such software resides:

Provided that for the purposes of this Schedule, the term 'management' means the provision of ongoing active maintenance and support which is indispensable to the provision of the gaming service.

Second Schedule

Exemptions

1. The following games shall each be deemed an exempt game:
- (a) a game of skill which neither requires a stake to enable participation nor envisages a possibility of a prize;
 - (b) a game of skill which requires a stake to enable participation and, or offers a possibility of a prize, unless the Authority issues a ruling determining that such a game of skill is a controlled skill game;
 - (c) a game of chance which neither requires a stake to enable participation nor envisages a possibility of a prize;
 - (d) a *de minimis* game, as may be defined by the Authority in a binding instrument after consulting with the Minister;
 - (e) a licensable game organised on board any vessel flying or entitled to fly the flag of Malta, or registered in Malta, whilst said vessel is navigating outside the territorial waters of Malta.
2. The Authority may, by means of a ruling or other binding

instrument, and after consulting with the Minister, exempt a gaming device or a category of gaming devices from any or all requirements in terms of these regulations and, or any other regulatory instrument:

Provided that any such exemption rulings shall only be issued in line with the regulatory objectives in terms of Part II of the Act.

Third Schedule

Material Gaming Supplies

Without prejudice to the critical gaming supplies listed in the First Schedule, the following types of gaming supplies shall constitute material gaming supplies:

1. Manufacturing, assembling, placing on the market, distributing, supplying, selling, leasing or transferring a gaming device;
2. Providing risk management services for the operation of a licensable game;
3. Providing event, content and, or odds;
4. Providing fraud management services for the operation of a licensable game;
5. Holding and, or managing player funds;
6. Providing services relating to customer due diligence;
7. Providing services related to player identity verification;
8. Providing co-location services and other managed information technology services, including cloud computing services and, or decentralised hosting protocols where the latter do not amount to a critical gaming supply; and
9. Providing back-up and disaster recovery services.

Fourth Schedule

Key Functions

The following roles and responsibilities performed in connection with the gaming activity of a licensee shall each constitute a key function:

1. Chief Executive;
2. Responsibility for gaming operations;
3. Responsibility for legal affairs and compliance with the applicable regulatory instruments;
4. Responsibility for finance;
5. Responsibility for marketing and advertising;
6. Responsibility for player support;
7. Responsibility for technology, including but not limited to information security and the operation and management of the control system;
8. Responsibility for the prevention of money laundering and the funding of terrorism;
9. Responsibility for risk management and the prevention of fraud; and
10. Responsibility for internal audit.

In the case of a licensee providing a gaming service in gaming premises, the activities constituting a key function shall comprise the activities listed in paragraphs 1 to 10 above, as well as the following:

1. Responsibility for supervising and managing the work of the employees carrying out functions in the gaming area;
2. Responsibility for managing the gaming area, including the supervision thereof to preclude fraud by customers, and the resolution of customer disputes;
3. Responsibility for managing the surveillance systems of the gaming premises.

Fifth Schedule

Low Risk Games

The following shall be deemed to be low risk games:

1. Non-profit games wherein the value of the stake does not exceed five euro (€5) per player;

2. Commercial communication games:

Provided that one person or entity organising a series of commercial communication games shall not cumulatively exceed one hundred thousand euro (€100,000) in prizes during any calendar month and not more than five hundred thousand euro (€500,000) during any calendar year:

Provided further that any single event shall not award a prize exceeding fifty thousand euro (€50,000);

3. Limited commercial communication games, wherein the value of the stake does not exceed two euro (€2) per player, and the value of the prize does not exceed two hundred and fifty euro (€250):

Provided that one person or entity organising a series of limited commercial communication games shall not cumulatively exceed five thousand euro (€5,000) in prizes during any calendar month and not more than fifty thousand euro (€50,000) during any calendar year.

Sixth Schedule

Skill Games

The considerations which the Authority shall take into consideration in determining whether a game is a skill game or a controlled skill game in terms of regulation 7 and 8 of these regulations shall include the following:

1. the presence of random draws and their effect on the outcome;
2. whether the game is played for money and, or prizes with a monetary value;
3. whether participation in a game involves any form of monetary

commitment, or commitment of a monetary value;

4. the possibility of any negative social impact of the game;
 5. whether the activity is closely associated with games of chance and, or gambling;
 6. the duration of each event, competition or match;
 7. whether, on the face of it, a skilled player is able to win more than an unskilled player;
 8. whether a player's chance of winning is significantly increased by experience in playing the game;
 9. whether skill can be acquired through training, experience, reading literature or other educational material;
 10. whether a rule-set or format that is used further nullifies the effect of any element of chance;
 11. whether the game is played against other human players, or otherwise;
 12. the level of interaction between the players, the level of interaction between the operator and the players, and the level of intervention by the operator during the event, competition or match; and
 13. the complexity of the game, including the amount of player choices and their potential effect on the outcome, and the strategies involved.
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