

**ANTIGUA AND BARBUDA**



**THE GAMBLING ACT (LOTTERIES, TRADE LOTTERIES AND COMMUNITY  
GAMING) REGULATIONS, 2020**

**STATUTORY INSTRUMENT**

**2020, No. 73**

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**ANTIGUA AND BARBUDA****THE GAMBLING (LOTTERIES, TRADE LOTTERIES AND COMMUNITY GAMING)  
REGULATIONS, 2020****No. 73 of 2020**

**The Minister, acting in accordance with section 444 of the Gambling Act 2016 (No 22 of 2016), makes the following Gambling (Lotteries, Trade Lotteries and Community Gaming) Regulations pursuant to Chapter 10 – COMMERCIAL LOTTERIES;- Chapter 11 – LOTTERIES FOR THE PROMOTION OF TRADE AND Chapter 15 – COMMUNITY AND CHARITABLE GAMING.**

**PART I****GENERAL PROVISIONS****1. General Provisions**

(1) No lotteries or gaming conducted under the Act shall promote or have as prizes, prohibited goods or services which include—

- (a) Tobacco products
- (b) Firearms, antique firearms and ammunition
- (c) Dangerous articles and prohibited weapons
- (d) Any goods or services the sale of which would be an offence in Antigua and Barbuda.

**2. Liquor as a Prize**

- (1) Tickets or entries in a lottery offering liquor prizes cannot be sold by or to a person under 18
- (2) A person under 18 cannot give or collect a liquor prize.

**PART II****COMMERCIAL LOTTERIES****3. Approval of Licence Application**

- (1) For the purposes of Chapters 4 and 10 of the Act, there is a presumption in favour of the Authority requiring an applicant to be able to demonstrate adequate compliance with the World Lottery Association's Security Compliance Standard, as amended from time to time.

- (2) For the avoidance of doubt, the Authority may permit deviation from that Standard, having regard to the nature of the lottery, and the adequacy of alternative controls.

#### **4. Approval of computer system**

- (1) If required by the Authority, a commercial lottery licensee or an appointed subsidiary shall not use, or cause or permit to be used—

- (a) any instrument; or
- (b) any computer hardware or software; or
- (c) any other equipment— in connection with a commercial lottery unless the instrument, hardware, software or other equipment has been approved by the Authority.

(2) If the Authority has proceeded under clause (1), a commercial lottery licensee or an appointed subsidiary shall not make, or cause or permit to be made, any change in any instrument, hardware, software or other equipment approved by the Authority under clause (1) unless the change has been approved by the Authority.

(3) The Authority may make an approval under this Regulation subject to any conditions that it thinks fit.

(4) The Authority may, for just and reasonable cause, withdraw an approval given under this Regulation by instrument given to the commercial lottery licensee or the appointed subsidiary, as the case requires.

#### **5. Lottery rules**

- (1) A commercial lottery licensee shall make rules for or with respect to the conduct of each commercial lottery product authorised by the commercial lottery licence.

- (2) A commercial lottery licensee or an appointed subsidiary shall not conduct a commercial lottery unless—

- (a) lottery rules for the commercial lottery are in force; and
- (b) the commercial lottery is conducted in accordance with those rules.

(3) Without limiting sub clause (1), lottery rules may make provision for any of the following matters—

- (a) the handling of applications to enter a commercial lottery;
- (b) the recording of entries in a commercial lottery;
- (c) the determination of the entitlement (if any) of a player to a prize in a commercial lottery;
- (d) the payment of prizes in, or the refund of money paid to enter, a commercial lottery.

(4) As soon as practicable after making lottery rules, a commercial lottery licensee shall give a copy of them to the Authority.

(5) Lottery rules for a commercial lottery, as in force when an entry to the commercial lottery is accepted, form part of the contract between the licensee and the player.

(6) A person who fails to comply with regulation 5 (2) commits an offence and is liable to the penalty of a maximum fine of EC\$10,000 for each occurrence

(7) A person who fails to comply with regulation 5 (4 & 5) commits an offence and is liable to a maximum fine of up to EC\$10,000 for each occurrence

## **6. Publication and inspection of lottery rules**

(1) A commercial lottery licensee or other person who accepts entries in a commercial lottery shall—

- (a) make available a complete copy of the lottery rules for the commercial lottery for inspection by any person free of charge on request; and
- (b) at each place or point at which those entries are accepted, display a notice stating that the lottery rules are available for inspection.

(2) A person who fails to comply with Regulation 6 (1) commits an offence and is liable to a maximum fine of up to EC\$10,000 for each occurrence

## **7. Disallowance of lottery rules**

(1) The Authority may disallow lottery rules in whole or part at any time by giving written notice to the commercial lottery licensee, if—

- (a) the Authority is satisfied that the rules are—
  - (i) unfair to players; or
  - (ii) unreasonable; or
  - (iii) contrary to the public interest; or
  - (iv) would result in the commercial lottery being of a different character from the commercial lottery authorised to be conducted by the licence.

(2) The disallowance of lottery rules takes effect on the day specified in the notice of disallowance, being a day that is at least 3 days after the notice is given to the licensee.

## **8. Supervision of commercial lottery draws by Authority's representative**

(1) If required by the Authority, a commercial lottery licensee or other person shall not determine a commercial lottery by draw unless a person nominated by the Authority supervises the draw.

- (2) Despite clause (1), a commercial lottery licensee or other person may determine a commercial lottery by draw without the supervision of a person nominated by the Authority if the draw—
  - (a) is determined by a random number generator; and
  - (b) is conducted in accordance with procedures approved by the Authority.
- (3) The Authority may approve procedures for the conduct of a commercial lottery to be determined by a random number generator.
- (4) In this Regulation, random number generator means an instrument, hardware, software or other equipment approved by the Authority that is designed to be used to select random numbers and—
  - (a) is used by a commercial lottery licensee to determine the results of a draw of a commercial lottery; and
  - (b) is not used by a commercial lottery licensee to draw numbered balls or other things; and
  - (c) is not an electronic device that enables a commercial lottery to be determined in connection with an external event.

## **9. Licensee to record entries**

- (1) A commercial lottery licensee shall ensure that an accurate record is made (whether by the issue of a ticket or otherwise) of each entry in a commercial lottery conducted under the licensee's licence.
- (2) The record shall include—
  - (a) an identifying number, or other form of identification, of the entry; and
  - (b) the amount paid to enter the lottery; and
  - (c) the amount (if any) of commission paid or payable to an agent of the licensee in respect of the entry, determined in accordance with the licence conditions.
- (3) The licensee shall ensure that the record of entry, or a copy of it, is given or made available to the player on request.

## **10. Licensee not to act as credit provider**

- (1) A commercial lottery licensee shall not provide credit to a player.
- (2) A person who fails to comply with Regulation 10 commits an offence and is liable a maximum fine of up to EC\$5,000 for the first offence and for a second or subsequent offence, a maximum fine of up to EC\$25,000.00.

## **11. Non-monetary prizes**

If a commercial lottery licensee offers a non-monetary prize in a commercial lottery the licensee shall also offer a monetary prize of equivalent value as an alternative to the non-monetary prize.

## **12. Publicity concerning prizewinners**

- (1) A commercial lottery licensee or an appointed subsidiary shall not publish, or cause to be published, the identity of a person who claims a prize in a commercial lottery if the person has requested anonymity.
- (2) A player may request anonymity in the manner set out in the licence conditions or the lottery rules.
- (3) A person may at any time revoke a request for anonymity.
- (4) This Regulation does not prevent a commercial lottery licensee or an appointed subsidiary from publishing, or causing to be published, the venue or geographic location at which a prizewinning entry was made and the amount of a prize won.

## **13. Conduct of the Lottery**

- (1) The lottery shall be drawn on the day, time and place specified in the rules.
- (2) Every ticket or entry in a lottery shall have a fair and equal chance of winning the major prize in the lottery.
- (3) The participants in a lottery cannot be required to be present at the drawing of a lottery in order to win a prize.
- (4) The designated selling price shall be consistently applied to all tickets or entries sold. All tickets or entries (other than bonus tickets or entries) shall be sold at the advertised value.
- (5) Bonus tickets or entries are tickets or entries which can be offered free of charge to purchasers of a certain number of tickets. The numbers of bonus tickets or entries are to be included in the total number of tickets or entries available. Details of the bonus offer shall be adequately publicised and shall apply throughout the whole period during which tickets or entries are on sale.
- (6) Participants shall be adequately informed the details of—
  - (a) how prizes may be claimed, and
  - (b) how the prize winners will be notified and of the way in which the results will be publicised.
- (7) If participants are not able to determine whether they have won a prize, the operator shall use its best endeavours to inform each prize winner within two days after the result of the lottery is decided.

(8) Where a money prize exceeds EC\$5,000.00, the organiser shall pay to the prizewinner the amount as exceeds EC\$5,000.00 by means of a crossed cheque payable to the prizewinner, or if the prizewinner so requests, by means of electronic transfer of funds to an account nominated by the prizewinner.

(9) If a prize has conditions attached, full details of the conditions shall be provided. Without limiting the effect of this clause—

- (a) travel prizes shall include details of the number of persons entitled to use the prize, destination details, additional components such as accommodation and air fares, the maximum prize value, any restrictions on availability such as off-peak periods and applicable expiry periods;
- (b) house and/or land prizes shall include details of conveyancing and transfer costs, land tax, and any other costs;
- (c) motor vehicle prizes shall include details of make and model of vehicle, accessories, registration, on-road costs, and any other costs;
- (d) mobile phone prizes shall include details of any costs and mobile phone plan which shall be undertaken by winner.

(10) In the event a non-monetary prize in a commercial lottery conducted by a licence holder is not collected within three (3) months after notification of the entitlement for collection, the licence holder may dispose of the prize by public auction or tender or in some other manner approved by the Authority, and shall pay the received amount to the Authority which shall treat it as an unclaimed prize.

#### **14. Conduct of Scratch Card and No Draw Lotteries**

- (1) Scratch card or no-draw lotteries shall be conducted fairly, and under procedures that ensure that all tickets and cards are secure, are distributed on a purely random basis, and are not capable of manipulation.
- (2) The tickets or cards of each lottery shall be numbered consecutively.
- (3) Each series of tickets or cards shall be distinguished from each other series by a unique series number or symbol.
- (4) The tickets and cards shall be produced so that the symbol or symbols that may confer a prize cannot be detected without removing the opaque material that covers them.
- (5) The operator shall take suitable measures to ensure that there is adequate control over the issue of tickets or cards to selling agents, the receipt of money, and the retention and recording of unsold tickets or cards.
- (6) A participant is not to be deprived of an entitlement to a prize merely because of a flaw in the production of the tickets or cards, even though the pool of prizes or money set aside for the purchase of prizes has been exhausted or is insufficient to provide the relevant prize.

- (7) The cost of supplying additional prizes under clause (6) is to be met by the organisers of the lottery,

### **15. Records for Scratch Card and No-Draw Lotteries**

- (1) Records for scratch card and no-draw lotteries shall be kept of—
- (a) the total amount of money received;
  - (b) the total value of the prizes;
  - (c) the total number of no-draw lottery tickets or cards produced or acquired for the lottery, including their serial numbers and unique series number or symbol;
  - (d) the total number of no-draw lottery tickets or cards distributed and the total number sold, including their serial numbers and unique series number or symbol;
  - (e) the name and address of each agent to whom no-draw lottery tickets or cards have been distributed, together with the number of tickets or cards issued to the agent, including their serial numbers and unique series number or symbol;
  - (f) the names and addresses of all prizewinners, where prizes are of a value requiring the identification of prizewinners) together with details of their prizes; and
  - (g) the number of tickets remaining unsold, including their serial numbers and unique series number or symbol.

## **PART III**

### **TRADE LOTTERIES**

### **16. Terms and Conditions**

- (1) The terms and conditions of a trade lottery shall include—
- (a) how to enter
  - (b) conditions of entry
  - (c) start and closing dates
  - (d) when and where the lottery will be drawn (date, time and location)
  - (e) details and values of all prizes
  - (f) how winners will be notified
  - (g) details of newspaper, journal or website in which winner's names will be announced, if applicable

- (h) details of any additional purpose that the personal information collected from participants will be used for.
- (2) If the lottery is being conducted with ‘scratch and win’ cards the following also needs to be included in the terms and conditions—
- (a) the maximum number of tickets being issued
  - (b) the total number of prizes and their individual value
  - (c) that printing errors and other quality control matters will not be used as a reason for refusing payment of prizes.

## **PART IV**

### **COMMUNITY LOTTERY OR GAME**

#### **17. Terms and Conditions**

- (1) The terms and conditions of a lottery, raffle, bingo or other form of gaming shall include—
- (a) how to enter
  - (b) conditions of entry
  - (c) start and closing dates or times
  - (d) if applicable, when and where the lottery will be drawn (date, time and location)
  - (e) details and values of all prizes
  - (f) how winners will be notified
  - (g) if applicable, details of newspaper, journal or website in which winner’s names will be announced,
  - (h) details of any purpose that the proceeds of the will be used for.
- (2) If the terms and conditions of the lottery do not include reasonable provisions for unclaimed prizes, they shall be retained for three months after the draw, and the operator shall comply with the directions of the Authority.

#### **18. Prizes**

- (1) The prizes shall be valued at their retail value, regardless of whether they were purchased at a discount or retail price or donated. If the prize is an antique or a piece of artwork, craftwork, collectable bric-a-brac or is secondhand, the value of the prize is the reasonable estimate of the likely retail price of the item.
- (2) If a prize has conditions attached, full details of the conditions shall be provided. Without limiting the effect of this clause—

- (a) travel prizes shall include details of the number of persons entitled to use the prize, destination details, additional components such as accommodation and air fares, the maximum prize value, any restrictions on availability such as off-peak periods and applicable expiry periods;
- (b) house and/or land prizes shall include details of conveyancing and transfer costs, land tax, and any other costs;
- (c) motor vehicle prizes shall include details of make and model of vehicle, accessories, registration, on-road costs, and any other costs;
- (d) mobile phone prizes shall include details of any costs and mobile phone plan which shall be undertaken by winner; and
- (e) whether the prize is redeemable for cash.

(3) In the event a non-monetary prize in an authorized game conducted by an organisation is not collected within three (3) months after notification of the place at which it may be collected, the organisation may dispose of the prize by public auction or tender or in some other manner approved by the Authority, and shall deal with the received amount in the manner directed by the Authority.

(4) If a prize has been paid to the Authority as an unpaid prize under clause (3), and is not claimed within five (5) years after the end of the lottery, raffle or other form of gaming in which the prize was won, the entitlement to the prize is extinguished and the prize is forfeited to the Authority. The Authority shall disburse any such forfeited prizes at its discretion.

## **19. Records of Lottery or Raffle**

(1) The organisation conducting a lottery or raffle shall keep a record of—

- (a) the number of ticket books issued for sale
- (b) the names and addresses of the persons to whom tickets were issued for sale, the number of tickets sold and the number of tickets returned unsold or lost
- (c) all monies received from the sale of tickets in the lottery shall be paid into the operator's bank account
- (d) accurate records of all income and expenditure relating to the lottery shall be maintained.

(2) Any tickets not returned to the organisation are considered to be lost tickets. Unsold tickets shall be kept for a period of one year and be available for audit or inspection.

## **20. Records and Financial Statements**

- (1) The accounts and records relating to the lottery and any unsold tickets in the lottery shall be kept for a period of at least one year from the day on which the lottery concludes.

- (2) These accounts, records or tickets shall be available for inspection by the Authority, on request, at any time during that period.
- (3) The organisation shall take reasonable steps to ensure that the operator keeps records in relation to the lottery that are sufficient to enable an auditor to carry out a proper audit of the lottery.

## **21. Submission of Financial Statement**

If required by the Authority, a financial statement outlining the outcome of the lottery shall be submitted to the Authority within three months of the draw date.

## **22. Amendment of Terms and Conditions**

- (1) The terms and conditions of any lottery cannot be amended or varied without the prior approval of the Authority.
- (2) A written request to amend a lottery's terms and conditions shall be forwarded to the Authority together with reasons why the amendment or variation is required.

## **23. Cancellation of Lottery**

- (1) A lottery cannot be cancelled without the prior approval of the Authority.
- (2) If the organisation considers a lottery to be financially unviable and wishes to cancel the lottery, the application shall set out the reasons why the lottery should be cancelled, the date ticket sales are to cease, the method to be used to advise ticket holders, the arrangements for reimbursement of cost of tickets to ticket buyers, and how the public will be advised of the cancellation.
- (3) If the gross proceeds from a lottery are insufficient to meet the cost of prizes in the lottery, the organisation shall make up the deficiency from its other funds and shall notify the Authority in writing as soon as it becomes apparent that such a deficiency will arise.

## **REGULATIONS FOR GAMING MACHINES**

For the purposes of Regulations pursuant to the Gambling Act 2016 (No 22 of 2016), the following

Gambling (Gaming Machines) Regulations are hereby specified –

Pursuant to Chapter 6 – GAMING MACHINES - of the Gambling Act 2016, No 22 of 2016, made by the Minister:

Gambling (Gaming Machine) Regulations (the “Regulations”), made by the Minister pursuant to section 252 of the Gambling Act 2016.

**PART I****LICENSING OF REPAIRERS, SERVICE CONTRACTORS AND MACHINE MANAGERS****1. Licensing of repairers, service contractors and machine managers**

- (1) In accordance with section 199 of the Act, gaming machine repairers, service contractors and machine managers are required to be licensed.
- (2) The provisions of the Act as applicable to “key employees” apply to the licensing of gaming machine repairers, service contractors and machine managers.

**2. Repairers**

- (1) Except as provided in subregulation (2), a person shall not install, alter, adjust, maintain or repair gaming equipment unless the person—
  - (a) is authorised under a repairer's licence to install, alter, adjust, maintain or repair the equipment; and
  - (b) installs, alters, adjusts, maintains or repairs the equipment on behalf of—
    - (i) a licensed service contractor who is the service contractor under a service contract with the licensee in respect of the equipment; or
    - (ii) if monitoring services are provided by a monitoring provider, the monitoring provider under an agreement with the licensee to provide a basic monitoring service and the agreement includes the installation, alteration, adjustment, maintenance or repair of the equipment.
- (2) Subregulation (1) does not apply in relation to installations, alterations, adjustments, or repairs if the activity is—
  - (a) the installation of a gaming machine if the gaming machine is to be examined by an inspector before play is allowed on the gaming machine;
  - (b) the installation, alteration, adjustment, maintenance or repair of those fuses, electric light globes, fluorescent tubes and fluoro starters of a gaming machine that are easily accessible;
  - (c) the installation, alteration, adjustment, maintenance or repair of hinges of gaming machine drop box doors;
  - (d) the adjustment of the device regulating the level of the contents of the hopper;
  - (e) the installation, alteration, adjustment, maintenance or repair of external switch covers or glass or Perspex panels of a gaming machine;
  - (f) the repair by clearing coins jammed in a gaming machine;
  - (g) the repair by resetting minor fault conditions of a gaming machine.

### **3. Service contractors**

- (1) A person shall not enter into a service contract with a licensee in respect of gaming equipment on the licensee's licensed premises unless the person is licensed as a service contractor.
- (2) A licensed service contractor shall not subcontract any of the obligations of the licensed service contractor under a service contract to another person unless the other person is licensed either as a service contractor or a repairer to undertake those obligations.
- (3) A licensed service contractor or licensed repairer to whom any of the obligations of a licensed service contractor under a service contract have been subcontracted shall not further subcontract those obligations.
- (4) A licensed service contractor shall not employ a person to install, alter, adjust, maintain or repair gaming equipment unless the person is authorised under a repairer's licence to install, alter, adjust, maintain or repair the equipment.
- (5) Where—
  - (a) a licensed service contractor proposes to carry out work under a service contract on gaming equipment on a licensee's licensed premises; and
  - (b) the proposed work may affect the operation of electronic monitoring equipment used to provide a monitoring service in respect of the gaming equipment, the licensed service contractor:
  - (c) shall notify the monitoring provider of the proposed work; and
  - (d) shall not carry out the proposed work without the approval of the monitoring provider.

### **4. Machine managers**

- (1) Subject to subregulations (4) and (6), the following duties and functions shall be carried out only by a licensed machine manager employed under subregulation (3) to carry out the duties in respect of the licensee's licensed premises—
  - (a) the management of employees of a licensee who are responsible for the conduct of gaming;
  - (b) the management of the access to the internal parts of gaming machines;
  - (c) the management and supervision of money clearances;
  - (d) the issuing of keys for the security of gaming machines to employees of a licensee;
  - (e) the supervision of entries in accounting records required to be kept and maintained under the Act; or
  - (f) the arranging of remedial repairs to gaming equipment.

(2) Subject to subregulations (4) and (6), a person shall not—

- (a) employ or allow; or
- (b) cause another person to employ or allow, a person who is not a licensed machine manager employed under subregulation (3) in respect of the particular licensed premises to carry out the duties specified in subregulation (1).

(3) Subject to subregulation (4), a licensee shall ensure at all times in respect of each of the licensee's licensed premises that there is at least one licensed machine manager employed by the licensee to carry out the duties prescribed for the purposes of subregulation (1).

(4) If a licensee is unable to comply with subregulation (3), the licensee, with the approval of the Authority, may employ a sufficient number of persons (who are applicants for a machine manager's licence) so that there is at least one person who is a licensed machine manager or an applicant for a machine manager's licence to carry out the duties specified in subregulation (1) in respect of each of the licensee's licensed premises.

(5) Subject to subregulation (6), a licensee shall ensure that at all times when gaming is being conducted on the licensee's licensed premises there is in attendance on the premises at least one licensed machine manager employed by the licensee under subregulation (3) or an applicant for a machine manager's licence employed by the licensee under subregulation (4) in respect of the premises.

(6) If a licensee is unable to comply with subregulation (5), the licensee may, with the written approval of the Authority, employ a person to carry out the duties specified in subregulation (1) for a period of not more than 7 days.

(7) Until a licensee is able to comply with subregulation (5) or obtains the Authority's approval under subregulation (6), the licensee shall cease the conduct of gaming on the licensee's licensed premises.

## **5. Notification of employment and agreements**

(1) A licensed service contractor shall—

- (a) not later than 7 days after being granted a licence; and
- (b) each time an application for renewal of a licence is made, notify the Authority in the form determined by the Authority of the name, and licence number of each person employed by the licensed service contractor as a licensed repairer at the time of the notification.

(2) A licensed service contractor shall, not later than 7 days—

- (a) after employing a person as a licensed repairer; or
- (b) after a person ceases to be employed by the licensed service contractor as a licensed repairer, notify the Authority in the form determined by the Authority of the name, and licence number of the person together with the name, and licence

number of each person employed by the licensed service contractor as a licensed repairer at the time of the notification.

(3) A licensed service contractor shall—

- (a) not later than 7 days after being granted a licence; and
- (b) time an application for renewal of a licence is made, notify the Authority in the form determined by the Authority of the name, and licence number of each person with whom the licensed service contractor has a service contract at the time of the notification.

(4) A licensed service contractor shall, not later than 7 days after making or terminating a service contract, notify the Authority in the form determined by the Authority of the name, and licence number of the other party to the service contract together with the name and licence number of each person with whom the licensed service contractor has a service contract at the time of the notification.

(5) A licensee shall—

- (a) not later than 7 days after being granted a licence; and
- (b) each time an application for renewal of a licence is made, notify the Authority in the form determined by the Authority of:
- (c) the name and licence number of each licensed machine manager employed in respect of the licensed premises to which the licence relates at the time of the notification; and
- (d) name of each person who is an applicant for a machine manager's licence, employed in respect of the licensed premises to which the licence relates at the time of making the notification.

(6) A licensee shall not later than 7 days after—

- (a) employing a licensed machine manager; or
- (b) a person ceasing to be employed as a machine manager by the licensee; notify the Authority in the form determined by the Authority of the name of the licensed machine manager or person and the licence number of the licensed machine manager.

(7) If it becomes known to a licensed service contractor that a person employed by the licensed service contractor as a licensed repairer is not a licensed repairer, the licensed service contractor shall immediately terminate the employment of the person as a licensed repairer.

(8) If it becomes known to a licensee that a person with whom the licensee has made a service contract is not a licensed service contractor, the licensee shall immediately terminate the service contract.

(9) If it becomes known to a licensed service contractor that—

- (a) a person with whom the service contractor has made a service contract is not a licensee; or
- (b) a person to whom the licensed service contractor has subcontracted any of the licensed service contractor's obligations under a service contract is not a licensed service contractor or licensed repairer, the licensed service contractor shall immediately terminate the service contract or subcontract, as the case may be.

(10) If it becomes known to a licensee that—

- (a) a person employed by the licensee is not a licensed machine manager; or
- (b) the application of a person employed by the licensee has been refused, the licensee shall immediately terminate the employment of the person.

(11) Sub clause (8), (9), (10) or (11) of this Regulation is sufficient authority to terminate the employment or service contract referred to in the subregulation, notwithstanding any other Act or law.

(12) No right of action arises against any person because of the termination.

## **6. Surrender of repairer or service contractor's licence**

- (1) If a repairer's or service contractor's licence is being surrendered, as soon as practicable after forwarding to or lodging with the Authority the licence, the holder of the licence shall dispose of all gaming equipment and restricted components in the holder's possession in the manner approved by the Authority.
- (2) If a service contractor's licence is being surrendered the obligations of a licensee to the holder of the licence under a service contract cease on the day on which the licence and notification are forwarded to or lodged with the Authority.

## **7. Display of repairer's licence**

A licensed repairer shall, at all times whilst installing, altering, adjusting, maintaining or repairing gaming equipment on licensed premises, display the licensed repairer's licence on his or her person in such way as to be visible to other persons unless the licence at any material time is in the possession of the Authority.

## **8. Machine managers to produce licence or identification**

- (1) A machine manager shall produce his or her machine manager's licence that is in force, or his or her identification card provided under sub regulation (2), to a person—
  - (a) who is affected by a decision of the machine manager; and
  - (b) who requests the production.
- (2) A licensee shall provide to a machine manager employed on the licensee's premises, an identification card showing in bold face print—

- (c) the person's name;
  - (d) the name of the licensed premises; and
  - (e) the words "Machine Manager".
- (3) The identification card shall bear the signature of the person.

## **PART II**

### **SECURITY OF GAMING MACHINES**

#### **9. Gaming machines to be labelled with identification number**

- (1) The Authority may issue an identification number for each gaming machine approved for use in Antigua and Barbuda.
- (2) The Authority may, at any time after the issue of an identification number for a gaming machine, issue a new identification number for that gaming machine.
- (3) The Authority may affix or cause to be affixed to each gaming machine a label showing—
  - (a) the identification number issued under subregulation (1) or (2); and
  - (b) such other particulars as the Authority considers appropriate, on one internal and one external surface of the cabinet of the gaming machine.
- (4) A label affixed under this regulation is to be made of such material, and be affixed, as the Authority considers appropriate.
- (5) If a label has been issued for the machine, a licensee shall not operate a gaming machine unless a label that complies with this regulation is affixed to the gaming machine in accordance with this regulation.
- (6) Before a gaming machine on a licensee's licensed premises is disposed of outside Antigua and Barbuda or is destroyed, the licensee shall return or cause to be returned to the Authority the label affixed to the gaming machine.
- (7) A licensed service contractor shall keep a label that is not affixed to a gaming machine in a secure place and shall not use the label except in accordance with a procedure that is approved by the Authority.
- (8) A licensed service contractor shall not hold more than the number of labels issued to or determined by the Authority, for that particular contractor.

#### **10. Affixing of labels**

- (1) A person shall not affix a label referred to in Regulation 10 to a gaming machine unless the person is—
  - (a) a licensed service contractor; or

(b) a person approved by the Authority.

(2) A person who affixes a label to a gaming machine shall, as soon as practicable after affixing the label, notify the Authority in writing of—

(a) the identification number on the label;

(b) the serial number of the gaming machine;

(c) the type of the gaming machine; and

(d) the manufacturer of the gaming machine.

(3) Labels that are issued by the Authority for gaming machines on a particular licensee's licensed premises are not to be affixed to gaming machines on any other licensee's licensed premises without the approval of the Authority.

### **11. Authority to issue or approve seals**

The Authority may issue or approve seals for use in relation to the protection of the computer cabinet or other sensitive parts of gaming machines.

### **12. Gaming prohibited on unprotected devices**

(1) Where the Authority has instituted a system for the sealing of the computer cabinet of a gaming machine, a licensee shall not, without lawful excuse, be in possession of, or permit gaming on, a gaming machine unless the computer cabinet or other specified area of the gaming machine is securely sealed with a seal affixed by—

(a) an inspector;

(b) a licensed repairer or licensed monitoring provider; or

(c) a person otherwise authorised under the Act.

(2) Subject to subregulation (3), at any time when a seal on a computer cabinet has been removed, broken or damaged, the licensee shall not permit gaming on the gaming machine until the gaming machine has been examined by an inspector or person authorised by the Authority and the computer cabinet has been sealed.

(3) Subregulation (2) does not apply to a gaming machine that is not available for gaming due to the gaming machine undergoing—

(a) repairs by a licensed repairer under this Act; or

(b) an alteration to effect a change of game, gaming token denomination or betting unit approved by the Authority.

### **13. Game board labels**

- (1) Where a person installs a game EPROM on a game board, the person shall affix to the game board a label that clearly displays in the English language—
  - (a) the gaming machine type for which the game board is designed or the code number of the gaming machine type allocated by the Authority; and
  - (b) the game for which the game EPROM is programmed or the code number of the game allocated by the Authority.

### **14. Accounting for broken and removed seals**

- (1) A person who breaks or removes a seal affixed to a gaming machine—
  - (a) shall keep the broken or removed seal until the seal is accounted for under paragraph (b); and
  - (b) shall account for the broken or removed seal, or cause the broken or removed seal to be accounted for, to the Authority within 7 days after the end of the month in which the person broke or removed the seal.

### **15. Restricted components**

For the purposes of the definition of restricted component in section 221 of the Act, the components set out in Schedule 1 are restricted components.

### **16. Site controllers**

- (1) If a monitoring system is in place, the site controller for the monitoring system installed on a licensee's licensed premises is prescribed gaming equipment.
- (2) A person shall not install, replace or otherwise interfere with the site controller for the monitoring system installed on a licensee's licensed premises.
- (3) Sub regulation (2) does not apply to the licensed monitoring provider who provides a monitoring service in respect of gaming equipment on the licensee's licensed premises, or where the licensee installs or replaces the site controller in accordance with the instructions of the licensed monitoring provider.

## **PART III**

### **ACCOUNTING PROCEDURES**

### **17. Functions to be carried out with monthly money reconciliations**

- (1) In carrying out a monthly money reconciliation, a licensee shall—
  - (a) ensure that no gaming machine credits are registered by the gaming machine;

- (b) ensure that no gaming tokens remain in the gaming machine, other than those gaming tokens that are in the hopper;
- (c) ensure that a record of the monetary value of the contents of the hopper is made in the Gaming Machine Performance Record; and
- (d) ensure a record is made in the Gaming Machine Performance Record of the amounts displayed on the following electronic RAM meters of the gaming machine—
  - (iii) the total of all coins to the drop box;
  - (iv) the total of coins won (non-progressive);
  - (v) the total of all cancelled credits;
  - (vi) the total of all coins bet;
  - (vii) the total of all hopper fills; and
  - (viii) if an appropriate meter is provided by the gaming machine – the total of wins (progressive).

## **18. Daily money clearances**

- (1) A licensee shall ensure that a daily money clearance is carried out, or is personally supervised, by a machine manager.
- (2) A licensee shall keep, for each of the licensee's licensed premises, a Cash Clearance Report in the form determined by the Authority.
- (3) A licensee shall ensure that a Cash Clearance Report—
  - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies;
  - (b) records for each money clearance—
    - (i) the date and time;
    - (ii) the machine identification number;
    - (iii) the licensee's identification number of the gaming machine; and
    - (iv) the amount removed; and
  - (c) records for each day—
    - (i) the total amount removed during money clearances; and
    - (ii) the signature of every person who carried out, or supervised, money clearances certifying that the records made under this regulation are correct.

## **19. Manual Payments Register and hopper fills**

- (1) A licensee shall keep a Manual Payments Register for each of the licensee's licensed premises in the form determined by the Authority.
- (2) A licensee shall ensure that a Manual Payments Register—
  - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies;
  - (b) records for each short pay correction payout, hopper fill, jackpot payout and cancelled credit made on the premises, the following particulars—
    - (i) the date and time;
    - (ii) the machine identification number;
    - (iii) the licensee's identification number of the gaming machine;
    - (iv) if it is a short pay correction payout, hopper fill, jackpot payout or cancelled credit;
    - (v) if it is a jackpot payout – the winning combination of symbols;
    - (vi) it is a cancelled credit – the number of gaming machine credits displayed on the credit meter;
    - (vii) the amount;
    - (viii) if it is a short pay correction payout, jackpot payout or cancelled credit, the name and signature of the person to whom the payment was made;
    - (ix) the name and signature (and licence number if applicable) of the person who made the payout or fill;
    - (x) the name (and licence number, if applicable) of one other person, authorised in that behalf by the licensee, who, and the person's signature certifying that he or she, observed—
      - (A) if it is a cancelled credit – the number of gaming machine credits displayed on the credit meter;
      - (B) if it is a jackpot payout – the winning combination of symbols; or
      - (C) if it is a hopper fill – the hopper fill take place; and
  - (c) records after each transaction, a progressive monetary total of transactions entered in the register for each day.
- (3) A licensee shall ensure that—
  - (a) a hopper fill is carried out only when a hopper is empty;

- (b) when a hopper fill is carried out no more and no less than the number of tokens determined by the Authority, are placed in the hopper; and
  - (c) the gaming tokens are of the gaming token denomination of the gaming machine in question.
- (4) A licensee shall ensure that—
  - (a) at the end of the conduct of gaming for each day – immediately below the latest entry in the Manual Payments Register in use that day a notation is made that indicates the entry is the last for the day; and
  - (b) for a payment over \$[insert] – either the person mentioned in sub regulation (2)(b)(ix) or the person mentioned in sub regulation (2)(b)(x) is a machine manager in relation to the licensee's licensed premises.

## **20. Gaming Machine Performance Record**

- (1) A licensee shall keep in the form determined by the Authority a Gaming Machine Performance Record for each gaming machine provided to the licensee.
- (2) A licensee shall ensure that the period covered by a Gaming Machine Performance Record—
  - (a) starts on the day and at the time—
    - (i) the gaming machine is operated by the licensee;
    - (ii) of the completion of an alteration of the gaming machine to effect a change in the game or gaming token denomination of the gaming machine; or
    - (iii) of the completion of a monthly money clearance of the gaming machine; and
  - (b) ends on the day and at the time—
    - (i) of the removal of the gaming machine;
    - (ii) of the completion of an alteration of the gaming machine to effect a change in the game or gaming token denomination of the gaming machine; or
    - (iii) of the completion of the next monthly money clearance of the gaming machine after any act mentioned in paragraph (a).
- (3) A licensee shall ensure that each Gaming Machine Performance Record—
  - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies;
  - (b) includes a record of—
    - (iv) the licensee's identification number of the gaming machine;

- (v) the machine identification number;
- (vi) the manufacturer's serial number allocated to the gaming machine;
- (vii) the gaming token denomination;
- (viii) the game;
- (ix) the day and time of the start of the period covered by the record;
- (x) the day and time of the end of the period covered by the record;
- (xi) for each day, the following, expressed in monetary amounts—
  - (A) the total of gaming tokens removed during money clearances;
  - (B) the total of short pay correction payouts;
  - (C) the total of hopper fills;
  - (D) the total of jackpot payouts;
  - (E) the total of cancelled credits;
- (xii) the money value of the contents of a hopper;
- (xiii) meter readings; and
- (xiv) the performance summary; and
- (c) is entered up daily.

## **21. Alterations or obliterations to records**

- (1) Subject to sub regulation (2), a person shall not alter or obliterate an entry in a Manual Payments Register, Cash Clearance Report or Gaming Machine Performance Record.
- (2) A person may make an alteration to an entry mentioned in sub regulation (1) to correct an error in the entry.
- (3) The correction shall be made by means of a marginal note or footnote, on the same page, which correction shall record—
  - (a) the identity of the person who made the correction;
  - (b) the date of the correction; and
  - (c) the correct particulars.

## **22. Installation, removal and alteration of gaming machines**

- (1) A licensee shall ensure that a money clearance is carried out on a gaming machine provided to the licensee immediately before—

- (a) an alteration of the gaming machine to effect a change in the game or gaming token denomination of the gaming machine;
  - (b) the gaming machine is stored; or
  - (c) the removal of the gaming machine from the licensee's licensed premises.
- (2) A licensee shall ensure that on—
  - (a) the installation of a gaming machine; or
  - (b) the alteration of a gaming machine to effect a change in the game or gaming token denomination of the gaming machine, a record is made in the Gaming Machine Performance Record of the amounts displayed on the meters.

### **23. Monthly Gaming Machine Reconciliation Report**

- (1) A licensee shall ensure that a Monthly Gaming Machine Reconciliation Report—
  - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies; and
  - (b) records the information mentioned in sub regulations (2) and (3).
- (2) The Monthly Gaming Machine Reconciliation Report is to record information from each Gaming Machine Performance Record for the licensed premises in question that covers any period between the second last and last monthly money clearance for the licensed premises.
- (3) The information that is to be recorded in the report is—
  - (a) the day and time of the start of the period covered by the record;
  - (b) the day and time of the end of the period covered by the record;
  - (c) the licensee's identification number of the gaming machine;
  - (d) the machine identification number of the gaming machine; and
  - (e) the performance summary.

### **24. Supervision while gaming**

- (1) A licensee shall not conduct gaming, or allow gaming to be conducted, in a part of the licensee's premises—
  - (a) when the licensee or an employee of the licensee is not in that part of the premises to supervise gaming; or
  - (b) during a period directed by the Authority for the purposes of this clause.

### **25. Payments in connection with gaming**

- (1) A licensee shall make a payment in connection with—

- (a) the payment of winnings or gaming machine credits (other than payments made by a gaming machine); or
  - (b) the redemption of gaming tokens, with the currency of Antigua or Barbuda or USD, unless the payment:
  - (c) is required to be made in another way in accordance with the rules ancillary to gaming for the premises; or
  - (d) is to be made under subregulation (2).
- (2) A licensee may, if requested by a person entitled to a payment referred to in sub clause (1) (other than a payment to which sub clause (1)(c) applies) and if the licensee thinks fit to do so, make the payment by—
  - (a) gaming tokens;
  - (b) a cheque;
  - (c) a combination of currency, gaming tokens and a cheque; or
  - (d) electronic transfer.

## **PART IV**

### **PENALTIES**

#### **26. Penalty for breach of these Regulations**

A person who fails to comply with a provision of these Regulations commits an offence and may be liable to summary prosecution and, on conviction, to a maximum, fine of \$50,000.

## **PART V**

### **TECHNICAL STANDARDS FOR GAMING MACHINES**

#### **27. Authority may set Technical Standards**

- (1) For the avoidance of doubt, the Authority may define technical standards and requirements for the design and operation of gaming machines and games within Antigua and Barbuda, including the requirements for the linking of machines to a monitoring system.
- (2) The Authority may define such of the core requirements as it thinks fit, and the times at which such requirements become operative.
- (3) The definition of the technical standards and requirements is to—
  - (a) be undertaken for the purpose of ensuring gaming on gaming machines occurs in a manner that is fair, secure and auditable, and that gaming machines operate reliably in achieving these objectives.

(b) not unreasonably

- (i) mandate a single solution or method of realising an objective;
- (ii) limit technology application to gaming equipment;
- (iii) limit creativity and variety of choice;
- (iv) limit marketability;
- (v) advantage any supplier or manufacturer of equipment; or
- (vi) preclude research and development into new technology, equipment or innovative solutions.

(4) The Authority may consider and approve alternative methods of achieving the objectives of the technical standards on their merits, on a case by case basis.

(5) If the Authority adopts any new requirements, it may—

- (a) allow a grace period before new requirements come into force,
- (b) may allow previously approved equipment to remain unaffected, or
- (c) require revisions to previously approved equipment to be conducted under the requirements in force when the item was originally tested.

## **PART VI**

### **MONITORING SYSTEM**

#### **28. Authority authorised to establish a monitoring system**

(1) The Authority may, at such a time as it thinks fit, —

- (a) establish, operate and maintain a monitoring system; and
- (b) conduct monitoring using the monitoring system and monitoring equipment for the purpose of—
  - (i) detecting significant events in relation to the electronic monitoring system, a gaming machine or communications system or device associated with the electronic monitoring system or a gaming machine; and
  - (ii) continuously recording, monitoring and controlling significant game play transactions and recording revenue generated from each gaming machine connected to the system; and
- (c) to do all things necessarily incidental to establishing and operating such a system.

(2) The Authority may, at such time as it thinks fit, require a gaming machine to be connected to a monitoring system whereby information in respect of the gaming machine is provided to the monitoring system in accordance with arrangements approved by the Authority.

(3) The arrangements that the Authority approves for the purposes of sub-clause (2) may require involve the provision of information by any means, such as, and without limiting the generality of this sub clause, by means of any of the following—

- (a) the direct provision of information by electronic data transfer,
- (b) the provision of information by means of the lodgment of reports or returns (whether or not electronically),
- (c) the provision of information by persons acting as processors for licensees.

(4) Such arrangements may make provision for or with respect to the time within which, and the person to whom, information is to be furnished.

## **29. Engaging contractors and appointing agents to assist with monitoring**

The Authority may engage a person on contract, or to appoint an agent, to assist in the establishment or conduct of a monitoring system.

## **30. Licensees required to connect gaming machines to authorised monitoring system**

- (1) A licensee shall ensure that each gaming machine that is kept on the premises of the licensee is included in or, if applicable, connected to, an authorised monitoring system.
- (2) A licensee shall, to the extent necessary to enable approved gaming machines kept on the premises of the licensee to be included in or connected to an authorised monitoring system—
  - (a) permit the employees and agents of the Authority or a person administering the monitoring system to have access to those gaming machines, and
  - (b) give assistance to the employees and agents of the Authority or a person administering the monitoring system.

(3) The employees and agents of the Authority or person administering the monitoring system may, if satisfied that a gaming machine kept in a licensee's premises is not included in or connected to an authorised monitoring system, request the licensee to take action to ensure that the gaming machine is included in or connected to the monitoring system.

(4) The licensee shall, within 2 working days of receiving any such request under clause (3), take appropriate action to comply with the request.

(5) A person who fails to comply with regulation 30 (1) commits an offence and is liable to the penalty of a maximum fine of EC\$5,000 for each occurrence.

(6) A person who fails to comply with regulation 30 (2) commits an offence and is liable to the penalty of a maximum fine of EC\$5,000 for each occurrence.

(7) A person who fails to comply with regulation 30 (4) commits an offence and is liable to the penalty of a maximum fine of EC\$5,000 per day.

### **31. Technicians required to connect gaming machines to authorised monitoring system**

- (1) If an electronic monitoring system is established and a gaming machine is capable of being connected to such a system, a technician who carries out any work on a gaming machine on the premises of a licensee shall ensure that the gaming machine is connected to an authorised monitoring system before the gaming machine is operated for the purposes of gambling.
- (2) A technician does not commit an offence under clause (1) if—
  - (a) it is not practicable in the circumstances for the approved gaming machine to be connected to an authorised monitoring system, and
  - (b) the technician records the following details in a report that is in the form approved by the Authority—
    - (i) the gaming machine concerned,
    - (ii) the reason why it cannot be connected for the time being to a monitoring system,
    - (iii) the person who has the responsibility for ensuring its connection to an authorised monitoring system.
- (3) If any such details are recorded in a report by a technician in relation to an approved gaming machine in the premises of a licensee, the licensee shall—
  - (a) keep a copy of the report on the premises, and
  - (b) if requested to do so by an inspector, employee or agent of the Authority produce the copy for inspection by the inspector, employee or agent.
- (4) A technician shall not record any details in a report if the technician does so knowing that those details are false or misleading.
- (5) A person who fails to comply with regulation 31 (1) commits an offence and is liable to the penalty of a maximum fine of EC\$5,000 for each occurrence.
- (6) A person who fails to comply with regulation 31 (3) commits an offence and is liable to the penalty of a maximum fine of EC\$5,000 for each occurrence.
- (7) A person who fails to comply with regulation 31 (4) commits an offence and is liable to the penalty of a maximum fine of EC\$5,000 for each occurrence.

### **32. Monitoring fee payable by licensees to the Authority for the monitoring system**

- (1) A licensee shall pay a monitoring fee in respect of each approved gaming machine that—
  - (a) is kept on the premises of the licensee, and
  - (b) is included in or connected to an authorised monitoring system.

(2) The monitoring fee is payable by the licensee—

- (a) in accordance with such arrangements (e.g. by way of electronic transfer from a nominated account) as may be made between the licensee and the Authority, or
- (b) if no such arrangements are made, in accordance with such other arrangements as may be approved by the Authority.

(3) The amount of any fee payable under this Regulation is to be determined by the Authority from time to time.

(4) The Authority is entitled to recover any unpaid monitoring fee as a debt from the person (including a former licensee) who is or was liable to pay that fee.

### **33. Control of information obtained by monitoring system**

(1) The Authority, and any director, officer, employee or agent of the Authority or a person administering a monitoring system who acquires monitoring system information shall not make use of that information or directly or indirectly make a record of or divulge it to another person except—

- (a) in the course of and for the purposes of the operation of an authorised monitoring system;
- (b) for any other purpose approved by the Authority in the public interest.

(2) The divulging of monitoring system information to any of the following persons or bodies is authorised—

- (a) the Commissioner of Police, or
- (b) a person authorised to undertake testing, but only to the extent that the monitoring system information is disclosed to the person for the purposes of exercising the authorised testing functions.

(3) A person who fails to comply with regulation 33 (1) commits an offence and is liable to the penalty of a maximum fine of EC\$50,000 for each occurrence.

### **34. Unlawful interference with authorised monitoring system**

(1) A person shall not—

- (a) possess any device or equipment made or adapted, or intended by the person to be used, for interfering with the normal operation of an authorised monitoring system, or
- (b) do anything that is calculated, or is likely, to interfere with the normal operation of an authorised monitoring system.

(2) Sub clause (1) does not apply to or in respect of the possession of any device or equipment, or to anything done in good faith, in connection with the installation, alteration, adjustment, maintenance or repair of an authorised monitoring system by—

- (a) the Authority, its employees or agents who are operating the authorised monitoring system, or
- (b) a technician, or
- (c) any other person approved by the Authority.

(3) A person shall not gain, whether personally or for another person, an advantage in the operation of a gaming machine that is connected to an authorised monitoring system as the result of knowing about any faulty or fraudulent computer programming in relation to the monitoring system.

(4) A person shall not authorise or permit another person to act in a way that is an offence under another provision of this Regulation.

(5) A person who fails to comply with regulation 34 (1) commits an offence and is liable to the penalty of a maximum fine of EC\$50,000 for each occurrence.

(6) A person who fails to comply with regulation 34 (3) commits an offence and is liable to the penalty of a maximum fine of EC\$50,000 for each occurrence.

(7) A person who fails to comply with regulation 34 (4) commits an offence and is liable to the penalty of a maximum fine of EC\$50,000 for each occurrence.

### **35. Illegal advantage with respect to authorised monitoring system**

(1) A person shall not, during the design, manufacture, assembly, installation, maintenance or repair of an authorised monitoring system, dishonestly make provision to gain an advantage (whether or not for another person) in the operation of the monitoring system.

(2) A person who, as a result of gross negligence during the design, manufacture, assembly, installation, maintenance or repair of an authorised monitoring system, makes provision to gain an advantage (whether or not for another person) in the operation of the monitoring system is guilty of an offence.

(3) A person shall not do anything to an authorised monitoring system in order to conceal anything that is an offence under sub clause (1) or (2).

(4) A person shall not authorise or permit another person to act in a way that is an offence under another provision of this clause.

(5) A person who fails to comply with regulation 35 commits an offence and is liable to the penalty of a maximum fine of EC\$100,000.

### **36. Removal of authorised monitoring system**

- (1) A person (including a licensee) shall not, without the consent of the Authority, remove, or cause to be removed, an authorised monitoring system that has been installed in premises authorised for the use of gaming machines.
- (2) A person who fails to comply with regulation 36 commits an offence and is liable to the penalty of a maximum fine of EC\$50,000 for each occurrence.

### **37. Disposing or failing to keep safe part of authorised monitoring system**

- (1) A licensee or other person who has possession or control of any device or equipment that forms part of an authorised monitoring system—
  - (a) shall store, and keep safe, the device or equipment in accordance with the approved directions of the Authority or the person administering the system, and
  - (b) shall not dispose of the device or equipment otherwise than in accordance with the approved directions of the Authority or the person administering the system.
- (2) In this clause, "approved directions" of the Authority or the person administering the system means directions relating to the storage, safety and disposal of devices or equipment that form part of an authorised monitoring system—
  - (a) to a licensee or other person who has possession or control of any such device or equipment, or
  - (b) to a class of licensees or other persons who have possession or control of any such device or equipment.
- (3) A person who fails to comply with regulation 37 (1) commits an offence and is liable to the penalty of a maximum fine of EC\$10,000 for each occurrence.

### **38. Protection from personal liability**

Anything done or omitted to be done by a person who is an agent or employee of the Authority or the person administering the monitoring system in exercising their functions conferred or imposed on the person by the Authority or the person, does not, if it was done or omitted to be done in good faith, subject the person to any personal action, liability, claim or demand.

### **39. Limitation of Authority's civil liability**

- (1) The Authority does not incur any liability for an act or omission in the provision of monitoring services that causes a gaming machine not to operate.

## **SCHEDULE ONE – RESTRICTED COMPONENTS**

Gaming machine cabinet

Gaming machine cabinet door

Gaming machine artwork and reel tape

Gaming machine reel mechanism

Gaming token mechanism designed for use on a gaming machine or an identifiable part of such a mechanism

Hopper or an identifiable part of a hopper

Computer cabinet Game board Processor board Game EPROM

Program or software for a gaming machine (irrespective of the medium or method of storage)

Identification plate Gaming machine label Gaming machine seal

### **REGULATIONS FOR THE SCHEDULE OF LICENSING STRUCTURE AND FEES**

For the purposes of Regulations pursuant to the Gambling Act 2016 (No 22 of 2016), the following

Licensing Fee Structure and Applicable License Fees are hereby specified –

Pursuant to **Chapter 4 – Licensing of Local Commercial Gambling Providers of the Gambling Act 2016, No 22 of 2016**, below is the schedule of fees and the licensing structure for the Local Gambling Providers Licenses as required by the Act:

#### **SCHEDULE**

##### **Group One Local Gambling Provider's License 1A**

|                      |                  |                       |
|----------------------|------------------|-----------------------|
| Gaming Machines only | up to 5 machines | EC\$2,400.00 per year |
|----------------------|------------------|-----------------------|

##### **Group One Local Gambling Provider's License 1B**

|                      |                  |                       |
|----------------------|------------------|-----------------------|
| Gaming Machines only | 6 to 12 machines | EC\$6,250.00 per year |
|----------------------|------------------|-----------------------|

##### **Group One Local Gambling Provider's License 1C**

|                      |                   |                        |
|----------------------|-------------------|------------------------|
| Gaming Machines only | 13 to 24 machines | EC\$12,500.00 per year |
|----------------------|-------------------|------------------------|

##### **Group One Local Gambling Provider's License 1D**

|                      |                   |                        |
|----------------------|-------------------|------------------------|
| Gaming Machines only | 25 to 49 machines | EC\$25,000.00 per year |
|----------------------|-------------------|------------------------|

##### **Group One Local Gambling Provider's License 1E**

|                      |                      |                        |
|----------------------|----------------------|------------------------|
| Gaming Machines only | 50 machines and over | EC\$45,000.00 per year |
|----------------------|----------------------|------------------------|

##### **Group Two Local Gambling Provider's License 2A**

Machines and Tables    up to 45 machines/up to 4 tables    EC\$26,000.00    per year

**Group Two Local Gambling Provider's License 2B**

Machines and Tables    46 to 149 machines/ 5 to 8 tables    EC\$52,000.00    per year

**Group Two Local Gambling Provider's License 2C**

Machines and Tables    150 + machines /9 + tables    EC\$78,000.00    per year

**Local Gambling Provider's Commercial Lottery Operations License 3A** (multiple terminals)  
EC\$100,000.00    per year

Pursuant to **Chapter 5 – Licensing of Associates, Agents and Employees of the Gambling Act 2016, No 22 of 2016**, below is the schedule of fees for the Key Persons License as required by the Act:

**Key Person License KP1**    All Licensee profiles    EC\$270.00    for three years

**Payments Schedule**

Are payable to the Authority as prescribed in **Chapter 4, Section 166 (2) (d)** and **Chapter 5, Section 201 and 211 (1) (c)** at the following intervals in advance of the period covered by the Local Gambling Providers License and Key Persons License unless otherwise stated by the Act:

**Group One Local Gambling Provider's Licence Fee is Payable by .....and thereafter**

**Group Two Local Gambling Provider's License Fee is Payable by August 31, 2017 and thereafter by 31, March annually**

**Local Gambling Provider's Commercial Lottery Operations License Fee is payable by 31 August 2017 and thereafter by March 31 annually**

**Key Person License is Payable in Advance and is valid for a period of Three (3) Years from the date of issue**

***Definitions***

***Gaming machine*** means a device that is designated so that:

- (a) It may be used for the purpose of playing a game of chance or a game of mixed chance and skill: and
- (b) It may be operated, wholly or in part:

- (i) By the insertion of a gaming token into the device:
- (ii) By the use of gaming machine credits
- (iii) By the electronic transfer of credits of gaming tokens to the device: or
- (iv) By the use of gaming tokens held, stored or accredited by the device or elsewhere: and
- (v) Because of making a bet on the device, winnings may become payable

**Gaming Machine area** means a location on licensed premises where a licensee is permitted to install, or has installed, a gaming machine

**Gaming token** means Eastern Caribbean Dollars, United States Dollars, other currency or a token, credit or other thing that enables a bet to be made on a gaming machine, but does not include a gaming machine credit

**Gaming table** means a table being used to play a gambling game, or that is available at that time to be used for that purpose;

**Gaming table area** means a location on licensed premises where a licensee is permitted to install, or has installed, a gaming table;

**Local gambling provider's licence** means a licence issued under Chapter 4.

**Key Employee** means a person who—

*is employed or working in a gambling business in a managerial capacity or who is authorised to make decisions, involving the exercise of his or her discretion, that regulate operations in a gambling business; or*

*is employed or working in a gambling business in any capacity relating to the following activities—*

*the conduct of gaming or betting;*

*is, if the Regulations provide, entitled to hold*

*a repairer's licence;*

*a machine manager's licence;*

*a monitoring provider's licence;*

*a service contractor's licence;*

*the supervision of any of the above activities;*

*any other activity relating to operations in the gambling business that is specified by the Authority for the purposes of this definition by notice in writing given to the licensee.*

## **REGULATIONS FOR THE SCHEDULE OF FEES FOR RESORT CASINOS**

For the purposes of Regulations pursuant to the Gambling Act 2016 (No 22 of 2016), the following  
Gambling (Resort Casino) Regulations are hereby specified –

Pursuant to **Chapter 3 – Section 143 to 148, and 163, also Chapter 19 – Section 445 - of the Gambling Act 2016, No 22 of 2016**, made by the Minister:

### **1. Fee for application for resort casino licence**

For the purposes of section 48 of the Act (Application for resort casino licence), the prescribed fee is  
[EC\$ 13,500.00].

### **2. Fee for application for redefinition of casino boundaries**

For the purposes of section 57 of the Act (Authority to define resort casino premises), the prescribed fee is  
[EC\$ 2,700.00].

### **3. Fee for application for resort casino employee licence**

For the purposes of section 81 of the Act (Application for licence), the prescribed fee is  
[EC\$ 270.00].

### **4. Fee for renewal of resort casino employee licence**

For the purposes of section 92 of the Act (Renewal of licence), the prescribed fee is [EC\$ 270.00].

**5. Fee for application for variation of resort casino employee licence**

For the purposes of section 93 of the Act (Variation of licence), the prescribed fee is

[EC\$ 100.00].

**6. Fee for issue of replacement resort casino employee licence**

For the purposes of section 94 of the Act (Loss of licence), the prescribed fee is

[EC\$ 100.00]

**7. Interest rate on overdue amounts**

For the purposes of section 146 of the Act (Interest on overdue amounts), the prescribed rate is  
[standard bank base rate plus 2.5%]

Made this 5th day of November 2020

**Hon. Gaston A. Browne,**  
*Prime Minister and Minister of Finance and  
Corporate Governance.*

