L.N. 132 of 2015

GAMING ACT
(CAP. 400)

Cruise Casino Regulations, 2015

IN EXERCISE of the powers conferred by article 50 of the Gaming Act, the Minister responsible for the Lotteries and Gaming Authority, after consultation with the Lotteries and Gaming Authority, has made the following regulations:-

PART I
Preliminary

Citation.

1. The title of these regulations is the Cruise Casino Regulations, 2015.

PART II
Definitions

Interpretation.

2. (1) In these regulations unless the context otherwise requires -

Cap. 400.

"Act" means the Gaming Act;

"applicant" means a person that files an application for a cruise casino approval under these regulations;

"Authority" means the Malta Gaming Authority established
Cap. 438. under article 9 of the Lotteries and Other Games Act;

"call" means when a cruise ship is moored at or within Maltese territory during a particular voyage;

"cruise casino" means a casino on board a cruise ship;

"cruise casino approval" means an official approval issued by the Authority for a cruise casino operator;

"cruise ship" means a passenger ship used for pleasure voyages with a minimum of three ports of call in three 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 150 passengers:

Provided that ferry boats used for transporting passengers and, or cargo shall be excluded from this term;

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"Gozo" means the land territory of the island of Gozo, including all ports and harbours at which vessels may be moored;

"inspector" means an inspector as defined under the Act;

"Malta" means the land territory of the island of Malta, including all ports and harbours at which vessels may be moored;

"Maltese territory" means the Maltese territorial waters as regulated under Maltese law;

"passengers" means persons who are registered as passengers on a cruise ship for a particular voyage and who are eighteen years of age and older.

(2) In these regulations, if there is any conflict between the English and Maltese texts, the English text shall prevail.

PART III
Approval - General

Requirement of an approval.

3. Notwithstanding the provisions of any other law, regulation, licence or authorisation, no person may operate a cruise casino within the Maltese territory unless he is in possession of a cruise casino approval issued by the Authority.

Grant of an approval

4. (1) The Authority shall not issue a cruise casino approval unless the following conditions are satisfied -

(a) the payment, upon submission of the application, of the non-refundable approval fee as established in the Schedule;

(b) only registered passengers may play within the cruise casino;

(c) the cruise casino shall be operated any time between six o'clock in the evening (6pm) and six o'clock (6am) in the morning of the following day:

Provided that a person who intends to operate a cruise casino within the Maltese territory may only do so on a temporary and occasional basis and subject to the conditions laid out in sub-regulation (1):

Provided further that in case of doubt as to whether a cruise casino call is a temporary and occasional one or otherwise, the Authority shall have the power to conclusively determine the matter after taking into account all matters which the Authority considers

relevant in the circumstances:

Provided further that when the cruise casino shall be moored for a minimum of one overnight stay in Malta, and a minimum of one subsequent day in Gozo, or a minimum of one overnight stay in Gozo and a minimum of one subsequent day in Malta, it shall be exempt from payment of the application fee. For the purposes of this proviso "day" shall mean a stay of not less than six (6) hours.

Applicability of the Act.

5. Except where these regulations expressly provide otherwise, the provisions of the Act shall not apply to any gaming which takes place in a cruise casino; notwithstanding the provisions of this regulation, the Authority may issue directives to regulate such activities held therein.

Term of approval.

6. A cruise casino approval issued by the Authority shall be for a term not exceeding the duration of the call.

Application for an approval and renewals thereof.

7. (1) Applications for a cruise casino approval shall be made on such forms designated by the Authority from time to time and shall be submitted to the Authority at least sixty days prior to the call, together with any documents requested therein:

Provided that the Authority may consider a late application subject to a reasonable justification.

(2) Following receipt by the Authority of a renewal application for a cruise casino approval, the Authority shall issue such approval if the Authority is satisfied that the applicant has, at all times during the original or preceding term of the cruise casino approval, complied with:

(a) the provisions of these regulations;

(b) the terms and conditions of the approval; and

(c) any directive issued by the Authority in terms of the Act or of these regulations, which is applicable to such approval.

Approval conditions.

8. A cruise casino approval granted by the Authority may impose conditions relating to, *inter alia*:

(a) the proper operation of casino games;

(b) the protection of players;

(c) the prevention of money laundering;

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(d) exigencies of public interest:

Provided that the Authority may at any time amend the conditions of a cruise casino approval by notifying the holder of a cruise casino approval in writing of any amendments.

Obligations of a cruise casino.

9. An approved cruise casino shall comply with:

(a) any applicable code or codes of conduct, as well as any directives that may be issued by the Authority in respect of relevant gaming devices and, or games provided in the approved cruise casino;

(b) any conditions specified in the cruise casino approval; and

(c) the provisions contained in these regulations.

Assignment and transfer of approval prohibited.

10. A cruise casino approval issued by the Authority may not be assigned or transferred in any way whatsoever to any other person, and any such assignment or transfer to any other person shall be considered null and void and constitute sufficient grounds for the Authority to cancel the approval.

PART IV
Enforcement

Power of inspectors.

11. Without prejudice to anything contained in articles 5, 10 and 11(1) of the Act, an inspector shall, for the purpose of ascertaining that these regulations and that all the conditions of a cruise casino approval issued by the Authority under these regulations are being complied with, also have the power to access an approved cruise casino without prior notice.

Contraventions, fines and penalties.

12. Any contravention of any provision of these regulations shall be considered an offence against the Act and the provisions of articles 42, 42A, 47 and 48 of the Act shall apply.

PART V
Inapplicability

Inapplicability.

13. These regulations shall not apply to cruise ships, whether registered in Malta or otherwise, whilst outside the Maltese territory.

SCHEDULE

Approval Fee

(Regulation 4)

An approval fee amounting to -

(a) five hundred euro (€500) shall be payable in advance to the Authority for a cruise ship having the maximum capacity of one thousand five hundred (1500) passengers; or

(b) one thousand euro (€1,000) shall be payable in advance to the Authority for a cruise ship having a maximum capacity of one thousand five hundred and one (1501) passengers or more.

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