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L.N. 380 of 2016

GAMING ACT
(CAP. 400)

Poker Tournament (Locations) Regulations, 2016

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

Citation.

1. The title of these regulations is the Poker Tournament (Locations) Regulations, 2016.

Interpretation.

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

"Act" means the Gaming Act; Cap. 400.

"adjacent" means next to or adjoining with the casino or part of the same complex;

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

"casino licensee" means an entity vested with a casino licence granted under article 15 of the Act;

"extended area" means any area adjacent to the casino required for use as a gaming area as defined in article 22(2) of the Act and regulation 20 of the Gaming Act Regulations for the purposes of the operation of the poker tournament; S.L. 400.01.

"Minister" means the Minister responsible for the Authority;

"poker" or "poker game" means a game as defined under the Gaming Act and the Lotteries and Other Games Act, being any variant of poker whereby a winner or winners is or are determined by the combination, value and rank of the cards held by the participants and which is played for money or money's worth between players and not against the house; Cap. 400. Cap. 438.

"poker tournament chips" means any tokens used or capable of being used within a casino or the extended area in the conduct of a poker tournament representing any value but which cannot be exchanged for money and which are approved for this purpose by the

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Authority;

"poker tournament" means an event organised by the casino licensee consisting of one or more series of poker games played between participating players and whereby a winner or winners is or are determined according to pre-defined rules and prize or prizes are awarded to the winner or winners;

S.L. 400.01.

"poker tournament dealer licence" means a licence issued in terms of regulation 8 of the Gaming Act Regulations and shall be the equivalent to a casino employee's licence issued in terms of the Gaming Act Regulations, but subject to the limitations stipulated in regulation 11 of these regulations and for the avoidance of doubt, shall include any person working in relation to the poker tournament within the premises and the extended area; and

"rules" means all the rules relating to the poker game and the poker tournament as notified to the Authority in terms of regulation 5(1)(f).

Cap. 400.
Cap. 438.

(2) Unless the context otherwise requires, terms used in these regulations and which are not defined herein shall have the meaning assigned to them in the Act and in the Lotteries and Other Games Act.

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

Application for a poker tournament.

3. (1) The Authority may approve the temporary use of a pre-defined extended area for the purposes of a poker tournament, upon an application being made by a casino licensee.

(2) The application shall be made on such forms designated by the Authority from time to time.

(3) The application shall be submitted at a reasonable time in advance which shall not be less than thirty (30) days before the commencement of the poker tournament.

(4) The Authority may, in its sole discretion, cancel or suspend with immediate effect any approval granted in terms of these regulations if:

(a) the approval was obtained by a materially false or misleading representation, or in some other improper manner;

(b) the casino licensee or any other entity affiliated with the organisation of the poker tournament is in breach of the Act or any other law;

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(c) the casino licensee has failed to fulfil any requirement of these regulations or any other applicable law or directives issued by the Authority, any licence condition or any condition of the approval;

(d) the Authority has determined that there is material and sufficient reason for the cancellation or suspension; and

(e) the Authority reasonably deems it necessary in the national interest.

Fees.

4. Together with the submission of an application form as referred to in regulation 3, the casino licensee shall pay to the Authority the following fees, as set out in the Schedule:

(a) a non-refundable application fee; and

(b) a daily inspection fee for each day during which the poker tournament will be run in the approved extended area by the casino licensee:

Provided that the Authority shall not process any application under these regulations unless the relevant fees are paid to the Authority together with the submission of the application:

Provided further that the Authority may, when objectively reasonable, require the casino licensee to pay the actual costs and any other expenses incurred in conducting any analyses, inspections and investigations relating to the application referred to in these regulations.

Contents of the application form.

5. (1) The application form referred to in regulation 3 may, as determined by the Authority, request, *inter alia*, the following information:

(a) the name of the tournament;

(b) the location of the extended area, including distance from the casino;

(c) the dates in which the extended area is proposed to be used as a gaming area;

(d) detailed plans and diagrams of the extended area, including all entrances, exits and registration areas;

(e) details of any entity supplying a critical service relating to the poker tournament, or on behalf of whom the

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tournament is being operated, and certified true copies of any contracts with any such entity supplying such a service;

(f) the maximum number of participants, the registration fee, the estimated prize pool and rules of the game, the security and vigilance and control of access arrangements in place and the maximum number of additional tables used in the casino for the duration of the poker tournament; and

(g) the list of persons permitted to work in the casino or in the approved extended area during the poker tournament, together with their role, and a reference to any licence held by that person authorising such person to perform such work:

Provided that any changes to any information or documentation provided to the Authority in terms of these regulations shall be notified to the Authority forthwith and in writing by the casino licensee and the validity of any previous approval given by the Authority shall rest on the Authority's approval of said changes:

Provided further that if any of the changes referred to in the preceding proviso are not notified and, or approved by the Authority, the approval granted in terms of regulation 3 may be rendered invalid:

Provided further that where any casino licensee has sought the approval of the Authority for any changes referred to in the preceding provisos, the Authority shall inform the casino licensee of its decision within a reasonable time, and the approval shall not be unreasonably withheld by the Authority.

(2) The casino licensee shall be required to notify the Authority forthwith and in writing of the cancellation of the poker tournament, and the casino licensee shall not be entitled to a refund of the application fee or any other payment referred to in regulation 4, and any approval given shall be terminated by the Authority.

(3) The casino licensee shall ensure that an entity supplying a critical service relating to the poker tournament, or on behalf of whom the tournament is being operated, shall be fit and proper and the casino licensee shall furnish such details to the Authority:

Provided that the Authority may issue fit and proper guidelines with which the casino licensee shall comply.

(4) The Authority may request any other information as it may deem necessary.

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Extended area.

6. (1) The extended area shall be adjacent to the casino licensee's casino:

Provided that the Authority shall, in its sole discretion, determine whether or not an extended area is adjacent to the casino licensee's casino in terms of these regulations:

Provided further that for the period during which the extended area is being used for the poker tournament, no other gaming activity other than the poker tournament shall be carried out in the same area.

(2) The approval of an extended area as referred to in regulation 3(1) shall be limited to the duration of the poker tournament.

Duration of a tournament.

7. The duration of a poker tournament which is held either partially or wholly in an extended area shall not exceed fourteen (14) days.

Use of poker tournament chips.

8. For the purposes of these regulations, the casino licensee shall only use poker tournament chips for the purposes of a poker tournament.

Approval conditions.

9. In granting the approval mentioned in regulation 3 to the casino licensee, the Authority may impose conditions relating to, *inter alia*:

(a) the proper operation of the poker tournament;

(b) the protection of players;

(c) the prevention of money laundering;

(d) the proper management of the extended area;

(e) the use of any gaming equipment or poker tournament chips;

(f) the information that shall be displayed at all time;

(g) the requirements for surveillance and registration in a poker tournament and in an extended area;

(h) the access controls;

(i) the ratio of gaming devices to tables for the duration of the poker tournament;

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(j) the reporting of regulatory and financial data, information or statistics; and

(k) the exigencies of public interest:

Provided that the Authority may at any time amend the conditions of such approval by notifying the casino licensee in writing:

Provided further that conditions imposed in the said approval shall have the same standing as licence terms and conditions imposed and, or varied by the Authority in a casino licence in terms of article 30 of the Act.

Rules of the poker game.

10. The casino licensee shall make available to the player all the rules relating to the poker game and the poker tournament in advance:

Provided that the player and the casino licensee shall comply with all such rules.

Poker tournament dealer licence. S.L. 400.01

11. (1) Without prejudice to the provisions of the Act, the Gaming Act Regulations, or any other law, a casino licensee may permit a person to work and a person may work in a casino or in an approved extended area for the duration of the poker tournament subject to a poker tournament dealer licence being issued by the Authority in the name of such person, or an equivalent authorisation issued by the government or the competent authority of a member state of the European Economic Area:

Provided that the holder of an equivalent authorisation referred to in the preceding proviso shall submit to the Authority a certified true copy of the equivalent authorisation and may be required to prove to the Authority the equivalence and continued validity of such an authorisation:

Provided further that the Authority may impose such proportionate requirements and conditions, as it may deem necessary in the fulfilment of its functions under the Act, the Lotteries and Other Games Act, and these regulations:

Cap. 400. Cap. 438.

Provided further that the application for a poker tournament dealer licence shall not be made later than thirty (30) days before the poker tournament in which they intend to work.

(2) A person is not eligible for the issue of a poker tournament dealer licence if the person -

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(a) is not a fit and proper person to hold such a licence as determined by the Authority; or

(b) is under the age of eighteen (18) years; or

(c) has been convicted of a criminal offence:

Provided that the Authority may dispense with the condition under paragraph (c), depending on the nature of the offence.

(3) An application for a poker tournament dealer licence under sub-regulation (1) shall -

(a) be lodged with the Authority;

(b) be made on such application forms designated by the Authority from time to time;

(c) be accompanied by any documents that the application form may specify;

(d) be signed by the applicant; and

(e) include the payment of the application or renewal fee specified in the Schedule.

(4) Where, before an application for a poker tournament dealer licence is determined, or while a poker tournament dealer licence is in force, a change occurs in the matter set out in, or in any documents lodged in connection with the application for the licence, the applicant or the holder of the licence shall submit to the Authority, in writing, the particulars of that change forthwith and without delay.

(5) The Authority may, by notice in writing, require the applicant for the licence, or the holder of the licence -

(a) to provide, in accordance with direction in the notice, such information relating to the application as is specified in the notice; or

(b) to produce, in accordance with directions in the notice, such records relating to the application as are specified in the notice; or

(c) to permit examination of records, the taking of extracts from records and the making of copies of records; or

(d) to provide further information or documentation to

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determine the fit and properness and suitability of the person; or

(e) to authorise a person specified in the notice to comply with a requirement of a kind referred to in paragraphs (a), (b), (c) or (d).

(6) (a) The Authority shall consider each application for a poker tournament dealer licence and shall -

(i) approve the application; or

(ii) refuse to approve the application.

(b) Where the Authority approves an application for a poker tournament dealer licence, it may determine conditions to which the licence shall be subject.

(c) The Authority may refuse an application for a poker tournament dealer licence where -

(i) the application does not comply with any one of the requirements of sub-regulation (3); or

(ii) a requirement made under sub-regulation (5) is not complied with;

(d) The Authority shall refuse an application for a poker tournament dealer licence if the applicant is not eligible for a licence in accordance with sub-regulation (2).

(e) Where the Authority refuses an application, the Authority shall, within a reasonable time, notify such refusal in writing to the applicant specifying the reasons.

(f) In considering an application for a poker tournament dealer licence the Authority may inquire into such matters relating to the application as it may deem necessary.

(7) (a) Where the Authority approves an application for a poker tournament dealer licence, the Authority shall issue to the applicant a poker tournament dealer licence in a form approved by the Authority for a period of one year.

(b) A poker tournament dealer licence shall set out:

(i) the name and particulars of the poker tournament dealer;

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(ii) the date of issue of the licence;

(iii) any conditions determined by the Authority under sub-regulation (6)(b).

(c) The issue of a poker tournament dealer licence under this regulation shall remain valid subject to the power of the Authority to add, vary and revoke any conditions relating to such licence during the currency of the same, provided that notice in writing thereof within a reasonable time is made to the holder of the licence and to the casino licensee.

(8) A poker tournament dealer licence ceases to have effect -

(a) upon the expiration of one (1) year from the issue of the poker tournament dealer licence, whereupon it may be renewed by the Authority in a form as may be designated by the Authority from time to time, for a further period of one (1) year;

(b) upon cancellation or suspension by the Authority by notice in writing given to the holder of the poker tournament dealer licence, when a ground for cancellation arises;

(c) upon surrender by the person holding the poker tournament dealer licence of the same licence to the Authority;

(d) upon the death of the holder of the poker tournament dealer licence.

(9) A ground for cancellation or suspension of a poker tournament dealer licence arises where:

(a) the licence was issued at a time when there were valid reasons for refusing its issue which were then unknown to the Authority;

(b) the holder of the licence is convicted of:

(i) a criminal offence; or

(ii) an offence against the Act; or

(iii) an offence that is to be taken to be related to an offence against the Act; or

(iv) an offence against any other law relating to gaming or betting;

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(c) the holder of the licence contravenes a provision of the Act or of any regulations relating thereto;

(d) the holder of the licence contravenes a condition of the licence;

(e) the holder of the licence provides, in relation to the licence, false or misleading information;

(f) the holder of the licence is not, or no longer, for any other reason, a suitable person to hold the licence:

Provided that the Authority may dispense with the condition under paragraph (b), depending on the nature of the offence.

(10) (a) Where the Authority is satisfied that a ground for cancellation or suspension of a poker tournament dealer licence has arisen under sub-regulation (9), the Authority shall, by notice in writing, request the holder of the licence to show cause, within such period, being not less than twenty-one (21) days after the issue of the notice, as is specified in the notice, why the poker tournament dealer licence should not be cancelled or suspended on such ground as stated in the notice.

(b) The Authority shall have regard to any response made under paragraph (a) and -

(i) where the matter is resolved to its satisfaction, shall take no further action;

(ii) where although the matter is not resolved to its satisfaction, it considers that further action is not warranted, it shall in writing caution the holder of the licence; or

(iii) where the matter is not resolved to its satisfaction and it is satisfied that further action is warranted, it may, by notice in writing served on the holder of the licence -

a. impose further conditions in the poker tournament dealer licence;

b. suspend the licence for such period as the Authority deems fit; or

c. cancel the licence.

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(c) The Authority may at any time by notice in writing given to the holder of the licence at the time of the suspension of the licence, terminate, or reduce the period of the suspension of the licence.

(d) A poker tournament dealer licence shall cease to be in force during a period of suspension, or upon cancellation of the licence.

(11) (a) Without prejudice to the provisions of the Act, the Gaming Act Regulations, or any other law, a poker tournament dealer licence holder shall only be allowed to perform work, and a casino licensee shall only permit such a person to perform work in relation to a poker tournament for which an approval was issued in terms of regulation 3(1) and the permission to work in that particular poker tournament was notified to the Authority in terms of regulation 5(1)(g). S.L. 400.01

(b) A poker tournament dealer licence holder may perform work, and a casino licensee may permit a poker tournament dealer licence holder to perform work in relation to a poker tournament hosted wholly within a casino provided that a prior written approval is acquired from the Authority for such purposes by the casino licensee.

12. Notwithstanding any agreement, verbal or otherwise with any other entity, the casino licensee shall remain at all times responsible for compliance with the Act and all regulations made thereunder. No assignment of liability.

13. (1) Without prejudice to the provisions of regulation 9, the approved extended area shall, for all purposes under the Act, the licence terms and conditions and any other applicable law, be considered to be part of the casino, and all obligations arising therefrom shall continue to apply. Access.

(2) No person shall obstruct or delay any inspector from access or any means of access to the approved extended area, or any such other place being utilized in any way for the purposes of the poker tournament.

14. Any contravention of these regulations shall be considered an offence against the Act and the provisions under articles 42, 42A, 47 and 48 of the Act shall apply. Contraventions, fines and penalties.

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SCHEDULE

[Regulations 4 and 11(3)]

Regulation	Description	Fee
Regulation 4(a)	Application fee	€300
Regulation 4(b)	Daily inspection fee	€700 daily
Regulation 11(3)(e)	Poker tournament dealer licence application/renewal fee	€115

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