



BERMUDA

GAMING (CASINO) REGULATIONS 2018

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SCHEDULE 1 Advertising code

The Minister responsible for gaming, in exercise of the power conferred by section 196 of the Gaming Act 2014, makes the following Regulations:

PART 1 PRELIMINARY

Citation

1 These Regulations may be cited as the Gaming (Casino) Regulations 2018.

[Regulation 1 amended by 2021 : 23 s.49 effective 1 August 2021]

Interpretation

2 (1) In these Regulations—

“Act” means the Gaming Act 2014;

“accredited jurisdiction” means any jurisdiction having a foreign gaming regulatory body with whom the Commission has entered into an arrangement pursuant to section 190 of the Act;

“advertising” in Part 8, has the meaning given in regulation 157;

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- “affiliate”, in relation to a company, means a second company that is affiliated with the company within the meaning given in section 86 of the Companies Act 1981;
- “allegation”, in relation to a disciplinary case, means the allegation, accusation or claim by which the case arose under regulation 257;
- “AML/ATF” means anti-money laundering and anti-terrorist financing;
- “AML/ATF compliance policy” means the AML/ATF compliance policy set out in a casino operator’s IC document in accordance with regulation 152;
- “applicable requirements”, in relation to a casino operator, means the requirements specified in regulation 82 (see also regulation 81(1));
- “approved credit instrument” means a credit instrument approved by the Commission by written direction as an alternative to cash for the redemption of chips by patrons;
- “approved gaming equipment” has the meaning given by regulation 15;
- “approved gaming supplier” means a person approved by the Commission as a gaming supplier under regulation 33;
- “approved supplier list” means the list of approved gaming suppliers published by the Commission in accordance with regulation 12(c);
- “badge”, in relation to the holder of a special employee licence, means the badge issued by the Commission under regulation 48;
- “bankroll” has the meaning given in regulation 97;
- “bet”*[Repealed by 2021 : 23 s. 50]*
- “betting area” means an area within a gaming area of a casino in which betting may be offered in accordance with the IC document;
- “book”, in relation to a casino operator, means the bookmaking business of the casino operator;
- “cage” has the meaning given in regulation 127;
- “casino staff”, in relation to a casino operator, means those individuals who perform functions that are part of the normal operation of the casino, including such ancillary functions as catering and cleaning, whether or not the person is directly employed by the casino operator;
- “compliance committee”, of a casino operator that is subject to a requirement under section 52A of the Act, means the compliance committee established in accordance with that section;
- “compliance officer”, of a casino operator, means the person designated as the compliance officer pursuant to regulation 18A of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008;

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“compliance plan”, of a casino operator, means the compliance plan adopted as part of its IC document under regulation 67;

“complimentary services” has the meaning given in regulation 156(8);

“control programme” means gaming equipment that affects the result of a wager by determining win or loss—

- (a) including any software, source language or executable code associated with—
 - (i) a random number generation process;
 - (ii) the mapping of random numbers to game elements to determine game outcome;
 - (iii) the evaluation of randomly selected game elements to determine win or loss;
 - (iv) payment of winning wagers;
 - (v) game recall;
 - (vi) game accounting including the communication of meter and log information to a metering host system;
 - (vii) monetary transactions conducted through an electronic monitoring system;
 - (viii) software verification and authentication functions that are specifically designed and intended for use in a gaming machine;
 - (ix) monitoring and generation of game tilts or error conditions; and
 - (x) game operating systems that are specifically designed and intended for use in a gaming machine;
- (b) but not including software associated with the graphics, sound, animation or other such artistic attributes of a game that is used to provide entertainment that is not material to the game;

“controlled contract” has the meaning given in regulation 74;

“count room” has the meaning given in regulation 128;

“credit” means a loan, a loan facility or an advance of anything of value or that represents value, whether or not security is taken;

“credit officer” means a member of the casino staff in a position whose functions, as specified in the IC document, include making decisions on the granting of credit;

“criminal conviction” does not include a summary conviction for a traffic offence;

“CWS” means a cashless wagering system, as defined in the Act;

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“Director” means the Director of Problem and Responsible Gaming appointed under Part 10 of the Act;

“disciplinary action” means—

- (a) in relation to a casino operator, disciplinary action that can be taken under Part 3 of the Act;
- (b) in relation to a special employee, disciplinary action that may be taken under Part 5 of the Act;
- (c) in relation to an approved gaming supplier or the holder of a marketing licence, disciplinary action that may be taken under Chapter 1 of Part 19 of these Regulations;

“disciplinary case” means a disciplinary case against a regulated person raised under regulation 257;

“discontinuance notice” means a discontinuance notice issued by the Commission under section 166(4) of the Act;

“discount token” means a gaming token that cannot be redeemed by the patron because it was issued free or at a discount;

“dormant account” means a patron account that has had no patron initiated activity for period of 12 months;

“drop box” means—

- (a) with respect to table games, a locked container used to receive all money exchanged for chips at the table and all other items or documents pertaining to transactions at the table; and
- (b) with respect to slot machines, a container in a locked portion of the machine used to collect the money and chips retained by the machine that are not used to make automatic payouts from the machine;

“element”, in relation to an IC document, means an element of an IC system as listed in the table to regulation 89(3);

“equipment standard” has the meaning given in regulation 20;

“expellable person”: a person is an expellable person in relation to a casino if—

- (a) the person is, or appears to be, drunk or under the influence of drugs;
- (b) the person is acting in a disorderly or disruptive manner; or
- (c) the person's presence, or continued presence, on casino premises would subject the casino operator to disciplinary action or other penalty under the gaming law or any other law;

“foreign co-operation arrangement” means an arrangement between the Commission and a foreign gaming regulatory body for the exchange of

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information and provision of assistance made pursuant to section 190 of the Act;

“game outcome” means the final result of the wager;

“gaming and AML/ATF law”, in relation to a casino operator, means the gaming law, together with any enactment relating to anti-money laundering and anti-terrorist financing, and any instruments made under such an enactment, as they apply to the casino operator;

“gaming complaint” means a complaint made by a patron of a casino, or a dispute between the patron and the casino operator, that relates to alleged winnings, alleged losses or the manner in which a game is conducted;

“gaming employee licence” means a special employee licence of that category (see regulations 39 and 40);

“gaming law”, in relation to a casino operator, means the Act and any instruments or written directions made under the Act, as they apply to the casino operator;

“gaming token” means a chip that is in the form of a token or plaque;

“gaming voucher” means a chip that is not in the form of a token or plaque;

“general security staff” means casino staff members who hold positions in the security department identified in accordance with regulation 91(4);

“grounds for disciplinary action” means—

- (a) in relation to a casino operator, the grounds set out in section 46 of the Act;
- (b) in relation to a special employee, the grounds set out in section 79 of the Act;
- (c) in relation to an approved gaming supplier or the holder of a marketing licence, the grounds set out in Chapter 1 of Part 19;

“house betting rules” has the meaning given in regulation 233;

“house rules” has the meaning given in regulation 142;

“IC document” (for “internal control document”), in relation to a casino operator, has the meaning given in regulation 84;

“IC system” (for “internal control system”), in relation to a casino operator, has the meaning given in regulation 81;

“independent certification report” has the meaning given in regulation 27;

“independent testing laboratory” means a private testing laboratory that is an approved gaming supplier for the supply of independent testing services;

“internal controls” means the controls, policies, rules, procedures and processes for the operations of a casino;

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“intoxicating liquor”*[Repealed by 2021 : 23 s. 50]*

“introducer” means a person with whom a casino operator has a casino marketing agreement;

“key data” means information relating to account balances, personal identification information and transactional information;

“key employee” means a person in a key employee position;

“key employee licence” means a special employee licence of that category (see regulations 39, 41 and 42);

“key employee position” means a position in the casino staff of a casino operator that can be held only by a person who holds a key employee licence;

“list of excluded persons” means the record of excluded persons and relevant details maintained and distributed by the Commission pursuant to section 116(3) of the Act and regulation 198;

“live advertising” has the meaning given in regulation 157;

“manager”, in Part 18, means the temporary manager of a casino appointed in accordance with section 50 of the Act;

“mantrap”, on a cage or count room, means an entry and exit system that satisfies the following—

- (a) a person must pass through two doors to enter or exit;
- (b) the doors have separate and distinct locking mechanisms, with—
 - (i) the outer door controlled by the surveillance staff; and
 - (ii) the inner door controlled by count staff who are not surveillance staff;
- (c) a person cannot pass through the second door until the first door is securely locked;

“marketing licence” means a marketing licence under Part 17;

“modification” means, with respect to approved gaming equipment, any change or alteration to the equipment that affects the manner or mode of play, operation or function of the equipment—

- (a) including any change or alteration to the theoretical hold percentage or to a control programme;
- (b) but not including—
 - (i) the replacement in the gaming equipment of one component of approved gaming equipment with another component of approved gaming equipment;
 - (ii) the rebuilding of approved gaming equipment by an approved gaming supplier using components of approved gaming equipment; or

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- (iii) a change to software associated with the graphics, sound, animation or other such artistic attributes of gaming equipment used for the purposes of providing entertainment;

“modification approval number” means the number issued by the Commission pursuant to regulation 28;

“notifiable contract” has the meaning given in regulation 73;

“operating protocol” for a CWS has the meaning given in regulation 164(2);

“panel”, in relation to a disciplinary case, means the panel appointed under regulation 263;

“parlay wager” means a bet on the outcome of a series of two or more games, matches, or events or on a series of two or more contingencies incident to particular games, matches or events;

“party” to a reportable contract, has the meaning given in regulation 71(2);

“party”, in relation to a disciplinary case, means either the regulated person or the presenting officer;

“patron account credit” means credit that—

- (a) is granted by a casino operator to the holder of a patron account; and
- (b) can be drawn on only through the patron account;

“patron account information” has the meaning given in regulation 174;

“payoff schedule”, for a gaming machine, means the list of winning symbols or hands which will result in a win for the player and the amount won for each combination;

“photographic ID”, in relation to a person, means—

- (a) for the purposes of establishing a patron account, a government issued identity document that includes a photograph of the person, his date of birth and a holographic mark; and
- (b) for the purposes of establishing whether a person is a minor, either—
 - (i) a government issued identity document that includes a photograph of the person, his date of birth and a holographic mark; or
 - (ii) where the person is unable to produce such a document, such other photographic identity document that, in the circumstances, it is reasonable for the casino operator to accept as evidence of the person’s name and age;

“position” means the particular role to which an application for a licence relates;

“prepared advertising” has the meaning given in regulation 157;

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“presentation time limit”, in relation to a winning bet, means the end of the period, after the conclusion of the event bet upon, during which the casino operator will accept presentation of the winning ticket for payment;

“presenting officer”, in relation to a disciplinary case, means the presenting officer appointed under regulation 257;

“problem gambling” means any gambling addiction or pathological gambling behaviour;

“protected characteristics” means characteristics that the Commission by written direction has specified as protected characteristics in relation to equality and discrimination;

“rake” means the amount or percentage of winnings taken by the casino operator as revenue in poker or other peer-to-peer games;

“regulated person” means—

- (a) a casino operator;
- (b) a special employee;
- (c) an approved gaming supplier; or
- (d) the holder of a marketing licence;

“relevant event”, in relation to a manager in Part 18, has the meaning given by regulation 250;

“reportable contract” has the meaning given in regulation 71(1);

“responsible gaming measure” means any practice or activity by the casino operator which is designed—

- (a) to help a patron make informed decisions about gaming and to keep his gaming at a level that he can afford; or
- (b) to reduce the severity of harm to patrons, vulnerable persons and society at large caused by problem gambling;

“responsible gaming programme” for a casino operator, means the responsible gaming programme included in its IC document in accordance with regulation 180;

“restricted area” has the meaning given in regulation 118;

“restricted gaming area” has the meaning given in regulation 126;

“restricted gaming equipment” has the meaning given in regulation 131(6);

“rules of play” means those features of a game necessary for a reasonable person to understand how the game is played and such features include, but are not limited to—

- (a) help screens;

(b) award cards; and

(c) pay-line information,

but do not include the inherent features of a game that a reasonable person should know or understand prior to initiating the game;

“serve”, in relation to intoxicating liquor, means to supply the liquor ready for immediate consumption on the casino premises or elsewhere on the designated site;

“supervisory employee” means a member of staff in a supervisory employee position;

“supervisory employee licence” means a special employee licence of that category (see regulations 39 and 43);

“supervisory employee position” means a position in the casino staff of a casino operator that can be held only by a person who holds either a key employee licence or a supervisory employee licence;

“surveillance monitoring room” in relation to casino premises of a casino operator, means the surveillance monitoring room required under regulation 112;

“surveillance staff” means casino staff members who hold positions in the surveillance department identified in accordance with regulation 91(4);

“surveillance system”, in relation to casino premises of a casino operator, means the surveillance system required under regulation 112;

“terminal”, in relation to a CWS, means any machine connected to the CWS, including a gaming machine or kiosk, that permits a patron to deposit or withdraw cash or make other transactions including those relating to the patron's patron account;

“TITO” (for ‘Ticket In Ticket Out’), in relation to a CWS, means a form of cashless wagering in which a token or card can be inserted into a gaming machine for wagering and can also be redeemed for cash;

“tournament token” means a gaming token with no cash value that is used for tournament play;

“variation”, in respect of a controlled or a notifiable contract, means a proposal to vary the contract;

“wagering voucher” means—

(a) a gaming voucher that is provided to a patron free or at a discount;

(b) a voucher, coupon or token that otherwise impacts on the odds or amount of a wager;

“written direction” has the meaning given in paragraph (2).

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(2) In a provision of these Regulations, a reference to a “written direction” of the Commission—

- (a) in relation to a casino operator or casino premises, is a reference to—
 - (i) a relevant direction in writing given to the casino operator under section 52 of the Act; or
 - (ii) a relevant provision of a code, a standard of performance or a specification, issued or approved under section 199 of the Act, that applies to the casino operator; and
- (b) in any other case, is a reference to a relevant provision of a code, a standard of performance or a specification, issued or approved by the Commission under section 199 of the Act.

[Regulation 2 paragraph (1) definitions inserted by BR 91 / 2019 reg. 2 effective 12 September 2019; Regulation 2 paragraph (1) definition "element" amended by BR 91 / 2019 reg. 2 effective 12 September 2019; Regulation 2 paragraph (1) definitions "Act", "accredited jurisdiction" and "foreign co-operation arrangement" amended, and "bet" and "intoxicating liquor" repealed by 2021 : 23 s. 50 effective 1 August 2021]

Goals

3 The purpose of these Regulations is to contribute to the achievement of the following goals for the casino industry—

- (a) that all owners, vendors, managers, employees, and sources of finance should be free from any inappropriate past or present associations and behaviours, and uphold high ethical standards;
- (b) that casinos should possess sound operational and financial controls;
- (c) that all games offered should be fair, honest, and operate with a high level of security and integrity;
- (d) that all fees, taxes, and related payments, should be appropriately accounted for and paid;
- (e) that controls should be in place to protect the vulnerable.

PART 2

FOREIGN CO-OPERATION ARRANGEMENTS

Making a foreign co-operation arrangement

4 (1) Subject to regulation 5, a foreign co-operation arrangement shall be on such terms as the Commission thinks desirable.

(2) The Commission shall be entitled to instruct third parties to undertake, on behalf of the Commission, any enquiries or negotiations with respect to the entering into of a foreign co-operation arrangement.

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(3) The Commission shall not enter into or comply with any term of a foreign co-operation arrangement where to do so would place the Commission in breach of any provision of Bermuda law.

Approval by the Minister

5 (1) The Commission shall not enter into a foreign co-operation arrangement unless the Minister has approved it.

(2) The Minister shall notify the Commission whether or not he approves an arrangement within—

- (a) 30 days after receiving a request from the Commission for such approval; or
- (b) such other period as the Minister may specify by written notification submitted to the Commission within 30 days of receiving a request from the Commission for such approval.

(3) Where the Minister declines to approve an arrangement, or a term of an arrangement, the Minister shall provide the Commission with a written explanation as to the reasons why the Minister has so declined.

PART 3

GAMES, GAMING EQUIPMENT AND SUPPLIERS

Chapter 1 - Applications and publication of lists

Applications for approval under these Regulations

6 In this Chapter, “application” means any of the following—

- (a) an application for approval of a game in accordance with regulation 13;
- (b) an application for approval of an item of gaming equipment, or of a model or class of gaming equipment, in accordance with regulation 16, 17 or 18;
- (c) an application for approval as a gaming supplier in accordance with regulation 32.

Use of information

7 For the purpose of determining the application, the Commission may, subject to the requirements of any other Act that relates to privacy or the use of personal information, consider any document given to the Commission for the purposes of the gaming law.

Commission may set term and conditions of approval

8 The Commission may grant the approval for such term and subject to such conditions as the Commission sees fit.

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Commission may require further information

9 (1) The Commission may, by notice in writing, require an applicant or a person whose association with the applicant is, in the opinion of the Commission, relevant to the application to do any one or more of the following—

- (a) to provide, in accordance with directions in the notice, any information that is relevant to the investigation of the application and is specified in the notice;
- (b) to produce, in accordance with directions in the notice, any records relevant to the investigation of the application that are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them;
- (c) to furnish to the Commission any authorisations and consents from other persons that the Commission directs for the purpose of enabling the Commission to obtain information (including financial and other confidential information) concerning the person and his associates.

(2) If the notice is not complied with, the Commission may refuse to further consider the application.

Reimbursement of costs

10 The person making the application shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of the application, including any investigations made by the Commission.

[Regulation 10 amended by BR 91 / 2019 reg. 3 effective 12 September 2019; Regulation 10 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Amendment and withdrawal of application

11 (1) The application may be amended with leave of the Commission at any time prior to the determination of the application by the Commission.

(2) A request for withdrawal of an application may be made at any time prior to final determination of the application by the Commission by filing with the Commission a written request to withdraw.

(3) The Commission may in its discretion, refuse or grant the request for amendment or withdrawal of an application and may grant any request upon such terms as it sees fit.

(4) If the Commission grants a request to withdraw, it may provide that the applicant shall not be entitled to re-apply for the relevant approval for a specified period of up to two years from the date of withdrawal.

(5) Withdrawal of the application does not affect any liability of the applicant to reimburse the Commission for the costs of evaluation of the application.

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Publication of approval lists

12 The Commission shall maintain on its website up-to-date lists of—

- (a) games approved by the Commission under section 91(1) of the Act, with their modes of play and rules;
- (b) equipment standards; and
- (c) approved gaming suppliers, specifying the services and gaming equipment for which they are approved.

Chapter 2 - Approval of games and rules

Application for approval of a game

13 (1) A casino operator may apply to the Commission, requesting it to approve a game under section 91(1) of the Act.

(2) An application shall be made in such form as the Commission may require, and shall include—

- (a) for a game that is not a variation of an existing listed game—
 - (i) the name of the game, and any other names by which it is commonly known;
 - (ii) a description of the game, including the mode of play and rules;
 - (iii) the proposed payoff schedule;
 - (iv) statistical evaluations of the theoretical hold percentage for the game;
 - (v) a description of any gaming equipment used in the game;
 - (vi) for a game played on a gaming machine, the model or other identifier of the gaming machine;
 - (vii) details of any other jurisdiction in which the game has been approved; and
 - (viii) any other information required by the Commission; and
- (b) for a variation of an existing listed game—
 - (i) the name of the existing listed game; and
 - (ii) any variations in the details mentioned in subparagraph (a).

(3) If the game, or game as varied, uses—

- (a) a gaming machine; or
- (b) restricted gaming equipment;

that is not covered by an existing equipment standard, the application shall be accompanied by an application for the Commission to issue or approve an appropriate equipment standard.

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(4) In this regulation—

“listed game” means a game that is on a list published under section 91(1)(b) of the Act for any casino operator;

“variation”, in relation to a listed game, means a change or alteration that affects the manner or mode of play, operation or function of the game, and includes—

- (a) the addition or removal of wagering opportunities; or
- (b) a change in the theoretical hold percentage of the game.

Approval of a game

14 The Commission may, at its discretion, grant or refuse an application under regulation 13.

Chapter 3 - Approval of gaming equipment

Approved gaming equipment

15 (1) For these Regulations, an item of gaming equipment is “approved gaming equipment” for a casino if—

- (a) the following apply—
 - (i) the item satisfies a relevant equipment standard; and
 - (ii) the Commission has approved the item for use in the casino in accordance with section 93(1) of the Act; or
- (b) the following apply—
 - (i) a relevant equipment standard includes provisions for approval of a model of gaming equipment in accordance with regulation 24(1)(e);
 - (ii) the item is of a model approved by the Commission for use by the casino operator; and
 - (iii) the casino operator has complied with the conditions for the item to be approved that are set in the equipment standard or were set by the Commission.

(2) The item ceases to be approved gaming equipment if—

- (a) the term of the approval expires; or
- (b) the approval lapses in accordance with these Regulations, the equipment standard, or any conditions imposed on approval by the Commission; or
- (c) the Commission cancels the approval.

(3) If the approval of the item is suspended by the Commission, the item is deemed not to be approved gaming equipment while the suspension is in place.

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(4) Subject to the relevant equipment standards, or another written direction by the Commission, an item of gaming equipment that satisfies more than one equipment standard may be approved under any of them.

Application for approval of item of gaming equipment- original

16 (1) Where an item of gaming equipment satisfies an equipment standard, an application for approval of the item for use in a casino under section 93 of the Act may be made on the basis of satisfying the documentation requirements of the equipment standard.

(2) The application shall be made in such form as the Commission may require.

(3) The application shall include—

- (a) the identification documentation required by the equipment standard;
- (b) any other documentation required by the equipment standard;
- (c) a declaration by the applicant stating that, to the best of the applicant's knowledge, the item of gaming equipment satisfies the equipment standard, and any other requirements of the gaming law; and
- (d) any other items or information that the Commission by written direction requires.

Application for approval of item of gaming equipment- reciprocal recognition

17 (1) This regulation applies where—

- (a) an item of gaming equipment has been licensed or approved by the foreign casino regulatory body of an accredited jurisdiction for use in a casino in that jurisdiction; and
- (b) the relevant equipment standard permits reciprocal recognition.

(2) An application for approval of the item for use in a casino under section 93 of the Act may be made as an application for reciprocal recognition of the approval.

(3) The application shall be made in such form as the Commission may require.

(4) The application shall include—

- (a) a written certificate from the foreign casino regulatory body signed by an authorised officer establishing—
 - (i) that the item of gaming equipment has received necessary approvals for use in a casino under the applicable law for that jurisdiction and that the approvals are in good standing; and
 - (ii) the terms of any limitation or condition imposed by the foreign casino regulatory body on the approvals;
- (b) a reference identification number, serial number or other documentation that will allow the Commission to confirm that the item of gaming

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equipment is the same one that was approved in the accredited jurisdiction;

- (c) if the approvals in the accredited jurisdiction involved evaluation or certification of the gaming equipment when installed, evidence that operation of the equipment is not affected by being re-installed in a casino in Bermuda; and
- (d) any other items or information required by the equipment standard or other written direction of the Commission.

Application for approval of model of gaming equipment

18 (1) This regulation applies where a model of gaming equipment satisfies an equipment standard that provides for the Commission to approve the model in accordance with regulation 24(1)(e).

(2) An application for approval of items of the model for use in a casino under section 93 of the Act shall be made in such form as the Commission may require.

(3) The application shall include—

- (a) the identification documentation required by the equipment standard;
- (b) any other documentation required by the equipment standard;
- (c) a declaration by the applicant stating that, to the best of the applicant's knowledge, items of gaming equipment of that model satisfy the equipment standard, and any other requirements of the gaming law; and
- (d) any other items or information that the Commission by written direction requires.

Approval of item or model of gaming equipment

19 The Commission may, at its discretion, grant or refuse an application under regulation 16, 17 or 18.

Equipment standards for classes of gaming equipment

20 (1) For these Regulations, a set of provisions contained in a standard or standards issued or approved by the Commission under section 199 of the Act constitutes an “equipment standard” if—

- (a) it is described as equipment standard;
- (b) it is expressed to apply for the purposes of these Regulations and section 93 of the Act (which relates to approval of gaming equipment for use in a casino);
- (c) it specifies a class of gaming machines or other gaming equipment to which it applies;

- (d) it specifies the identifiers or other forms of documentation that establish that an item of gaming equipment belongs to the class (the “identification documentation”);
- (e) it sets out any technical standards that must be satisfied for approval by the Commission;
- (f) it sets out the requirements for approval, including requirements for documentation to accompany an application; and
- (g) it sets out conditions for maintaining an approval, including a maximum term for an approval.

(2) This regulation does not limit the matters that an equipment standard may address.

Technical standards and testing and certification requirements

21 (1) An equipment standard may set out requirements for—

- (a) testing, including testing of installed equipment or of a system that includes the installed equipment; or
- (b) reports or certification, including by means of independent certification reports.

(2) An equipment standard may recognise specified models of gaming equipment—

- (a) as satisfying the standard, or specified requirements of the standard; or
- (b) for which specified reports or certification are not required.

Servicing, repairs and modifications

22 (1) An equipment standard may set out requirements relating to—

- (a) maintenance, repairs and replacement of components, including any certification requirements; or
- (b) modifications, including any certification requirements.

(2) The equipment standard may specify conditions for an item of gaming equipment to be serviced, repaired or modified without requiring re-approval.

(3) Unless the equipment standard or another written direction of the Commission provides otherwise, the approval of an item of gaming equipment lapses if—

- (a) the item is serviced, repaired or modified; or
- (b) the item ceases to satisfy the equipment standard.

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Sealed component of an item of gaming equipment

23 An equipment standard may set out requirements relating to the sealing of any components of the gaming equipment, and to subsequent examination of the sealed components.

Provisions relating to approval

- 24 (1) An equipment standard may make provision for the Commission to—
- (a) provide reciprocal recognition of an approval that was given in an accredited jurisdiction;
 - (b) accept reports, certification or other documentation in relation to an item or items of gaming equipment from a gaming supplier in advance of supply of the item or items to a casino operator;
 - (c) grant conditional or provisional approval;
 - (d) require an inspector to be satisfied as to the identity and configuration of an item of gaming equipment before approval is granted or finalised;
 - (e) approve a model of gaming equipment for use by a casino operator, setting conditions that the casino operator must comply with in relation to individual items for the items to be approved.
- (2) The equipment standard may—
- (a) provide for a standard term of approval;
 - (b) impose conditions on approval; or
 - (c) impose conditions that must be satisfied for approval to be maintained.
- (3) The equipment standard does not limit the power of the Commission to grant an approval for a shorter period than provided in the equipment standard, or to impose additional conditions on approval or maintenance of approval.

Request for an equipment standard or recognition of a model

- 25 (1) A casino operator or an approved gaming supplier may request the Commission to—
- (a) issue or approve an equipment standard; or
 - (b) recognise a model of gaming equipment in an existing standard in accordance with regulation 21(2).
- (2) A request for an equipment standard shall be made in such form as the Commission may require and shall include—
- (a) specifications of the model or class of gaming equipment to be covered;
 - (b) a comprehensive and accurate description, in both technical and lay language, of the manner in which the gaming equipment operates or, if

similar gaming equipment is covered by an existing standard, of the differences from that gaming equipment;

- (c) proposed content of the equipment standard;
- (d) if there is no similar existing equipment standard—
 - (i) a detailed justification of the proposed content; and
 - (ii) a reference to any similar equipment standard in an accredited jurisdiction;
- (e) if there is a similar existing equipment standard—
 - (i) a reference to the existing equipment standard; and
 - (ii) a detailed justification for the differences from the content of the existing equipment standard; and
- (f) any other items or information that the Commission by written direction requires.

(3) A request for recognition of a model of gaming equipment shall be made in such form as the Commission may require and shall include—

- (a) evidence, including relevant reports and certification, that the model satisfies standard, or the specified requirements of the standard; and
- (b) any other items or information that the Commission by written direction requires.

Evaluation of request for equipment standard or recognition of a model

26 (1) For the purpose of evaluating a request for an equipment standard or recognition of a model of gaming equipment, the Commission may—

- (a) require the person making the request to provide a sample or samples of the gaming equipment for evaluation by the Commission or a person nominated by the Commission; and
- (b) require that person, or the casino operator of the casino where the equipment is tested in accordance with this regulation, to provide any information, answer any questions, and certify any matters that the Commission requires.

(2) If the Commission thinks fit after a preliminary evaluation, it may allow or require, under such terms and conditions as it thinks fit, one or more items of the gaming equipment to be tested in use at a casino.

(3) A test period shall not be more than 90 days, but may be renewed on the agreement of the Commission and the casino operator.

(4) The gaming equipment shall not be modified during the test period without the prior approval of the Commission.

(5) The Commission may terminate the test at any time.

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(6) The person making the request shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of the request, including any investigations made by the Commission.

[Regulation 26 paragraph (6) amended by BR 91 / 2019 reg. 4 effective 12 September 2019; Regulation 26 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Independent certification reports

27 (1) For regulation 21, an “independent certification report” for an item of gaming equipment covered by an equipment standard is a document prepared by an approved test service provider that—

- (a) identifies the approved test service provider and provides contact details for inquiries about the report;
- (b) specifies the tests and analyses performed in relation to the item;
- (c) reports in detail on the process and results of the tests and analyses;
- (d) certifies that the item met the requirements of the equipment standard in relation to those tests and analyses; and
- (e) includes any other material required by the equipment standard or any other written direction of the Commission.

(2) For paragraph (1), the details of tests and analyses shall include—

- (a) the location of any testing facilities used;
- (b) the date the equipment was received by the test provider;
- (c) the dates the gaming equipment testing was performed;
- (d) the part and version number of the gaming equipment submitted for certification;
- (e) a description of the configuration of the gaming equipment as tested and the scope of testing performed;
- (f) identification of the testing document by name and version number;
- (g) a description of any issues found during the testing process and the resolution thereof; and
- (h) identification of any modifications made by the gaming supplier to the gaming equipment during the testing process.

Servicing, repairs and modifications of approved gaming equipment

28 (1) A casino operator shall ensure that an item of approved gaming equipment is not serviced, repaired or modified except by an approved gaming supplier.

(2) If, following the service, repair or modification, the item of equipment—

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- (a) no longer satisfies the equipment standard under which it was previously approved; but
- (b) satisfies a different equipment standard,

approval may be obtained in accordance with the other equipment standard.

(3) If the item of equipment is to be re-approved under the same equipment standard, then, unless the equipment standard or another written direction by the Commission provides otherwise—

- (a) the application must include a detailed description of the service, repair or modification and a document certifying that it was performed by an approved gaming supplier; and
- (b) the documentation on testing, reports and certification to be included in the application needs to cover only those matters affected by the service, repair or modification.

(4) When granting approval under this regulation in relation to a modification, the Commission shall issue a modification approval number to the approved gaming supplier performing the modification.

(5) The approval is conditional on the modification approval number being affixed to—

- (a) that part of the gaming equipment that has been modified, or as nearly as practicable; and
- (b) for a gaming machine, all programme storage media that—
 - (i) is placed in the gaming machine; and
 - (ii) cannot be altered without removing it from the machine.

Suspension or cancellation of approval of gaming equipment

29 (1) The Commission may, by notice to the casino operator, suspend or cancel the approval of an item of approved gaming equipment if—

- (a) it is not satisfied that the item satisfies the relevant equipment standard; or
- (b) it is not satisfied that it is being operated in accordance with any conditions of the approval or in the equipment standard.

(2) If the item is on casino premises, the Commission may also provide by written direction that the item is not authorised to be on the casino premises, and may therefore be seized in accordance with section 16 of the Act.

(3) Unless a written direction of the Commission provides otherwise, a suspension operates until the Commission notifies the casino operator that it is lifted or that the approval is cancelled.

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Chapter 4 - Requirements for gaming machines

Additional requirements for gaming machines

30 (1) Unless it provides otherwise, an equipment standard that relates to model or class of gaming machines is deemed to include the requirements of this regulation.

(2) A gaming machine shall have a serial number affixed permanently in lettering no smaller than five millimetres on the metal frame or other permanent component of the machine and on a removable metal plate attached to the cabinet of the machine.

(3) A gaming machine shall—

- (a) provide a Return to Player that is not less than 83 percent;
- (b) determine game outcome solely by the application of chance or a combination of the skill of the player and chance;
- (c) display in an accurate and non-misleading manner—
 - (i) the mode and rules of play;
 - (ii) the amount required to wager on the game or series of games in a gaming session;
 - (iii) the amount to be paid on winning wagers;
 - (iv) any rake or fee charged to play the game or series of games in a gaming session;
 - (v) any monetary wagering limits for games that are representative of live games;
 - (vi) the total amount wagered by the player;
 - (vii) the game outcome; and
 - (viii) such additional information sufficient for the player to reasonably understand the game outcome; and
- (d) satisfy all applicable technical standards in the gaming law.

(4) A gaming machine that offers games incorporating an element of skill shall indicate prominently on the gaming machine that the outcome of the game is affected by player skill.

(5) Subject to paragraph (6), the—

- (a) mode of play;
- (b) rules of play; and
- (c) probability and award of a game outcome,

in respect of a gaming machine shall not be changed during a gaming session.

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(6) Paragraph (5) shall not apply in respect of a gaming session involving a series of games, and in such cases notice of any change in the—

- (a) mode of play;
- (b) rules of play; or
- (c) probability and award of a game outcome,

shall be prominently displayed to the player between games.

(7) All possible game outcomes shall be available upon the initiation of each play of a game upon which a player commits a wager on a gaming machine.

(8) For a gaming machine that is representative of a live game, the mathematical probability of a symbol or other element appearing in a game outcome shall be equal to the mathematical probability of that symbol or element occurring in the live game.

(9) Where several gaming machines are connected to the same payoff schedule—

- (a) if the gaming machines are played using the same denomination, they shall have equivalent odds of winning the payoff schedule based, as applicable, on either or both of the combined influence of the attributes of chance and skill; and
- (b) if the gaming machines are played using different denominations—
 - (i) they shall equalise the expected value of winning the payoff schedule on the various denominations by setting the odds of winning the payoff schedule in proportion to the amount wagered based, as applicable—
 - (A) on either or both the combined influence of the attributes of chance and skill; or
 - (B) by requiring the same wager to win the payoff schedule regardless of the denomination; and
 - (ii) the method of equalising the expected value of winning the payoff schedule shall be conspicuously displayed on each gaming machine connected to the payoff schedule.

(10) A gaming machine shall not—

- (a) alter any function of the gaming machine based on the actual hold percentage;
- (b) offer a play with odds greater than 100 million to 1.

(11) For the purposes of determining which games are presented to or are available for selection by a player, a gaming machine may use any specific and verifiable fact concerning a player or group of players that is based upon objective criteria relating to the player or group of players, including, but not limited to—

- (a) the frequency, value or extent of any predefined commercial activity;
- (b) any subscription to or enrolment in particular services;

- (c) the use of a particular technology concurrent with the playing of a gaming machine;
 - (d) the skill of the player;
 - (e) the skill of the player relative to the skill of any other player participating in the same game;
 - (f) the degree of skill required by the game; or
 - (g) any combination of (a) to (f), inclusive.
- (12) In this regulation—
- “equalise” means bring within a five percent tolerance for expected value and no more than a one percent tolerance on Return to Player or payback; and
- “gaming session” means the period of time that—
- (a) begins when a player initiates a game or series of games on a gaming machine by placing a wager; and
 - (b) ends at the time of a final game outcome for that game or series of games.

Supply, transport and storage of gaming machines

- 31 (1) A gaming vendor shall not hold a gaming machine unless—
- (a) it is approved gaming equipment; or
 - (b) it is held in accordance with—
 - (i) a written direction of the Commission (within the meaning of regulation 2(2)); or
 - (ii) a written authorisation of the gaming vendor by the Commission.
- (2) A gaming vendor or a casino operator shall not supply a gaming machine except to premises of a person who can lawfully hold the gaming machine.
- (3) Gaming vendors shall be responsible for—
- (a) the secure storage and control of gaming machines during transport to a casino premises; and
 - (b) documenting any acknowledgment of receipt of delivery to such premises.

Chapter 5 - Approval of gaming suppliers

Application for approval as gaming supplier

- 32 (1) A person may apply to the Commission requesting approval as—
- (a) a supplier of—
 - (i) specified models or classes of gaming machines; or

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- (ii) specified models or classes of gaming equipment; or
 - (b) a supplier of other specified services in relation to such gaming machines or gaming equipment, such as manufacture, testing, maintenance, repair or modification.
- (2) An application shall be made in such form as the Commission may require and shall—
 - (a) specify the model or class of gaming machine or gaming equipment;
 - (b) specify the services that the applicant proposes to provide;
 - (c) be accompanied by evidence that the applicant is a suitable person to perform those activities in relation to that gaming equipment, having regard to the matters set out in regulation 34; and
 - (d) be accompanied by any other documents or information that the Commission by written direction requires.
- (3) The application may propose conditions to be attached to the approval.
- (4) *[Revoked by BR 91 / 2019 reg. 5]*

[Regulation 32 paragraph (4) revoked by BR 91 / 2019 reg. 5 effective 12 September 2019]

Approval of gaming supplier

- 33 (1) The Commission may, at its discretion, grant or refuse an application under regulation 32.
- (2) The Commission shall not grant an approval unless the Commission is satisfied that the applicant, and each associate of the applicant, is a suitable person to be concerned in or associated with the approved supply of goods or services.
- (3) A person who is approved by the Commission under this regulation to provide the services in relation to gaming machines mentioned in section 95 of the Act is an approved gaming vendor for that section.
- (4) The approved supplier list shall identify approved suppliers of gaming machines and related services as approved gaming vendors for section 95 of the Act.

Assessment of applicant

- 34 (1) In this regulation, for an applicant that is a natural person, a reference to an associate includes a reference to the applicant.
- (2) The matters on which the Commission is to base an assessment of an applicant for the purposes of regulation 33 shall include whether—
- (a) each associate is of good repute, having regard to character, honesty and integrity;
 - (b) each associate is a fit and proper person to be concerned with or associated the supply of gaming equipment and related services, in accordance with

the minimum criteria that are set out in section 11A of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008;

- (c) each associate is of sound and stable financial background;
- (d) in the case of an applicant that is not a natural person, the applicant has, or has arranged, a satisfactory ownership or corporate structure;
- (e) the applicant has or is able to obtain financial resources that are adequate to ensure the financial viability of the business providing the proposed supply of goods or services, and the services of persons who have sufficient experience in the management and operations of such a business;
- (f) the applicant has the capacity to successfully operate the business providing the proposed supply of goods or services;
- (g) any associate has any business association with any person, who or which, in the opinion of the Commission, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;
- (h) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity;
- (i) any other matter that the Commission considers relevant to maintaining the integrity of the gaming industry in Bermuda.

(3) Where the Commission determines that an associate of the applicant is unsuitable to be concerned in or associated with the business of the applicant, the Commission may require the applicant to terminate the relationship with the associate.

(4) In the event that an applicant fails to comply with a direction given pursuant to paragraph (3), the Commission may refuse the application or may revoke any approval already granted.

(5) The burden of satisfying the Commission that the applicant is a suitable person is on the applicant.

Application for temporary approval as gaming supplier

35 (1) A person who makes an application to the Commission for approval under regulation 32 (the “main application”) may, at the same time, request temporary approval as supplier of some or all of the goods or services covered by the main application on the basis that it is licensed or approved by the foreign casino regulatory body of an accredited jurisdiction as a supplier of such goods or services.

(2) The request shall be made in such form as the Commission may require and shall—

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- (a) specify the goods or services to be covered by the temporary approval; and
 - (b) be accompanied by a written certificate from the foreign casino regulatory body signed by an authorised officer establishing that the applicant holds a licence or approval in good standing that covers those goods or services.
- (3) As part of the request for a temporary approval, the applicant shall provide a sworn statement which shall include—
- (a) details of the criminal convictions in any jurisdiction of—
 - (i) the applicant; and
 - (ii) any officers and directors of the applicant;
 - (b) confirmation that neither the applicant, nor any of the directors or officers of the applicant, have ever had a gaming licence or permit suspended, revoked, or surrendered with prejudice;
 - (c) confirmation that neither the applicant, nor any of the directors or officers of the applicant, have ever had an application for a gaming licence or permit withdrawn or denied in circumstances where the person was prevented from re-entering the market or re-applying for a licence for a set period of time; and
 - (d) any other information that the Commission may require.

Conditions on approved gaming supplier

36 (1) An approved gaming supplier shall—

- (a) provide to the Commission such information and in such form (including by way of affidavit) as the Commission may require;
 - (b) provide to the Commission such documents or records as the Commission may require and permit the Commission to examine, make copies of and take extracts from such documents;
 - (c) provide to the Commission such forms of release, consent or authorisation as the Commission may require for the purpose of enabling the Commission to obtain information including confidential and proprietary information concerning the gaming supplier in any jurisdiction;
 - (d) attend before the Commission to answer questions in relation to any matter pertaining to the gaming supplier or the activities of the gaming supplier; and
 - (e) at all times have an address in Bermuda for the service of any notice, order or legal process and a person or persons authorised to accept service on its behalf.
- (2) An approved gaming supplier shall at all times be required to satisfy the Commission that it remains a suitable person to be engaged in or associated with the gaming industry, having regard to the matters mentioned in regulation 34.

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(3) An approved gaming supplier shall notify the Commission as soon as reasonably practicable of—

- (a) any change in the supplier's name, legal or corporate structure, or registered address;
- (b) where the approved gaming supplier is a corporate body, any change in its directors or officers;
- (c) the commencement of any investigation by any foreign casino regulatory body or law enforcement agency or any winding up or liquidation proceedings whether voluntary or involuntary;
- (d) the refusal or withdrawal of any application, approval, or accreditation necessary to act as a gaming supplier, or equivalent, in any jurisdiction; and
- (e) the sanctioning, conditioning or any other action taken by a foreign casino regulatory body against any licence or other approval held by the gaming supplier in that jurisdiction.

(4) An approved gaming supplier shall not—

- (a) knowingly permit any relevant official whilst in office or for a period of two years after the relevant official ceases to hold office to hold any interest whether legal or beneficial and whether directly or indirectly in the gaming supplier, affiliate, intermediary or agent of a gaming supplier; or
- (b) instruct or knowingly permit any relevant official whilst he holds office and for a period of two years after he ceases to hold office to provide any goods or services to a gaming supplier or any affiliate, intermediary, or agent of a gaming supplier.

Withdrawal of approval

37 *[Revoked by BR 91 / 2019 reg. 6]*

[Regulation 37 revoked by BR 91 / 2019 reg. 6 effective 12 September 2019]

Voluntary removal from approved supplier list

38 (1) An approved gaming supplier may request in writing to the Commission to be removed from the approved supplier list.

(2) The Commission may, upon receipt of a request under paragraph (1), remove a gaming supplier from the approved supplier list.

PART 4

EMPLOYEE LICENSING

Categories of special employee licence

39 There shall be the following categories of special employee licence—

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- (a) key employee licence;
- (b) supervisory employee licence; and
- (c) gaming employee licence.

Member of casino staff must hold a special employee licence

40 Subject to these Regulations and any written direction by the Commission, a person shall not perform a function of a member of the casino staff of a casino operator, or hold a position on the staff, unless the person holds a special employee licence that permits the holder to perform the function, or to perform the functions of the position.

Functions limited to a person with a key employee licence

41 (1) Subject to these Regulations and any written direction by the Commission, a person shall not perform a key employee function for a casino operator unless—

- (a) the person is an employee of the casino operator; and
- (b) the person holds a key employee licence that permits the holder to perform that function for the casino operator.

(2) For these Regulations, the following functions are the “key employee functions” in relation to a casino operator—

- (a) exercising overall control in one of the key departments mentioned in regulation 91(4)(a);
- (b) a function specified by a written direction of the Commission as a key employee function;
- (c) supervising another person performing a key employee function.

Positions limited to a person with a key employee licence

42 (1) A person shall not hold one of the following positions in a casino operator unless the person holds a key employee licence that permits the holder to perform the functions of the position—

- (a) Chairman, however described;
- (b) Chief Executive Officer, however described;
- (c) the positions of the five employees within the casino operations with the highest earnings;
- (d) member of the compliance committee;
- (e) a position of influence.

(2) For paragraph (1)(c)—

- (a) the earnings of an employee include all salaries, bonuses and other benefits provided to the employee; and
- (b) benefits are valued at the market value for the product or service provided.

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- (3) For paragraph (1)(e), a person holds a position of influence if—
- (a) the Commission has given the person a notice under section 68(2) of the Act requiring the person to apply for a key employee licence; and
 - (b) the person remains in the association or employment specified in the notice after the period specified.

Functions limited to a person with a supervisory employee licence

43 (1) Subject to these Regulations and any written direction by the Commission, a person shall not perform a supervisory employee function for a casino operator unless—

- (a) the person is an employee of the casino operator; and
- (b) the person holds a key employee licence or a supervisory employee licence that permits the holder to perform that function for the casino operator.

(2) For these Regulations, the following functions are the “supervisory employee functions” in relation to a casino operator—

- (a) exercising middle to high level supervision over other staff within one of the key departments mentioned in regulation 91(4)(a);
- (b) a function specified by a written direction of the Commission as a supervisory employee function.

Persons ineligible for a special employee licence

44 A person shall not be eligible to hold a special employee licence if the person is—

- (a) a Commissioner;
- (b) an employee of the Commission; or
- (c) a member of the Legislature.

Application for and granting of a special employee licence

45 (1) An application for a special licence employee under section 67 of the Act shall be lodged on behalf of the applicant by the casino operator, and shall be made in such form as the Commission may require.

(2) The application shall specify the functions that it is proposed the licence holder be permitted to perform.

(3) An application for a key employee licence or a supervisory employee licence shall—

- (a) specify the functions by reference to—
 - (i) key employee functions mentioned in regulation 41;
 - (ii) supervisory employee functions mentioned in regulation 43; or
 - (iii) positions mentioned in regulation 42;

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- (b) be accompanied by evidence that the applicant is a suitable person to perform those functions, or hold those positions, having regard to the matters set out in regulation 51; and
 - (c) be accompanied by any other documents or information that the Commission by written direction requires.
- (4) An application for a gaming employee licence shall be accompanied by—
 - (a) either—
 - (i) a statement signed by the compliance committee that it is satisfied that the applicant is a suitable person to perform those functions, or hold those positions, having regard to the matters set out in regulation 51; or
 - (ii) a request for a provisional employee licence in accordance with regulation 46, specifying the date by which the compliance committee expects that it will be able to provide such a statement; and
 - (b) any other documents or information that the Commission by written direction requires.
- (5) The application may propose conditions to be attached to the licence.
- (6) The casino operator shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of the application, including any investigation undertaken by the Commission.
- (7) For the purpose of determining the application, the Commission may, subject to the requirements of any other Act that relates to privacy or the use of personal information, consider any document given to the Commission for the purposes of the gaming law.
- (8) The special employee licence shall specify—
 - (a) if the licence applies only in relation to a particular casino operator or operators, the casino operator or operators to which it applies;
 - (b) any key employee functions that the holder is permitted to perform;
 - (c) any supervisory employee functions that the holder is permitted to perform;
 - (d) any other functions of a member of the casino staff that the holder is permitted to perform;
 - (e) any conditions or limitations that the Commission thinks appropriate; and
 - (f) (except for a provisional licence), the date of expiry of the licence, which shall be no later than five years after the grant of the licence.

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(9) For the purposes of this regulation, functions in relation to a casino operator may be specified by reference to a classification of functions approved or required by a written direction of the Commission.

[Regulation 45 paragraph (6) revoked and substituted by BR 91 / 2019 reg. 7 effective 12 September 2019; Regulation 45 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Provisional special employee licence

46 (1) An applicant for a special employee licence (the “main licence”) may also request the Commission to grant a special employee licence as a provisional licence under section 74 of the Act, pending a decision on the application for the main licence.

(2) The request shall be lodged with the Commission by the casino operator on behalf of the applicant.

(3) The request shall be in such form as the Commission requires.

(4) The request—

- (a) may propose that the provisional licence cover a more limited range of functions than those specified in the application for the main licence;
- (b) may propose that the provisional licence be of a lower category than the main licence; and
- (c) may propose conditions to be attached to the provisional licence.

(5) The Commission shall not grant a provisional key employee licence or a provisional supervisory employee licence unless it is satisfied, on the basis of evidence submitted by the casino operator and the applicant, that—

- (a) it is necessary for the efficient operation of the casino that the applicant be permitted to begin his employment as soon as possible;
- (b) there are no other licensed employees who can reasonably undertake the functions without prejudicing the operation of the casino; and
- (c) the applicant’s background and circumstances are such that the risks in permitting the applicant to perform the functions before completion of the investigation, under the conditions attached to the provisional licence, are acceptably low.

(6) The Commission shall not grant a provisional gaming employee licence unless the request is accompanied by a statement signed by the compliance committee that it is satisfied that—

- (a) it is necessary for the efficient operation of the casino that the person be permitted to begin his employment as soon as possible;
- (b) there are no other employees with a special employee licence or gaming permit who can reasonably undertake the specified functions without prejudicing the operation of the casino; and

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- (c) the applicant's background and circumstances are such that the risks in permitting the applicant to perform the functions before completion of the investigation are acceptably low.

(7) The provisional licence shall state that—

- (a) it is a provisional special employee licence of the relevant category;
- (b) it can be terminated at any time by the Commission; and
- (c) it expires when the Commission informs the applicant of its decision on the application for the main licence.

(8) Unless the contrary intention appears, a reference in these Regulations to a special employee licence includes a reference to a provisional licence.

Amendment and withdrawal of application

47 (1) An application for a special employee licence under section 67 of the Act may be amended with the leave of the Commission at any time prior to the determination of the application by the Commission.

(2) A request for withdrawal of an application may be made at any time prior to final determination of the application by the Commission by filing with the Commission a written request to withdraw.

(3) The Commission may in its discretion, refuse or grant the request for amendment or withdrawal of an application and may grant any request upon such terms as it sees fit.

(4) If the Commission grants a request to withdraw, it may provide that the applicant shall not be entitled to re-apply for a special employee licence for a specified period of up to two years from the date of withdrawal.

Issue of badge

48 (1) On granting a special employee licence to a person, the Commission shall issue the person with a badge, being a device that—

- (a) is capable of being conveniently worn by the person; and
- (b) when worn, allows an inspector to see from a distance—
 - (i) that the person is the holder of the relevant class of special employee licence;
 - (ii) whether or not the licence is a provisional licence; and
- (c) carries the name of the person and a unique identifying number.

(2) Unless the Commission by written direction provides otherwise, the person shall carry the badge with him at all times during working hours.

(3) Unless the IC document provides otherwise, the person shall wear the badge in a conspicuous position at all times while on casino premises.

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Casino operator to inform Commission of persons with influence

49 If a person has a relationship with a casino operator that might be considered as, or as having the appearance of, a special relationship for the purposes of section 68 of the Act, the casino operator shall inform the Commission of the relationship.

Duty to notify of changes in circumstances

50 (1) This regulation applies in relation to a person who is an applicant for, or the holder of, a special employee licence.

(2) If the person becomes aware that a material change has occurred in relation to information held by the Commission, the person must provide the Commission with written particulars of the change as soon as reasonably practicable.

(3) For this regulation—

- (a) “information held by the Commission” means any information about the person that was provided to the Commission—
 - (i) in relation to the person’s application for the special employee licence; or
 - (ii) under this regulation; and
- (b) a “material change” is deemed to have occurred in relation to information held by the Commission if—
 - (i) the information is not, or is no longer, accurate in a material particular; or
 - (ii) any personal details or personal circumstances of the person that have not been included in information held by the Commission are, or have now become, material and relevant in relation to the suitability of the person to be granted, or to continue as the holder of, the special employee licence.

Assessment of applicant

51 (1) The matters on which the Commission is to base an assessment of an applicant for the purposes of section 71(1) of the Act shall include—

- (a) the general reputation of the applicant having regard to character, honesty and integrity;
- (b) the capacity of the applicant to perform the specified functions effectively;
- (c) whether the applicant can uphold high ethical standards;
- (d) the general probity of the applicant, including his competence and soundness of judgment, and the diligence with which he is fulfilling or likely to fulfil responsibilities under the Act and regulations made thereunder;
- (e) the previous conduct and activities in business or financial matters of the applicant in any jurisdiction, and in particular any evidence that he has—

- (i) committed an offence involving fraud or other dishonesty or violence;
 - (ii) contravened any provision under any enactment appearing to the Commission to be designed for protecting members of the public against financial loss;
 - (iii) engaged in any business practices appearing to the Commission to be deceitful or oppressive or otherwise improper (whether lawful or not) or which otherwise reflect discredit on his method of conducting business;
 - (iv) engaged in or has been associated with any other business practices or otherwise conducted himself in such a way as to cast doubt on his competence and soundness of judgment;
 - (f) whether the applicant is a person of sound and stable financial background;
 - (g) whether the applicant has or has had any association with any person, who or which, in the opinion of the Commission, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;
 - (h) whether the applicant has any record of non-compliance with legal or regulatory requirements applicable to him, whether in relation to gaming or otherwise; and
 - (i) any other matter that the Commission thinks relevant to whether the applicant should be granted a special employee licence.
- (2) The burden of satisfying the Commission that the applicant for a special employee licence is a suitable person to be concerned in or associated with the gaming industry in the relevant capacity shall at all times be on the applicant.
- (3) Without limiting paragraph (2), the Commission shall make such investigations as it thinks necessary, and for that purpose may—
- (a) hold a meeting or hearing at which the applicant and any other such person as the Commission sees fit may give evidence under oath;
 - (b) require the applicant or another person to provide evidence by way of affidavit or testimony under oath;
 - (c) authorise or instruct third parties to undertake any investigation as may be reasonably necessary and to provide information or documentation to the Commission; and
 - (d) invite or request third parties including law enforcement agencies in Bermuda and elsewhere to provide an opinion on the suitability of the applicant for the licence.
- (4) The Commission shall not be required to provide an applicant or any other person with any information or documentation obtained or received by the Commission in the course of investigating suitability.

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(5) The Commission shall be entitled, but shall not be required, to provide the applicant with an opportunity to respond to any concerns that the Commission may have following its investigation into suitability.

(6) The opportunity provided pursuant to paragraph (5) and the meeting held pursuant to paragraph (3)(a) may, if the Commission so determines, be by way of public hearing.

(7) The Commission shall be entitled to refuse an application if the applicant or any other person—

- (a) fails to cooperate with or otherwise refuses to allow; or
- (b) directly or indirectly obstructs,

the investigations of the Commission under these Regulations.

Statement of suitability by compliance committee

52 (1) For the purposes of an application for a gaming employee licence, the compliance committee of a casino operator shall not make a statement that it is satisfied that the applicant is a suitable person unless, after making an assessment of the applicant in accordance with this regulation, the compliance committee is satisfied that he is a suitable person to perform the specified functions, and generally to be employed in the gaming industry.

(2) The compliance committee shall—

- (a) obtain a criminal background check from each jurisdiction in which the person has been resident for a period of six months or more in the previous five years;
- (b) require the person to provide such documentation and other information as it thinks necessary or are required by a written direction of the Commission;
- (c) make such other inquiries as it thinks necessary or are required by a written direction of the Commission; and
- (d) consider evidence that the person is a suitable person to perform those functions.

(3) The compliance committee shall have regard to the matters set out in regulation 51(1), as if references in that paragraph to the Commission were references to the compliance committee.

(4) The compliance committee may consult the Commission about the suitability of the person and shall provide the Commission with any documentation or other information that it requires about the person.

(5) The casino operator shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of providing the information, including any investigation undertaken by the Commission.

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(6) The Compliance committee shall maintain a complete record of all documentation relied on to make the statement and make it available to the Commission for audit.

[Regulation 52 paragraph (5) revoked and substituted by BR 91 / 2019 reg. 8 effective 12 September 2019; Regulation 52 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Variation of conditions of licence

- 53 (1) The Commission may, with or without an application by a licensee, vary—
- (a) the functions that the licence holder may perform as a member of the casino staff; or
 - (b) any conditions attached to a licence.
- (2) If the Commission is considering varying a licence without an application, otherwise than by adding functions or relaxing conditions, it shall notify the applicant and casino operator and invite them to make submissions.
- (3) An application for a variation shall—
- (a) be in a form approved by the Commission;
 - (b) be lodged on behalf of the applicant by the casino operator;
 - (c) specify the variation requested;
 - (d) set out the reasons for the variation; and
 - (e) be accompanied by any available additional evidence relevant to whether it is appropriate for the Commission to make the variations.
- (4) The casino operator shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of the application, including any investigation undertaken by the Commission.

[Regulation 53 paragraph (4) revoked and substituted by BR 91 / 2019 reg. 9 effective 12 September 2019; Regulation 53 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Replacement special employee licence or badge

- 54 (1) If the Commission is satisfied that a special employee licence or badge has been lost, destroyed or damaged, the Commission may, upon an application by the licensee in such form as the Commission may require, issue a replacement licence or badge.
- (2) The Commission may undertake, at the expense of the casino operator, any investigation it thinks reasonable in determining the application for a replacement licence or badge.

Surrender of special employee licence

- 55 (1) Subject to paragraphs (2) and (3), a licensee may request that the licence be surrendered by giving notice in writing to the Commission in such form as the Commission may require.

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(2) A licensee against whom disciplinary proceedings have been commenced or are in the contemplation of the Commission shall not, without the permission of the Commission, be entitled to surrender a licence until such time as the disciplinary action has concluded.

(3) Upon receiving notice pursuant to paragraph (1), the Commission may require the licensee to comply with such terms and conditions as it thinks appropriate.

(4) Upon satisfying all terms and conditions required under paragraph (3), the Commission may accept the surrender and may provide a date upon which the licence will be surrendered.

(5) The Commission may impose a period of not more than two years during which the person may not apply for a special licence.

(6) The Commission shall not be required to give reasons for its decision.

Obligations of holders of special employee licences

56 (1) The holder of a special employee licence shall—

- (a) immediately report any criminal conviction of the holder in any jurisdiction to the compliance committee and the Commission;
- (b) immediately report any criminal or disciplinary charge brought against the holder in any jurisdiction to the compliance committee;
- (c) provide all information and documentation required by the Commission or the compliance committee;
- (d) when required by the Commission, provide a release to enable the Commission to receive information from third parties;
- (e) not offer or extend credit to any person other than in accordance with the gaming law;
- (f) cooperate with the Commission and its agents;
- (g) not permit any other person to have access to his badge;
- (h) report all breaches or suspected breaches of the gaming law or any criminal behaviour to the compliance committee.

(2) The holder of a special employee licence shall not join the casino staff of another casino operator without first obtaining the approval in writing of the Commission.

Ongoing monitoring of licensee

57 (1) The Commission may at any time it thinks fit investigate whether, having regard to the matters set out in regulation 51, the holder of a special employee licence remains a suitable person to perform the functions permitted by his licence, and generally to be employed in the gaming industry.

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(2) If the Commission makes an investigation under this regulation, the casino operator shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the investigation.

[Regulation 57 paragraph (2) revoked and substituted by BR 91 / 2019 reg. 10 effective 12 September 2019; Regulation 57 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Suspension of special employee licence during investigation

58 (1) Where—

- (a) allegations have been made or evidence arisen that reasonably calls into question whether the holder of a special employee licence is a suitable person to hold the licence; and
- (b) the Commission is satisfied that, in the circumstances, the holder should not continue to perform the functions permitted under the licence while an investigation is conducted,

the Commission may suspend the licence, or vary its conditions, and make such consequential directions as it thinks appropriate.

(2) The directions may include prohibiting the holder from entering any casino premises.

(3) Nothing in these Regulations shall require a casino operator to terminate or otherwise sanction an employee solely as a result of the suspension of a licence.

Performance of functions in emergencies or for training purposes

59 (1) This regulation is a relevant provision for element (v) of an IC system (see regulation 89(3)).

(2) If unforeseen or other urgent circumstances make it impracticable or inappropriate for a function to be performed by a person whose special employee licence covers the function, the function may be performed by another person, in accordance with the relevant provisions of the IC document.

(3) If the casino operator relies on paragraph (2) it shall, within 24 hours after doing so, notify the compliance committee and the Commission in writing of that fact and of the circumstances that justified it.

(4) For training purposes, a casino operator may permit a member of the casino staff to perform functions not covered by his special employee licence, in accordance with the relevant provisions of the IC document.

(5) The casino operator's IC document shall set out the procedure for determining who should perform the necessary functions when paragraph (2) applies.

(6) The casino operator's IC document shall set out the procedure for permitting a member of the casino staff to perform functions not covered by his special employee licence for training purposes.

(7) The relevant provisions of the IC document shall be calculated to ensure—

- (a) the safety of patrons and staff; and
- (b) the integrity of the casino operations.

PART 5

COMPLIANCE COMMITTEE OF A CASINO OPERATOR

Effect of establishment of compliance committee

60 The establishment of a compliance committee by a casino operator shall not absolve the casino operator (or any other person) of—

- (a) any obligation imposed by; or
- (b) any disciplinary action or sanction for breach of,

the Act or any regulations, rules, directions, codes, standards or guidance made thereunder.

Responsibilities of a compliance committee

61 (1) For the purposes of fulfilling its responsibilities under section 52A of the Act, the compliance committee of a casino operator shall—

- (a) prepare a draft compliance plan for adoption by the casino operator;
- (b) in accordance with the compliance plan—
 - (i) monitor casino operations and provide advice and directions to the casino operator to ensure continuous compliance with the IC document and the gaming and AML/ATF law;
 - (ii) review complaints received from patrons;
- (c) report to the Commission all instances of noncompliance; and
- (d) perform such other functions as the Commission may specify by written direction or otherwise require.

(2) The members of the compliance committee shall approach matters in a disinterested way and exercise independent judgment in making decisions.

Membership of compliance committee

62 (1) The compliance committee of a casino operator shall consist of the individuals holding the following positions—

- (a) compliance officer;
- (b) key employee licensed to carry out senior management functions relating to accounting and finance (normally the Chief Financial Officer);
- (c) key employee licensed to carry out senior management functions relating to legal and regulatory matters (normally the General Counsel);

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- (d) where the casino operator is a wholly-owned corporation, a director of the parent company;
- (e) any other position that the Commission may permit or direct by notice in writing to the casino operator.

(2) Where an individual holds more than one of the positions listed in paragraph (1), the casino operator shall, if necessary, request the Commission to permit sufficient other positions to ensure that the compliance committee has at least three members.

Delegations

63 A compliance committee may appoint from among its members such subcommittees as it thinks fit and may, subject to any conditions or restrictions as it may impose, delegate to such subcommittees any of its functions, provided any function so delegated shall be exercised or performed by the subcommittee on behalf of the compliance committee.

Changes to membership

64 (1) The Commission may, from time to time by notice in writing to the casino operator, propose such changes to the membership of that casino operator's compliance committee as it thinks fit.

(2) A casino operator may from time to time by notice in writing to the Commission propose changes to the membership of its compliance committee and the reasons for such changes.

(3) Where notice is given under paragraph (1) or (2), the casino operator or the Commission may, respectively, within 28 days of the date of such notice, object to the proposed changes and shall set out in writing the reasons for the objection and any proposed alternatives.

(4) Where an objection is raised in accordance with paragraph (3), the Commission and the casino operator shall in good faith seek to agree changes to the membership of the compliance committee but where agreement cannot be reached the Commission shall be entitled to direct a casino operator to make such changes to the membership of its compliance committee as the Commission thinks fit.

Proceedings and meetings of compliance committee

65 (1) The compliance committee of a casino operator, (or any sub-committee) shall invest as much time as is necessary to fulfil its responsibilities.

(2) Meetings shall be properly minuted by recording, with appropriate specificity, the issues addressed and any determinations reached and such minutes shall be maintained for a period of not less than seven years.

(3) Minutes of all meetings shall be made available to—

- (a) all members of the compliance committee;
- (b) the casino operator; and

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(c) the Commission upon request (subject to redaction for legal privilege only).

(4) A compliance committee may, subject to its compliance plan, regulate its own proceedings.

Disciplinary action

66 (1) The casino operator shall be liable to disciplinary action in the event the operator's compliance committee is in breach of any requirement under the gaming and AML/ATF law.

(2) When determining any sanction for such a breach, the Commission shall take into account—

- (a) whether the compliance committee reported the breach to the Commission at the earliest possible opportunity;
- (b) any steps taken by the compliance committee following discovery of the breach; and
- (c) whether the compliance committee had taken all reasonable steps to avoid such a breach occurring.

Compliance plan

67 (1) This regulation is a relevant provision for element (q) of an IC system (see regulation 89(3)).

(2) The IC document shall include a “compliance plan”, being a document that sets out—

- (a) the procedures of the compliance committee, including—
 - (i) procedures relating to the review and resolution of issues arising under the remit of the compliance committee;
 - (ii) procedures relating to the introduction of new policies following the review and resolution of any issues under subsubparagraph (i); and
 - (iii) the reporting of information to the Commission;
- (b) the procedures to be followed by the casino operator in order to provide the compliance committee with the information it requires to perform its functions;
- (c) the procedures to be followed by the casino operator in order to comply with its obligations in relation to reportable contracts;
- (d) the procedures to be followed by the casino operator in order to give effect to directions of the compliance committee; and
- (e) any other material required by these Regulations or a written direction by the Commission.

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Complaints and disputes

68 (1) This regulation is a relevant provision for element (r) of an IC system (see regulation 89(3)).

(2) The IC document shall set out—

- (a) how patrons can make complaints;
- (b) a mechanism for dealing with complaints and resolving disputes;
- (c) how complaints and disputes are to be reported to and reviewed by the compliance committee.

(3) The IC document may provide different mechanisms for different kinds of complaints and disputes.

(4) The house rules set out in the IC document shall—

- (a) specify how a patron can make a gaming complaint;
- (b) provide that a gaming complaint shall be dealt with in the first instance by following the casino operator's dispute resolution procedure; and
- (c) inform a patron that—
 - (i) if a gaming complaint relates to an amount of \$500 or more, and is not resolved to the satisfaction of the patron, the patron has a right to request that an inspector conduct an investigation into the dispute in accordance with section 105 of the Act and Part 11 of these Regulations;
 - (ii) such a request must be made within 7 days after the date on which he was informed of this right after a failure to resolve the complaint; and
 - (iii) any appeal against the decision of the Commission shall be subject to the exclusive jurisdiction of the Courts of Bermuda and subject to the law of Bermuda.

(5) The casino operator shall ensure that—

- (a) the casino at all times has a member of casino staff present with authority to resolve complaints up to a maximum amount specified in the IC document;
- (b) the casino at all times has a member of the casino staff with authority to resolve complaints above that amount available to be called on; and
- (c) a record is kept of all complaints and provided to the compliance committee at such regular intervals as the compliance committee requires.

(6) Upon receipt of a complaint, if the complaint is not resolved immediately, the casino operator shall—

- (a) record the details of the complaint;
- (b) if the information is not already available on a patron account, record the full name, address and contact details of the complainant;

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- (c) if the complaint is a gaming complaint made by a patron, draw to the attention of the patron the matters in the house rules mentioned in paragraph (4); and
 - (d) provide the patron with such documentation or further information as is required by the IC document or a written direction by the Commission.
- (7) If a patron refuses to provide his name and contact details, the casino operator shall record the details of the complaint and a description of the complainant.
- (8) If a gaming complaint that relates to an amount of \$500 or more is not resolved to the satisfaction of the patron, the casino operator shall—
- (a) inform the patron that the casino operator is unable to resolve the complaint;
 - (b) inform the patron of his rights under section 105 of the Act;
 - (c) provide the patron with a card or other document approved by the Commission that sets out the patron's rights and includes the address and contact details of the Commission; and
 - (d) notify an inspector of the dispute in accordance with section 105 of the Act.
- (9) The casino operator shall seek to resolve all complaints in good faith.
- (10) The casino operator shall ensure that it complies with the requirements of this regulation, even if the complaint appears to be frivolous or vexatious.

[Regulation 68 paragraphs (3) - (10) inserted by BR 91 / 2019 reg. 11 effective 12 September 2019]

Entering casino marketing arrangements

69 (1) This regulation is a relevant provision for element (s) of an IC system (see regulation 89(3)).

- (2) The IC document shall set out—
- (a) the circumstances in which and terms on which a casino operator may enter into a casino marketing arrangement with a person; and
 - (b) where the person does not hold a marketing licence, how the casino operator will satisfy itself that the person is a suitable person to be an introducer, and in particular that the person—
 - (i) is of good repute, having regard to character, honesty and integrity;
 - (ii) has not, in any jurisdiction—
 - (A) been engaged in any business practices that would be unlawful if undertaken in Bermuda;
 - (B) been associated with any person that is of disrepute or is of unsound character, dishonest or lacks integrity; or

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- (C) breached or failed to comply with legal or regulatory requirements applicable to him in relation to gaming or the business of casino marketing arrangements; and
- (iii) will not use duress or any unlawful means to effect an introduction;
- (c) the process by which the compliance committee will—
 - (i) approve any casino marketing arrangement before it is entered into; and
 - (ii) supervise the operation of any casino marketing arrangement.
- (3) The casino operator shall not enter into a casino marketing arrangement with a person who holds a marketing licence for introduction services not covered by the terms of the marketing licence.
- (4) The casino operator shall notify the Commission at least 7 days before entering into a casino marketing arrangement with any person who does not hold a marketing licence, and provide such details of the proposed arrangement and the proposed introducer as the Commission requires.
- (5) Unless the Commission by written direction provides otherwise, the casino operator shall not enter into a casino marketing arrangement under which the introducer or any other person will receive payment or other compensation in respect of the introduction of a patron to whom the introducer, or an associate of the introducer, is providing credit or has agreed to provide credit.
- (6) The casino operator shall not directly or indirectly reward any person for the introduction of a patron or patrons to the casino otherwise than in accordance with the terms of a casino marketing arrangement made before the introduction.
- (7) The casino operator shall not directly or indirectly reward any person for the introduction of a patron or patrons to the casino, unless it is satisfied that—
 - (a) none of the introduced patrons was subject to any form of duress; and
 - (b) all resources available to patrons relating to problem gaming are available to the patron being introduced.
- (8) If the casino operator becomes aware of evidence that any introduced patron was subject to any form of duress before or after becoming a patron, the casino operator shall immediately inform the Commission.
- (9) The casino operator shall maintain a register of all casino marketing arrangements entered into, and shall maintain, in a form easily accessible from the register, details of—
 - (a) all payments made to the introducer or any other person in direct consequence of the casino marketing arrangement;
 - (b) any non-monetary compensation granted to the introducer, the patron, or any other person as a consequence of each casino marketing arrangement;

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- (c) a description of the patrons, or classes of patrons, in relation to whom payment was made or compensation granted, including, where known, the countries of their residence;
- (d) any credit granted to any such patron;
- (e) all transactions relating to a patron account of such a patron;
- (f) a record of the investigations undertaken by the casino operator to satisfy itself as to the matters in paragraph (2)(b); and
- (g) such other matters as the Commission may by written direction require.

[Regulation 69 revoked and substituted by BR 91 / 2019 reg. 12 effective 12 September 2019]

Whistleblowing

70 (1) This regulation is a relevant provision for element (t) of an IC system (see regulation 89(3)).

(2) The IC document shall set out a mechanism by which employees can inform the compliance committee, the audit committee or other group approved by the Commission for the purposes of regulation 111(2), or the Commission of any breaches of the gaming law or any other provision of law without fear of recrimination or retribution.

(3) No person who in good faith reports a breach or suspected breach in accordance with the IC document shall be subjected to any detrimental treatment as a consequence of making the report.

(4) For this regulation, detrimental treatment includes but is not limited to dismissal, disciplinary action, other punitive employment-related action, threats or other unfavourable treatment.

PART 6

REPORTABLE CONTRACTS

Meaning of reportable contract and party

71 (1) Subject to a written direction by the Commission, any of the following is a “reportable contract” for this Part—

- (a) an agreement whereby goods or services are provided to the casino operator by another person—
 - (i) whether or not the casino operator is a party to that agreement; and
 - (ii) whether or not the casino operator provides valuable consideration;
- (b) a scheme or chain of such agreements that result in the casino operator receiving goods or services;
- (c) a sequence of such agreements, or schemes or chains of such agreements that—

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- (i) take place within a period of 12 months; and
- (ii) involve substantially the same, or closely related, parties.

(2) For these Regulations, where a reportable contract consists of a scheme or chain of agreements, or a sequence of such agreements, schemes or chains, a reference to a party to the contract includes a reference to each party to any of the agreements.

Value of a contract

72 For these Regulations, the value of a contract is the sum of the following—

- (a) the total amount of money payable under the contract;
- (b) where consideration other than money is provided under the contract—
 - (i) the market value of the consideration provided; or
 - (ii) where there is no market for the consideration, the estimated value of the consideration to the person receiving that consideration.

Meaning of notifiable contract

73 For these Regulations, and for the purposes of Chapter 2 of Part 4 of the Act, a “notifiable contract” is a reportable contract—

- (a) that relates to—
 - (i) casino marketing arrangements;
 - (ii) gaming machines and gaming equipment;
 - (iii) security and surveillance equipment;
 - (iv) accounting or auditing services; or
 - (v) trade union agreements; or
- (b) that has a value greater than \$100,000.

Meaning of controlled contract

74 For these Regulations, and for the purposes of Chapter 2 of Part 4 of the Act, a “controlled contract” is a reportable contract—

- (a) that relates to—
 - (i) the financing or refinancing of the casino operator;
 - (ii) the provision of security personnel in the casino premises; or
 - (iii) any interest in or right to receive a share of the gaming revenue of the casino; or
- (b) that has a value greater than \$500,000.

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Requirements for notifiable and controlled contracts

75 (1) A casino operator, before entering into a notifiable contract or a controlled contract, must be satisfied that—

- (a) each party to the contract—
 - (i) is a suitable person to be involved in the casino gaming industry in the relevant capacity; and
 - (ii) has any licence or approval that it requires to act in the relevant capacity; and
- (b) the contract is a genuine commercial contract for the provision of goods or services.

(2) When satisfying itself that a party to a contract is a suitable person, the casino operator shall consider any matters set out at regulation 79 that appear relevant.

(3) The casino operator shall ensure that the terms of the contract—

- (a) require each other party to conduct itself in the fulfilment of its obligations as if it were bound by the Act and any regulations or directions made under the Act;
- (b) require each other party to provide such information to the casino operator as it may reasonably require in order to enable the casino operator to comply with all reporting obligations;
- (c) allow the casino operator to terminate the contract promptly if—
 - (i) directed to do so by the Commission; or
 - (ii) in the reasonable opinion of the casino operator, another party has acted in a manner inconsistent with the Act or any regulations or directions made thereunder.

Reporting on contracts

76 (1) A casino operator shall, within 10 days after the end of each quarter of the financial year, provide the Commission with a report detailing all reportable contracts entered into or varied during the previous quarter—

- (a) identifying notifiable and controlled contracts; and
- (b) including, unless the Commission by written direction provides otherwise—
 - (i) the names of the parties to the contract;
 - (ii) the value of the contract and, where the value is disproportionate to the value of the goods or services provided, an explanation for the discrepancy;
 - (iii) a brief description of the goods or services to be provided; and

(iv) a declaration that—

- (A) the contract was negotiated at arm's length;
- (B) the value of the contract is within a reasonable range of the market value of the goods or services being provided (unless an explanation has been provided for the discrepancy); and
- (C) the other parties to the contract are, in the opinion of the casino operator, fit and proper persons to be involved in the provision of goods or services to the casino industry in the relevant capacity.

(2) The Commission shall be entitled to inspect, or require a copy of, any reportable contract.

Notification of notifiable and controlled contracts

77 (1) This regulation applies to a notice given to the Commission by a casino operator—

- (a) pursuant to section 60(1)(a) of the Act, in relation to a proposed controlled contract or variation;
- (b) pursuant to section 61(1)(a), in relation to a notifiable contract or variation.

(2) The notice shall include—

- (a) in the case of a contract or proposed contract, a copy of the contract;
- (b) in the case of a variation to a contract or proposed contract, either a copy of the contract or variation, or a copy of the contract as varied with the changes marked;
- (c) a short narrative describing the nature of the contract or variation and the material terms;
- (d) full details of all parties to the contract;
- (e) full details of any related contracts; and
- (f) any other information or documentation as may be requested by the Commission in any particular case.

Investigation and review of controlled and notifiable contracts

78 (1) The Commission shall, upon receipt of a notice to which regulation 77 applies, conduct such investigation as it thinks fit of the contract or variation specified in the notice for the purpose of determining whether the contract or variation will or is likely to affect the credibility, integrity and stability of casino operations.

(2) In carrying out an investigation under paragraph(1), the Commission may assess—

- (a) whether the parties to the contract are suitable persons to be involved in the casino gaming industry in the relevant capacity;

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- (b) whether all parties have complied with all licensing or approval requirements in accordance with the Act and regulations made thereunder;
- (c) whether the contract is a genuine commercial contract for the provision of goods or services;
- (d) whether, in the opinion of the Commission, any party to the contract has a special relationship with the casino operator for the purposes of section 68 of the Act.

(3) If it thinks it fit, the Commission may—

- (a) inform the casino operator that it has objections to the contract or variation as proposed, but that those objections would be removed if specified conditions were complied with (which may include specified changes to the contract or variation); and
- (b) invite the casino operator to comply with the specified conditions and re-submit the contract or variation.

(4) If the Commission makes an investigation under this regulation, the casino operator shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the investigation.

[Regulation 78 paragraph (4) revoked and substituted by BR 91 / 2019 reg. 13 effective 12 September 2019; Regulation 78 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Suitability of parties to controlled contracts

79 When assessing the suitability of a party for the purposes of regulation 78(2)(a), the Commission may consider the following matters—

- (a) the general reputation of the parties having regard to character, honesty and integrity;
- (b) the suitability of the parties to perform the type of work proposed;
- (c) whether the parties can uphold high ethical standards;
- (d) the general probity of each party, including its competence and soundness of judgment, and the diligence with which it is fulfilling or likely to fulfil responsibilities under the Act and regulations made thereunder;
- (e) the previous conduct and activities in business or financial matters of each party in any jurisdiction, and in particular any evidence that it, or its officers or directors, has—
 - (i) committed an offence involving fraud or other dishonesty or violence;
 - (ii) contravened any provision under any enactment appearing to the Commission to be designed for protecting members of the public against financial loss;

- (iii) engaged in any business practices appearing to the Commission to be deceitful or oppressive or otherwise improper, whether lawful or not, or which otherwise reflect discredit on his method of conducting business; and
- (iv) engaged in or has been associated with any other business practices or otherwise conducted himself in such a way as to cast doubt on his competence and soundness of judgment;
- (f) whether each party is a person of sound and stable financial background;
- (g) in the case of a party that is not a natural person, whether the party has, or has arranged, a satisfactory ownership or corporate structure;
- (h) whether any party has or has had any business association with any person, who or which, in the opinion of the Commission, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;
- (i) whether any party has any record of non-compliance with any legal or regulatory requirements applicable to it, whether in relation to gaming or otherwise;
- (j) any other matter that the Commission thinks relevant to the suitability of any party.

Request for expedited consideration of controlled contract

80 (1) If there are circumstances such that a casino operator needs to enter into or vary a controlled contract as a matter of urgency, it may apply to the Commission for expedited consideration under section 60(1) of the Act—

- (a) setting out the reasons why it is appropriate that the consideration be expedited; and
 - (b) accepting responsibility for any additional costs entailed by expedited consideration.
- (2) The Commission, shall consider the application, taking into account—
- (a) the resources of the Commission;
 - (b) the complexity of the proposed controlled contract; and
 - (c) the circumstances of the case generally.
- (3) Where it considers that expedited consideration is justified and reasonably practicable, the Commission will endeavour to agree with the casino operator on—
- (a) a date by which the Commission will provide a preliminary finding; or
 - (b) a date by which the Commission will provide a finding.
- (4) The Commission shall not be liable for any failure to agree to a date under paragraph (3) or any failure to provide a finding or preliminary finding by a date so agreed.

PART 7

CASINO OPERATIONS

Chapter 1 - The Internal Control system

How these Regulations relate to section 130 of the Act

81 (1) For the purposes of section 130(1) of the Act, the prescribed internal controls requirements that must be satisfied by the system of internal controls for the casino operations of a casino operator are the applicable requirements for that casino operator specified in regulation 82.

(2) For the purposes of section 130(2) of the Act, these Regulations set out a mechanism for the specification of those parts of the IC system of a casino operator—

- (a) that must be approved before the operations can begin; or
- (b) that cannot later be modified without the approval of the Commission.

(3) In these Regulations—

“IC system” (for “internal control system”), in relation to a casino operator, means the system of internal controls that it is required to implement and maintain in relation to its casino operations, under section 130(1) of the Act.

Applicable requirements for a casino operator

82 For these Regulations, the “applicable requirements” for a casino operator are the requirements set out in—

- (a) these Regulations;
- (b) any codes, standards of performance and specifications, issued or approved by the Commission under section 199 of the Act, that relate to internal controls; and
- (c) any conditions on internal controls imposed on the casino operator by the Commission—
 - (i) in the casino licence; or
 - (ii) as a condition of approval of the casino operator's IC document, or of an amendment to the IC document.

IC system must satisfy the applicable requirements

83 The casino operator shall ensure that its IC system satisfies the applicable requirements at all times.

IC document

84 (1) A casino operator shall adopt and maintain a document that specifies its IC system.

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(2) In these Regulations “IC document” (for “internal control document”), in relation to a casino operator, means the document maintained for the purposes of paragraph (1).

(3) The IC document shall include any matter specifically required by the applicable requirements or by written direction of the Commission.

(4) The casino operator shall amend the IC document as necessary to take account of the results of any review under regulation 87.

(5) The casino operator shall not adopt an IC document, or an amendment to an IC document, unless the compliance committee has stated in writing that it is satisfied that operating the IC system in accordance with the IC document, or the document as amended, will ensure that the casino operator complies with the applicable requirements.

(6) The casino operator shall not adopt a relevant part of an IC document, or an amendment to a relevant part, unless it has been submitted to the Commission and approved in accordance with regulation 86.

(7) Unless the Commission by written direction determines otherwise, all parts of the casino operator’s IC document are relevant parts for paragraph (6).

(8) The casino operator shall make the IC document, or any part of it, available to the Commission at such time, and in such form, as the Commission requires.

IC system must be operated in accordance with the IC document

85 (1) A casino operator shall not open the casino for gaming or betting unless it has adopted an IC document in accordance with regulation 84.

(2) A casino operator that becomes the holder of a casino licence by transfer may, if the Commission approves, adopt the IC document of the previous licence holder.

(3) Subject to paragraph (4), a casino operator shall operate the casino in accordance with the IC document.

(4) If unforeseen or other urgent circumstances make it impracticable or inappropriate to operate in accordance with particular provisions of the IC document, the casino operator shall operate in the way that best ensures—

- (a) the safety of patrons and staff; and
- (b) the integrity of the casino operations.

(5) If the casino operator relies on paragraph (4), it shall, within 24 hours after doing so, report the details of the circumstances, and the action taken by the casino operator, to the compliance committee and the Commission in writing.

Approval of relevant parts of IC document by Commission

86 (1) This regulation applies when a casino operator is required, under regulation 84, to submit relevant parts of an IC document, or amendments to relevant parts, to the Commission for approval.

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- (2) The casino operator shall submit to the Commission—
- (a) a copy of the relevant parts of the document, and any amendments, in such form as the Commission requires;
 - (b) a statement by the compliance committee that it is satisfied that operating the IC system in accordance with the IC document, or the document as amended, will ensure that it complies with the applicable requirements;
 - (c) a statement by the casino operator that, to the best of its knowledge and belief, the IC document, or the document as amended, is consistent with current best practice within the gaming industry;
 - (d) such other information as the Commission by written direction requires.
- (3) The Commission shall, as soon as reasonably practicable, notify the casino operator of—
- (a) those parts of the document, or those amendments that the Commission approves;
 - (b) those parts, or those amendments that the Commission approves with specified changes or subject to specified conditions; and
 - (c) those parts, or those amendments, that it does not approve.
- (4) The casino operator shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of those parts of the document, or those amendments, for which approval is sought, including any investigations made by the Commission.

[Regulation 86 paragraph (4) inserted by BR 91 / 2019 reg. 14 effective 12 September 2019; Regulation 86 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Review of IC document

- 87 (1) A casino operator's IC document shall provide for a review of the relevant parts of the IC document—
- (a) when the Act or regulations are amended, or there is any other change to the applicable requirements;
 - (b) when required to do so by the Commission; and
 - (c) at regular intervals otherwise.
- (2) The review shall consider whether—
- (a) the actual practices and procedures of the casino operator are consistent with the IC document;
 - (b) the IC document remains consistent with any changes in the applicable requirements, the Act and the regulations; or
 - (c) the IC document continues to constitute good practice in light of—

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- (i) developments in casino gaming, in the gaming industry generally, and in technology generally; and
 - (ii) the goals set out in regulation 3.
- (3) Unless the Commission by written direction determines otherwise—
- (a) all parts of the IC document that are affected by the changes to the Act, regulations or applicable requirements are relevant for a review required by paragraph (1)(a); and
 - (b) all parts of the IC document are relevant for any other review.

Commission codes, standards, specifications and guidelines

- 88 (1) This regulation applies when the Commission—
- (a) issues or approves a code, standard of performance or specification under section 199 of the Act; or
 - (b) issues a guideline under section 200 of the Act.
- (2) The Commission shall publish the instrument on its official website, and shall also notify the casino operators in writing.
- (3) A notice provided under paragraph (2) may include timelines for a casino operator to review and implement any necessary changes to its internal control policy and system of internal controls.
- (4) An instrument to which this regulation applies is not invalid merely because the Commission did not comply with this regulation when it was issued or approved.

Elements of an IC system and requirements for an IC document

- 89 (1) A casino operator shall include in its IC system appropriate internal controls for each element listed in the table, which must include any internal controls necessary to ensure that the relevant provisions are complied with.
- (2) The casino operator shall include in its IC document a description of the internal controls for each element listed in the table below, together with any additional details required by the relevant provisions.
- (3) Table—

Elements of the Internal Control System

Element Internal controls that relate to...		Relevant Provisions
(a)	the organisational structure of the casino operations	regulations 91, 92
(b)	the hiring, training and supervision of employees to ensure compliance with the Act	regulation 93
(c)	signatures	regulation 94
(d)	accounts	regulation 95

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(e)	the authorisation of financial transactions	regulation 96
(f)	the conduct of financial transactions, including maintenance of the bankroll, handling of cash, wire transfers, use of drop boxes, and dealing with tips and gratuities	regulations 97 to 101
(g)	the preparation of financial statements	regulation 102
(h)	the collection and reporting of statistical data	regulation 103
(i)	the maintenance and retention of records	Chapter 4 of Part 7
(j)	security, the use of surveillance and emergency procedures	Chapter 5 of Part 7
(k)	layout of the casino premises	Chapter 6 of Part 7
(l)	gaming equipment	Chapter 7 of Part 7
(m)	conduct of gaming and wagers	Chapter 8 of Part 7
(n)	anti-bribery and anti-corruption	Chapter 9 of Part 7
(o)	the effective prevention and detection of money laundering and terrorist financing	Chapter 10 of Part 7
(p)	dealing with minors	regulation 155
(q)	the compliance plan (which includes procedures of the compliance committee)	regulation 67
(r)	complaints and dispute resolution	regulation 68
(s)	casino marketing arrangements	regulation 69
(t)	whistleblowing	regulation 70
(u)	complimentary services and goods	regulation 156
(v)	procedures for allowing casino staff to perform functions not covered by their special employee licences in emergencies or for training purposes	regulation 59
(w)	advertising	regulation 159
(x)	cashless wagering systems	Part 9
(y)	patron accounts	Part 10
(z)	problem gaming	Part 11
(aa)	excluded persons	regulation 200
(bb)	patron cheques, credit cards and debit cards, and patron account credit	regulations 202, 203, and 204
(cc)	service of liquor	regulations 215 and 216
(dd)	betting	Part 15

[Regulation 89 paragraph (3) amended by BR 91 / 2019 reg. 15 effective 12 September 2019]

Provision of assistance to inspectors

90 A casino operator shall ensure that casino staff provide appropriate assistance to an inspector performing his functions in accordance with sections 13 to 16 and sections 105 and 110 of the Act.

Chapter 2 - Organisation and administration of casino operator

Organisational structure of casino operator

91 (1) This regulation is a relevant provision for element (a) of an IC system (see regulation 89(3)).

(2) The IC document shall specify the organisational structure of the casino operator for its casino operations, setting out—

- (a) the key employee positions;
- (b) other supervisory employee positions;
- (c) other positions of casino staff;
- (d) the functions for each position or group of positions; and
- (e) the supervisory relationships between them.

(3) If the casino operator has employees performing functions not related to its casino operations, the IC document shall—

- (a) describe the activities of the casino operator to which those functions relate; and
- (b) describe how the casino operations are kept independent of the other activities.

(4) The casino operator shall ensure that—

- (a) each of the following sets of functions is performed by a separate department (the “key departments”)—
 - (i) accounting and finance;
 - (ii) information technology;
 - (iii) legal services;
 - (iv) security;
 - (v) surveillance;
 - (vi) table games and pit operations;
 - (vii) slots;
 - (viii) bookmaking;
 - (ix) internal audit;
 - (x) compliance;
 - (xi) eGaming;
- (b) there is a system of personnel and a chain of command such that—

- (i) each key department has a key employee position in overall control of the department;
 - (ii) each supervisory employee comes under the supervision of a key employee with a sufficiently direct relationship for the key employee to be held accountable in relation to actions or omissions of the supervisory employee; and
 - (iii) each other member of the casino staff comes under the supervision of a key employee or supervisory employee with a sufficiently direct relationship for the supervisor to be held accountable in relation to actions or omissions of the staff member;
- (c) incompatible functions are separated, in particular those identified in regulation 111(1); and
- (d) functions, duties, responsibilities and supervisory relationships of casino staff members are arranged so that—
 - (i) all responsibilities and obligations imposed by the Act and any regulations, rules, codes, policies, directions or guidance made thereunder are addressed at all times when the casino is operating;
 - (ii) positions are appropriately segregated to provide oversight and monitoring and to ensure that no casino staff member is in a position to commit an error or perpetrate a fraud and to conceal the error or fraud;
 - (iii) functions and duties will be performed by competent and qualified casino staff members; and
 - (iv) there will be effective prevention and detection of money laundering and terrorist financing.
- (5) The IC document shall include organisational charts that identify each department or division of casino operations and, for each chart—
 - (a) the title or other identifying designation;
 - (b) the date it came into effect; and
 - (c) if the chart supersedes a previous chart, the date the previous chart came into effect.
- (6) The casino operator shall maintain lists of the current occupants of each position in the organisational charts, including temporary or acting occupants, and ensure that they are kept up to date.

Dealing with a change in key employees or other supervisory employees

92 (1) This regulation is a relevant provision for element (a) of an IC system (see regulation 89(3)).

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(2) The IC document shall include contingency plans for the loss of the occupant of any key employee or supervisory employee position, including any changes that may need to be made to the organisational structure to maintain the lines of authority and separation of roles and responsibilities appropriate to ensure compliance.

(3) In the event of a vacancy in any key employee or supervisory employee position, the casino operator shall, within five days after the casino operator becomes aware of the vacancy, inform the Commission of—

- (a) the vacant position;
- (b) the date on which the position will become or became vacant;
- (c) the measures to be taken in accordance with the IC document in the event that no replacement is found prior to the date of termination; and
- (d) any requirement for a provisional special employee licence under section 74 of the Act.

Casino staff

93 (1) This regulation is a relevant provision for element (b) of an IC system (see regulation 89(3)).

(2) The casino operator shall ensure that regulations 40, 41, 42, 43, and 59 are complied with.

(3) The casino operator shall ensure that each casino staff member who will be on casino premises—

- (a) has been issued a badge; and
- (b) except as provided in the IC document, displays his badge at all times when on casino premises.

(4) The IC document shall specify the circumstances in which one member of the casino staff may perform the duties of another.

(5) The IC document shall set out—

- (a) the circumstances in which a person who is not a member of the casino staff may work on the casino premises to provide services to casino operations;
- (b) how such a person is to be supervised; and
- (c) how such circumstances will be recorded to enable verification by the Commission.

(6) The casino operator shall ensure that all work undertaken by such a person on any gaming machine, surveillance apparatus or other equipment relating to gaming, eGaming or bookmaking is fully documented and verifiable.

(7) The casino operator shall ensure that it has in place a system for training staff to ensure that all its casino staff are competent.

Signatures

94 (1) This regulation is a relevant provision for element (c) of an IC system (see regulation 89(3)).

(2) The casino operator shall maintain specimens of the signatures of all casino staff.

(3) The specimens shall be—

- (a) securely stored;
- (b) accessible to the accounts department and to an inspector.

(4) The casino operator shall ensure that whenever an employee makes a signature for the purposes of compliance with the IC document or the gaming law—

- (a) the signature is consistent with the specimen maintained by the casino operator;
- (b) the employee's first initial, last name and badge number are printed or legibly hand-written on the document immediately adjacent to the signature.

Chapter 3 - Accounts and financial transactions

Accounts

95 (1) This regulation is a relevant provision for element (d) of an IC system (see regulation 89(3)).

(2) The casino operator shall adopt internal controls to ensure that it complies with section 133 of the Act (Accounts to be kept), and, in particular, that—

- (a) there is effective control of the casino operator's financial affairs;
- (b) financial records are accurate and reliable;
- (c) financial transactions are recorded in such a manner that there is proper reporting of—
 - (i) gaming revenue; and
 - (ii) liability for fees and taxes
- (d) there is proper accountability for assets, including mechanisms to ensure that—
 - (i) access to assets occurs only in accordance with specified authorisation policies;
 - (ii) recorded assets are compared with actual assets at sufficient intervals to minimise the risk of appropriation; and
 - (iii) adequate mechanisms are in place in the event of a discrepancy; and
- (e) all financial statements required by the Commission are accurate.

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Authorisation of financial transactions

96 (1) This regulation is a relevant provision for element (e) of an IC system (see regulation 89(3)).

(2) The casino operator shall ensure that all financial transactions are performed in accordance with specified authorisation policies set out in the IC document.

Maintenance of the bankroll

97 (1) This regulation is a relevant provision for element (f) of an IC system (see regulation 89(3)).

(2) The Commission may, by written direction, determine a bankroll formula to apply to one or more casino operators.

(3) The determination shall specify a date of commencement, which shall not be less than 30 days after the date of publication.

(4) The determination may specify cash equivalents that may be used by the casino operator.

(5) A casino operator may request a review of the proposed bankroll formula or revision, by notifying the Commission in writing in such form as the Commission may require not more than 14 days after the date of publication and provision of copies.

(6) Where a casino operator makes a request for a review, the effective date of the proposed bankroll formula or revision is stayed pending consideration of the request by the Commission.

(7) A casino operator may propose the revocation or substitution of an existing bankroll formula by submitting a request to the Commission in such form as the Commission may require.

(8) The Commission shall consider such a request, but shall act on it entirely at its discretion.

(9) If a bankroll formula applies to a casino operator, the casino operator shall maintain its bankroll at no less than the minimum amount.

(10) If the casino operator fails to do so, it shall immediately notify the Commission in writing of the shortfall and the means by which the casino operator proposes to remedy it.

(11) The casino operator shall maintain records reflecting accurate monthly computations of the minimum bankroll requirement and actual bankroll available.

(12) The Commission may by written direction require a casino operator—

- (a) to provide computations more frequently than set out in paragraph (11);
- (b) to undertake additional record keeping;
- (c) to maintain a bankroll higher than the minimum set by the bankroll formula.

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(13) The Commission may, where requested in writing by the casino operator and where satisfied that it is necessary to do so, waive any requirement under this regulation for the casino operator.

(14) In this regulation—

“bankroll” means the amount of cash or cash equivalent that a casino operator has available on the casino premises, or within reach of the casino premises for immediate use when required, to pay any gaming debts owed by the casino operator to its patrons;

“bankroll formula” means a method for calculating the minimum amount for a bankroll that a casino operator should maintain.

Handling of cash

98 (1) This regulation is a relevant provision for element (f) of an IC system (see regulation 89(3)).

(2) The IC document shall set out how a member of the casino staff shall deal with cash received from a patron—

- (a) for gaming;
- (b) for the purchase of goods or services;
- (c) by way of tips or gratuities; or
- (d) for other purposes.

(3) The method in each case shall be designed to ensure that the integrity of the casino operations is maintained.

Wire transfers

99 (1) This regulation is a relevant provision for element (f) of an IC system (see regulation 89(3)).

(2) In this regulation, a reference to a wire transfer is a reference to an electronic transfer of funds to or from a patron.

(3) The casino operator shall ensure that—

- (a) all wire transfers are logged, using a sequential numbering system;
- (b) all information relating to a wire transfer, including required signatures and documents necessary for reconciliation, is obtained and recorded;
- (c) the patron and the source or destination of the transfer are identified;
- (d) no wire transfer is made or received in respect of a third party on behalf of a patron;
- (e) accounts relating to wire transfers are reconciled; and
- (f) discrepancies are identified and reported appropriately.

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Mandatory count procedure

100 (1) This regulation is a relevant provision for element (f) of an IC system (see regulation 89(3)).

(2) The IC document shall specify the time or times when drop boxes will be removed and the contents counted.

(3) The casino operator shall ensure that all of its drop boxes are removed and the contents counted at the specified time or times.

(4) With respect to table game drop boxes, the casino operator shall ensure that—

- (a) the container is permanently marked with the game, shift, and a number corresponding to a permanent number on the table used;
- (b) all markings on the container are clearly visible from a distance of at least 20 feet; and
- (c) the container is locked to the table and separately keyed from the container itself.

Tips and gratuities

101 (1) This regulation is a relevant provision for element (f) of an IC system (see regulation 89(3)).

(2) The IC document shall specify—

- (a) any casino staff members who are prohibited from accepting or soliciting tips or gratuities; and
- (b) how the acceptance of tips or gratuities by each type of employee at each type of game will be monitored and controlled;
- (c) how tips and gratuities are to be identified by the surveillance operators; and
- (d) how tips and gratuities are to be reported to the relevant government authorities as necessary.

Financial statements

102 (1) This regulation is a relevant provision for element (g) of an IC system (see regulation 89(3)).

(2) The casino operator shall, as soon as practicable after the end of each financial year, provide the Commission with a financial statement, prepared in such manner and using such forms as the Commission may require, covering all financial activities of the casino operator for the financial year.

(3) Where the casino operator has an interest in, or is entitled to any income from, any other aspect of the integrated resort, including but not limited to accommodation, food and beverage, retail or other amenities, then those aspects shall be included in the financial statement in addition to gaming operations.

(4) The financial statement shall be—

- (a) prepared on a comparative basis for the current and prior financial year in accordance with International Financial Reporting Standards (“IFRS”);
- (b) signed by the casino operator, who shall attest to the completeness and accuracy of the statement; and
- (c) audited in accordance with IFRS by an independent auditor approved by the Commission.

(5) The Commission may at any time by notice in writing to the casino operator require the casino operator to submit audited financial statements for any period set out in the notice and may request such other information regarding a financial statement from the casino operator or the auditor as it thinks fit.

(6) In the event that the independent auditor resigns or is dismissed by the casino operator, the casino operator shall provide the Commission with a signed statement from the compliance committee within 21 days of termination setting out the details of the termination and confirming whether or not there have been any disagreements between the parties and if so the details of any such disagreements.

(7) Where the casino operator proposes to use a computerised system linked to the gaming equipment of the casino as part of its administration and accounting procedures, the casino operator, when applying to the Commission for approval of the system as gaming equipment, it shall provide a statement from an independent testing laboratory satisfactorily certifying that the system is fit for purpose.

Provision of statistical information to Commission

103 (1) This regulation is a relevant provision for element (h) of an IC system (see regulation 89(3)).

(2) The casino operator shall furnish the Commission with monthly, quarterly and annual reports containing such statistical and financial data as the Commission may by written direction require.

(3) The Commission may use the information in the reports for the purpose of compiling, evaluating and disseminating information regarding the economic trends within the gaming industry.

Chapter 4 - Record keeping

Relationship of this Chapter to IC system

104 This Chapter is a relevant provision for element (i) of an IC system (see regulation 89(3)).

Record keeping generally

105 (1) The casino operator shall ensure, by methods set out in the IC document, that it complies with section 136 of the Act (Keeping of records).

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(2) The casino operator shall maintain adequate records of its operations, which shall include—

- (a) correspondence with the Commission, other regulatory bodies, and governmental agencies;
- (b) correspondence with and information relating to gaming suppliers;
- (c) copies of all promotional material and advertising;
- (d) personnel files on all current and former employees; and
- (e) copies of all reportable contracts entered into by the casino operator.

(3) Subject to paragraph (4), the records shall be—

- (a) kept at a secure location in Bermuda equipped with a fire suppression system;
- (b) stored in both electronic format and hard copy;
- (c) stored in a format that provides for individual documents to be located and produced in an efficient manner upon request by an inspector;
- (d) at regular intervals backed up to a separate location, which may be in another jurisdiction; and
- (e) made available to an inspector upon demand.

(4) The Commission may by written direction permit the records to be kept in a different way, provided that it is satisfied that storage will be no less secure and that any relevant documents will be available as quickly if required.

(5) In this regulation, “reportable contract” has the meaning given in regulation 71(1).

Records to be available for inspection

106 Where a provision of the gaming law requires a specified document or record to be kept by a casino operator, the casino operator shall maintain it in a form that allows the specified document or record to be conveniently viewed by an inspector at any time.

Form of records

107 (1) The casino operator shall ensure that—

- (a) any paper record required to be prepared or maintained under the gaming law shall include the name of the casino operator, the title of the record and the date;
- (b) whenever copies of a paper record are made, the copies shall be clearly marked so as to differentiate between the copies and the original;
- (c) information stored electronically is stored in such format that it remains readable regardless of whether the technology or software that created or maintained it has become obsolete.

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(2) The IC document shall—

- (a) provide for the use of signatures and consecutive serial numbering in any circumstances that the Commission by written direction specifies;
- (b) specify any circumstances in which an exception to consecutive serial numbering may be made; and
- (c) require the compliance committee to be notified when such an exception is made.

Accounting records

108 (1) The casino operator shall keep accurate, complete records of all financial transactions to which it is a party or where the transaction is made by any person on behalf of the casino operator.

(2) The records shall be kept on a double entry system of accounting on an accrual basis, and shall include, but not be limited to—

- (a) detailed records identifying revenues, expenses, assets, liabilities and statements of cash flow;
- (b) detailed records of all markers or other credit instruments;
- (c) records of all patron cheques accepted by the casino operator and returned to the casino operator as uncollectable;
- (d) records of all investments, advances, loans and receivable balances, other than patron cheques;
- (e) such individual and statistical game records for each type of game, and for such accounting period, as the Commission may by written direction require;
- (f) lot analysis reports which shall compare actual hold percentages to theoretical hold percentages for each gaming machine; and
- (g) any other accounting records that the Commission may by written direction require.

(3) The casino operator shall keep detailed accounting records to accurately reflect the calculation of gross gaming revenue.

(4) The casino operator shall within 14 days of the event report to the Commission details of any—

- (a) loan or other credit facility obtained by the casino operator;
- (b) guarantees or other security granted or obtained by the casino operator;
- (c) capital contributions received by the casino operator; and
- (d) leases entered into by the casino operator.

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(5) If the casino operator fails to maintain records as required by this regulation, the Commission may, without limiting any disciplinary or other sanctions, compute and determine the amount of gross gaming revenue or permitted deductions.

Corporate casino operators

109 (1) A casino operator that is not a natural person shall have available for inspection upon demand by an inspector the following documents—

- (a) a certified copy of the current (and any former) articles of incorporation, memorandum of association, bye-laws, partnership agreements, trust deeds or other such documents evidencing or relating to the formation of the casino operator;
- (b) a list of all current and former directors, officers or partners including names, dates of birth and addresses;
- (c) a list of all shareholders including full names and addresses, number of shares and the dates those shares were acquired;
- (d) minutes of all directors meetings;
- (e) minutes of all shareholder meetings; and
- (f) a record of all salaries, wages or other remuneration or compensation, direct or indirect, paid during the calendar or financial year, by the casino operator, to all officers, directors and to all shareholders with an investment equal to or greater than five percent of the issued shares in value or number.

(2) The casino operator shall maintain original or certified copies of all documents relating to ownership at the casino premises unless the Commission by written direction provides otherwise.

Chapter 5 - Surveillance and security

Relationship of this Chapter to IC system

110 This Chapter is a relevant provision for element (j) of an IC system (see regulation 89(3)).

Security and surveillance staff

111 (1) The IC document shall, in the organisational structure set out in accordance with regulation 91, specify the position of head of the surveillance staff.

(2) The head of the surveillance staff shall be responsible to an audit committee or other group that the Commission is satisfied is sufficiently independent of the management of the casino operator to ensure that the integrity of the surveillance function can be maintained.

(3) The casino operator shall ensure, by methods set out in the IC document, that—

- (a) surveillance staff operate independently of other casino employees; and
- (b) surveillance staff are regularly assessed to ensure that they satisfy high standards of integrity;
- (c) there are no temporary appointments of surveillance staff who have not recently been so assessed; and
- (d) turnover of surveillance staff is minimised.

(4) The casino operator shall ensure that there are at all times sufficient surveillance staff and general security staff on the casino premises to ensure the safety and security of casino operations.

(5) The IC document shall set out—

- (a) the minimum number of surveillance and general security staff at each level who will be employed and present on the casino premises during its periods of operation;
- (b) the contingency plan for addressing periods of unexpected increased numbers of patrons or unexpected absences of surveillance staff or general security staff;
- (c) the minimum qualifications and training requirements for all positions of the surveillance staff and general security staff; and
- (d) the contingency plan for addressing any shutdown of the surveillance system or any failure of equipment affecting surveillance or the surveillance monitoring room.

(6) The casino operator shall ensure that lists are maintained of—

- (a) the general security staff; and
- (b) the surveillance staff,

with the name, address, licence number and job description of each.

(7) The casino operator shall provide the lists to the Commission at such intervals as the Commission by written direction requires.

Surveillance system

112 (1) The casino operator shall ensure that—

- (a) there is in place at all times a surveillance system that satisfies regulation 113;
- (b) the transmissions generated by each camera are received and viewable in a surveillance monitoring room that satisfies regulation 115; and
- (c) the system and the monitoring room are under the exclusive control of surveillance staff.

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(2) The IC document shall describe the surveillance system, specifying in particular—

- (a) the areas to be covered; and
- (b) for each area to be covered—
 - (i) the nature and purpose of the surveillance and the activities to be observed;
 - (ii) the cameras and other equipment to be used; and
 - (iii) the positioning, or the criteria for positioning, of the cameras and other equipment;
- (c) the arrangement of the monitoring room and the monitors and other equipment to be used in it;
- (d) the procedures for monitoring camera feeds and for use of the monitoring room; and
- (e) how the system is to be operated, and the levels of monitoring that are required, at different times to take account of—
 - (i) varying levels of gaming activity or patronage; or
 - (ii) non-gaming activities on the casino premises or nearby.

Surveillance system requirements

113 (1) The surveillance system shall be designed to best ensure—

- (a) the safety of patrons and staff;
- (b) the integrity of the casino operations; and
- (c) compliance with the gaming law, in particular in relation to excluded persons and minors.

(2) The areas covered shall include—

- (a) within the casino premises—
 - (i) approaches to entrances to and exits from the casino premises;
 - (ii) approaches to areas not open to the public;
 - (iii) approaches to bathrooms;
 - (iv) gaming areas and approaches to gaming areas; and
 - (v) restricted areas and approaches to restricted areas; and
- (b) outside the casino premises—
 - (i) approaches to entrances to and exits from the casino premises;
 - (ii) approaches to nearby bathrooms likely to be used by patrons; and

- (iii) nearby areas where surveillance is appropriate in the circumstances, such as—
 - (A) areas that offer concealment to loiterers;
 - (B) carparks likely to be used by patrons;
 - (C) automatic teller machines and approaches to them.

(3) The casino operator shall maintain at all times a detailed floor plan and description of the current surveillance system, including the details and position of each camera and other items of surveillance equipment, and shall provide the Commission with an updated version as soon as practicable after each change.

(4) The surveillance system shall continuously record transmissions from its cameras and shall comprise—

- (a) light sensitive cameras with—
 - (i) lenses of sufficient magnification and 360° pan, and tilt and zoom capabilities without camera stops;
 - (ii) full camera control capability for each camera; and
- (b) video recording equipment, which at a minimum shall—
 - (i) permit the preservation and viewing of a clear copy of the transmission produced by any camera connected to the surveillance system;
 - (ii) superimpose the time and date of the transmission on each recording;
 - (iii) enable the casino operator to identify and locate, through the use of a meter, counter, or other device or method, a particular event that was recorded; and
 - (iv) store recordings for the minimum period specified by the Commission by written direction.

(5) The casino operator shall ensure sufficient and continuous lighting in the areas covered by the surveillance system so as to enable clear video recordings and still picture reproductions.

(6) The surveillance system shall ensure that the casino operator can continuously monitor the movement of cash money, gaming chips, tip boxes, drop boxes, payout boxes and slot cash storage boxes within the casino premises.

(7) When a gaming machine or gaming table is modified, moved or replaced, the casino operator shall ensure that the sufficiency of coverage by the surveillance system of the machine or table is reviewed and that a senior member of its surveillance staff reports the result of the inspection to the compliance committee.

(8) The casino operator shall ensure that recording equipment is replaced immediately if there is any significant degradation in the quality of the images or sound that it records.

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Surveillance of particular areas

114 (1) Surveillance of table games, other than fully automated table games, shall include—

- (a) at least one camera recording each of the following—
 - (i) the players;
 - (ii) the dealer;
 - (iii) a top view of the game; and
- (b) other cameras as necessary to ensure that the casino operator can continuously—
 - (i) identify patrons, dealers and currency denominations; and
 - (ii) simultaneously view the table and determine the configuration of equipment such as coupons, card, dice and tile values so that wagers and game outcomes can be observed.

(2) Surveillance of fully automated table games and slot machines shall ensure that the casino operator can continuously—

- (a) read information on a reel strip or electronic table layout and the credit meter; and
- (b) identify patrons.

(3) Surveillance of a cage shall ensure that the casino operator can continuously monitor operations conducted at the cage, including identifying each patron conducting business at the cage.

(4) Surveillance of the count room shall ensure that the casino operator can continuously monitor operations conducted in the count room.

(5) Surveillance of automated bill breaker machines, automated gaming voucher and coupon redemption machines, automated jackpot payout machines and automatic teller machines shall ensure that the casino operator can continuously monitor operations conducted at the machines, including identifying each patron using the machines.

(6) If the casino operator operates a restricted gaming area, the Commission may require that it provide additional surveillance measures, which may include, for example—

- (a) more camera coverage of the area to which access is restricted;
- (b) longer retention of recordings; or
- (c) a direct video and audio feed from the surveillance equipment operating in the gaming area that is under the control of the Commission and separate from that monitored by the casino operator's surveillance staff.

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Surveillance monitoring room

115 (1) The casino operator shall maintain a detailed and up-to-date description of the current surveillance monitoring room, including details of the monitoring equipment and layout.

(2) The surveillance monitoring room shall—

- (a) be connected to all casino alarm systems;
- (b) be set up to allow surveillance staff to conveniently—
 - (i) direct any camera and observe its feed; and
 - (ii) provide for a number of simultaneous feeds as appropriate for the casino, in accordance with any written direction by the Commission;
- (c) have an up-to-date photo library, consisting of photographs that are no more than four years old from the date taken, of—
 - (i) all current casino staff members; and
 - (ii) excluded persons.

(3) Subject to any written direction by the Commission, the recording equipment of the surveillance system shall be housed in the surveillance monitoring room.

(4) The casino operator shall ensure that no entrances to the surveillance monitoring room are visible from the gaming floor.

(5) The casino operator shall ensure that any person entering the surveillance monitoring room who is not a member of the surveillance staff assigned and on shift to work in the surveillance monitoring room at the time of entry shall—

- (a) show his face to the surveillance system on entry;
- (b) sign an entry log on entry; and
- (c) be accompanied by a member of the surveillance staff assigned and on shift to work in the surveillance monitoring room at the time of entry.

Security alarms

116 (1) The casino operator shall ensure that each of the following is equipped with a security alarm system—

- (a) doors to a cage;
- (b) doors to the count room;
- (c) all emergency exits from the gaming floor;
- (d) any other entry or exit specified by the Commission.

(2) The security alarm system shall—

- (a) provide a visible or audible signal that is perceptually distinguishable from a fire alarm and any non-emergency alarm; and

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- (b) be monitored from the surveillance monitoring room.
- (3) The casino operator shall notify the Commission of—
 - (a) any malfunction of any alarm system or any alarmed doors, immediately upon becoming aware of the malfunction;
 - (b) any non-emergency repair, maintenance or replacement of any alarm, system or alarmed door within 24 hours of the repair or replacement.

Surveillance logs and records

117 (1) The casino operator shall maintain a log of all surveillance activities, which shall be—

- (a) housed in the surveillance monitoring room;
- (b) maintained by the surveillance staff; and
- (c) maintained in an electronic format that prevents any modification of information after it has been entered onto the log.

(2) The IC document shall specify the information to be recorded in the surveillance log.

(3) If there is a malfunction of any camera or other equipment in the surveillance system, the surveillance log shall record a complete description of the time, date and, if known, the cause of the malfunction, and the time at which the casino operator's surveillance staff learned of the malfunction.

(4) The surveillance log shall be retained for a minimum of 30 days unless the Commission by written direction determines otherwise, and shall be made available to the Commission upon demand.

Access to restricted areas

118 (1) For these Regulations, each of the following is a “restricted area” of the casino premises—

- (a) a cage;
- (b) the count room;
- (c) the surveillance monitoring room;
- (d) all rooms containing computer equipment that is linked to any game or any electronic monitoring system;
- (e) all rooms containing records maintained pursuant to the gaming law or the IC document;
- (f) all rooms used for recording or maintaining confidential information or for housing computers used to record or store confidential information; and
- (g) any other area specified by written direction of the Commission as a restricted area.

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(2) The IC document shall, for each restricted area, specify the casino staff members who are permitted to enter the area.

(3) The casino operator shall ensure that—

- (a) only the specified casino staff members enter the restricted area;
- (b) the movements of the casino staff members into and out of the area are recorded electronically; and
- (c) if an unauthorised person enters the area—
 - (i) the person can be identified; and
 - (ii) the surveillance staff and the general security staff are made aware of the unauthorised access as soon as reasonably practicable.

Transportation of high risk items

119 (1) The casino operator shall ensure, by methods set out in the IC document, the safe distribution and collection of cash storage boxes, drop boxes, cash, and other items of value through or in the casino premises.

(2) The IC document shall set out—

- (a) the routes used and the order of collection or distribution;
- (b) the times and days of each collection or distribution; and
- (c) the procedure for distribution and collection at the count room and the employees who will be present.

(3) The IC document shall—

- (a) distinguish between the collection of drop boxes or cash storage boxes from fully automated gaming machines and those that are not fully automated;
- (b) include details of the job description of each person involved in the distribution and collection process and the specific responsibilities of the security department in the handling of all drop boxes; and
- (c) include details regarding the storage of drop boxes not in use.

Keys required to secure certain assets

120 (1) The casino operator shall ensure that each item of the following kinds shall be secured by a lock with a secure key—

- (a) drop boxes;
- (b) slot cash storage boxes;
- (c) trolleys or other equipment used to transport drop boxes;
- (d) storage cabinets on trolleys for unattended slot drop boxes;
- (e) doors to the count room;

- (f) doors to a cage;
 - (g) locations or compartments housing slot drop buckets or slot drop boxes;
 - (h) locations or compartments housing any computers, processors or control units relating to progressive meters, progressive gaming machines etc.
- (2) The IC document shall—
- (a) specify which items, or groups of items, require separate keys;
 - (b) set out the procedures relating to keys and the counterpart locks, which shall include—
 - (i) the maintenance of inventory ledgers for each key;
 - (ii) the requisitioning of keys from vendors;
 - (iii) the storage and issuance of keys;
 - (iv) any loss, removal from service, and subsequent replacement of keys or the counterpart locks;
 - (v) the destruction of keys or counterpart locks;
 - (vi) the storage of keys and duplicate keys; and
 - (vii) the carrying out of physical inventories of all keys and counterpart locks at least every six months.

(3) In this regulation “secure key” means a device or mechanism for unlocking a locked box, compartment or location that utilises a patent that ensures that the key cannot be duplicated except by the manufacturer or its agent or successor.

Emergency and maintenance procedures

121 (1) The casino operator shall ensure that—

- (a) the surveillance system is equipped with an emergency power system, tested at intervals not exceeding six months, which can be used to operate the surveillance system in the event of a power failure;
- (b) there is a preventive maintenance programme, implemented by surveillance staff, to ensure that the entire surveillance system is maintained in proper working order and that the covers over the cameras are cleaned in accordance with a routine maintenance schedule.

(2) In the event of any equipment failure, a casino operator shall notify the Commission of—

- (a) the time and cause of the malfunction, if known;
- (b) the time the security department was notified of the malfunction; and
- (c) the nature of communications with the security department relating to the malfunction.

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Offences relating to surveillance system

122 Any person who tampers with or does anything so as to compromise or adversely affect—

- (a) the surveillance system of a casino operator; or
- (b) the surveillance monitoring room;
- (c) the records created by the surveillance system,

commits an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding three years or to both.

Chapter 6 - Casino layout

Prescribed requirements

123 For section 90 of the Act, the requirements relating to casino layout set out in this Chapter are prescribed.

Relationship of this Chapter to IC system

124 This Chapter is a relevant provision for element (k) of an IC system (see regulation 89(3)).

Floor plan

125 (1) The IC document shall include a detailed floor plan of the casino premises, showing—

- (a) the gaming areas, including each gaming machine area or table game pit, and areas where betting may be offered; and
- (b) any eGaming zone;
- (c) any gaming area that is, or is from time to time, a restricted gaming area;
- (d) each cage;
- (e) the count room;
- (f) the vault;
- (g) any other restricted areas;
- (h) areas designated for—
 - (i) the service of intoxicating liquor;
 - (ii) consumption of intoxicating liquor;
 - (iii) other service of food or drink; or
 - (iv) other consumption of food or drink;
- (i) retail outlets;

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- (j) reception and information counters;
 - (k) staircases, escalators, elevators and lobbies;
 - (l) bathrooms;
 - (m) the exits and entrances to the casino, to each restricted area and to each room within the casino premises; and
 - (n) all areas subject to surveillance.
- (2) The IC document shall specify—
- (a) the total square footage of the casino premises, of the gaming area and of the eGaming zones;
 - (b) minimum and maximum numbers of gaming machines and table games available in each gaming machine area or table game pit; and
 - (c) the maximum number of gaming machines and table games available in total.
- (3) The casino operator shall maintain at all times a detailed floor plan of the gaming areas, showing the location of each gaming machine and gaming table.
- (4) Any change to the floor plan shall be notified to the compliance committee.
- (5) The casino operator shall ensure that any change to the location of a gaming machine or gaming table does not compromise the effectiveness of the surveillance system.
- [Regulation 125 paragraph (1) revoked and substituted by BR 91 / 2019 reg. 16 effective 12 September 2019]*

Restricted gaming areas

- 126 (1) If the casino operator proposes to operate any gaming area as a restricted gaming area, whether at all times or from time to time, the IC document shall specify—
- (a) the nature of the restrictions; and
 - (b) when they will apply.
- (2) The casino operator shall ensure that the operation of a restricted gaming area does not compromise—
- (a) the integrity of the conduct of gaming in the gaming area;
 - (b) the effectiveness of the surveillance system; or
 - (c) the safety of patrons and staff.
- (3) In these Regulations, unless the Commission by written direction provides otherwise, a gaming area is operated as a “restricted gaming area” if the casino operator limits patron access to it.

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Cage

- 127 (1) The casino operator shall ensure that—
- (a) the casino premises have at least one fully enclosed area designed to house cashiers and to store any cash, chips, chip purchase vouchers, wagering vouchers, markers, and documents to be provided to patrons for the purpose of gaming (a “cage”); and
 - (b) all such items are stored in a cage.
- (2) A cage shall be constructed and configured in accordance with industry best practice, as described in the IC document.
- (3) The main cage of the casino shall include a mantrap.

Count room

- 128 (1) The casino operator shall ensure that—
- (a) the casino premises has an enclosed area designed to accommodate the receipt of cash, drop boxes and storage boxes and for the counting of those items and their contents (the “count room”); and
 - (b) that function is performed only in the count room;
 - (c) only counting room staff are present during a count; and
 - (d) only count staff conduct a count.
- (2) The count room shall be constructed and configured in accordance with industry best practice, as described in the IC document.
- (3) The IC document shall specify the procedures and controls for the counting of items in the count room including—
- (a) the mechanism by which a count will be undertaken;
 - (b) the procedures for recording and verifying a count;
 - (c) the procedures for dealing with emergency drops to the count room;
 - (d) the procedures for dealing with corrections or errors; and
 - (e) other personnel permitted or required to be present during each count.
- (4) For the purposes of paragraph (1), the IC document shall—
- (a) specify appropriate positions in the organisational structure as being “counting room staff”; and
 - (b) specify some of those positions as “count staff”.
- (5) The casino operator shall ensure that lists are maintained of—
- (a) the counting room staff; and
 - (b) the count staff,

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with the name, address, licence number and job description of each.

(6) The casino operator shall provide the list to the Commission at such intervals as the Commission by written direction requires.

Multi-functional use of gaming areas

129 (1) The casino operator shall ensure that any activities conducted in a gaming area do not compromise the integrity of the conduct of gaming in the gaming area.

(2) The IC document may set out times or circumstances in which a gaming area may be used for a purpose other than gaming.

(3) If the IC document does so, it shall include any procedures that are necessary to ensure the integrity of the gaming equipment and surveillance equipment, which may include—

- (a) removing or safeguarding gaming equipment in the gaming area; or
- (b) removing or safeguarding related surveillance equipment.

(4) For the avoidance of doubt, this regulation does not affect the operation of sections 117 and 118 of the Act in relation to excluded persons.

Chapter 7 - Gaming equipment

Relationship of this Chapter to IC system

130 This Chapter is a relevant provision for element (l) of an IC system (see regulation 89(3)).

Possession and use of gaming equipment in a casino

131 (1) The casino operator shall ensure that each item of gaming equipment used for a gaming purpose in the casino is approved gaming equipment.

(2) The casino operator shall ensure that each item of restricted gaming equipment present in the casino—

- (a) is approved gaming equipment;
- (b) is present only for the purposes of examination, testing, repair or modification pending approval;
- (c) is being held without being used while arrangements are made for its removal; or
- (d) is present in accordance with a written direction of the Commission.

(3) The casino operator shall maintain records of—

- (a) each item of gaming equipment used for a gaming purpose in the casino; and
- (b) each item of restricted gaming equipment present in the casino,

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that demonstrate that the casino operator has complied with paragraphs (1) and (2).

(4) The records shall include—

- (a) the date of supply to the casino premises;
- (b) the name, address and telephone number of supplier;
- (c) the serial number of each item of gaming equipment that has a serial number; or
- (d) gaming equipment that has the serial number; and
- (e) any modifications made to approved gaming equipment, with the modification approval number.

(5) The casino operator shall ensure that all items of gaming equipment to which paragraphs (1) and (2) apply are securely stored, used and controlled at all times while on the casino premises.

(6) For this regulation, subject to any written direction by the Commission, an item of gaming equipment is “restricted gaming equipment” if—

- (a) it is designed to be used for a gaming purpose; or
- (b) it is commonly used in casinos for a gaming purpose.

(7) For this regulation, an item of gaming equipment is “used for a gaming purpose” if—

- (a) it is used in a game in a casino; or
- (b) it is used—
 - (i) to operate gaming equipment used in a game in a casino; or
 - (ii) to send or receive data from such gaming equipment for the purposes of security or accounting.

Repair and maintenance of gaming equipment

132 (1) The casino operator shall ensure that approved gaming equipment is maintained in good working order.

(2) The casino operator shall maintain records of any repairs to approved gaming equipment that require the replacement of any part affecting game outcome.

(3) The casino operator shall notify the Commission in writing as soon as practicable, but in any case within 24 hours, after becoming aware that any approved gaming equipment in its possession no longer complies with the Act, these Regulations, or any other provision of law.

Use of chips and wagering vouchers

133 (1) All wagering at table games in the casino shall be conducted with—

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- (a) gaming tokens issued by the casino operator and approved by the Commission under section 93 of the Act;
 - (b) wagering vouchers; or
 - (c) electronic wagering credits.
- (2) The casino operator shall not issue chips with a cash value otherwise than as gaming tokens.
- (3) The casino operator may use different gaming tokens for different games only if the different tokens are easily identifiable.
- (4) Chips and wagering vouchers shall not be issued to a patron except on request, and shall not be given as change in any transaction other than a gaming transaction.
- (5) Chips and wagering vouchers shall not be used in any transaction other than a game at the issuing casino.
- (6) Chips and wagering vouchers shall be issued only—
 - (a) by a cashier at a cage;
 - (b) by the dealer at a table game to a patron at the game; or
 - (c) if the IC document provides for chip runners, by a chip runner to a patron at a poker game.
- (7) In this regulation, “chip runner” means a casino staff member who supplies gaming tokens to table games in progress.

Design of gaming tokens

- 134
- (1) This regulation applies subject to any written direction by the Commission.
 - (2) A gaming token may be of any colour or denomination.
 - (3) Gaming tokens issued by the casino operator shall—
 - (a) consist of coloured discs of a design that—
 - (i) is unique to that casino;
 - (ii) enables them to be stacked;
 - (iii) indicates the value of each token;
 - (iv) allows their origin and value to be easily distinguishable on the surveillance system, including when stacked;
 - (b) contain the word “Bermuda” or “BDA”; and
 - (c) be designed as far as possible to prevent counterfeiting or tampering.
 - (4) Tournament tokens shall—
 - (a) contain the word “tournament” and the phrase “no cash value”; and

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- (b) be easily distinguishable from chips with a cash value on the surveillance system.
- (5) Discount tokens shall—
 - (a) contain the word “discount” and the phrase “no cash value”; and
 - (b) be easily distinguishable from chips with a cash value on the surveillance system.

Handling of gaming tokens

135 The IC document shall set out the procedure for—

- (a) the receipt of gaming tokens from the manufacturer;
- (b) the inspection of gaming tokens;
- (c) the storage of gaming tokens;
- (d) the distribution and collection of gaming tokens to and from table games and table game pits;
- (e) the destruction of gaming tokens;
- (f) the removal of any gaming tokens suspected of, or showing signs, of being tampered with or being otherwise noncompliant with any approval granted, and the secure storage of such tokens pending any subsequent investigation; and
- (g) the redemption by an employee, authorised to receive gaming tokens as a tip or gratuity, to redeem gaming tokens received as such.

Tournament and discount tokens and wagering vouchers

136 (1) The casino operator shall not issue wagering vouchers, discount tokens or tournament tokens unless the IC document has set out—

- (a) the circumstances in which they may be issued;
 - (b) for wagering vouchers, the design of the vouchers, in accordance with this regulation; and
 - (c) the procedures for their issue and use.
- (2) A wagering voucher shall—
- (a) if it provides for free or discounted play, state the value of the play;
 - (b) if it relates to the odds or amount of the wager, state the increase or variation in odds or amount of wager;
 - (c) be of a design that—
 - (i) is unique to that casino; and

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- (ii) allows their origin and value or effect to be easily distinguishable on the surveillance system;
- (d) include a unique identifying number or code;
- (e) if space permits, refer to any restrictions or terms and conditions in the house rules; and
- (f) be designed as far as possible to prevent counterfeiting or tampering.

Redemption of gaming tokens

137 (1) A gaming token with a cash value that is lawfully held by a patron may be redeemed by the patron for that value in accordance with this regulation.

(2) A gaming token remains the property of the casino operator, who shall be entitled to require the patron to redeem it or, if it does not have a cash value, surrender it at any time.

(3) A gaming token may be redeemed only at a cage.

(4) The casino operator shall take all reasonable steps to prevent non-patrons from redeeming a gaming token.

(5) Subject to paragraph (6), the casino operator shall, upon the presentation for redemption by a patron of a gaming token, promptly exchange it for an equivalent amount of cash or other approved credit instrument.

(6) A casino operator shall not redeem a gaming token if—

- (a) the casino operator suspects that it is counterfeit;
- (b) the casino operator suspects that it was obtained or is being used unlawfully;
- (c) the redemption does not comply with the conditions in the house rules;
- (d) the approval of the gaming token under section 93 of the Act has terminated or been withdrawn by the Commission; or
- (e) the gaming law or a written direction by the Commission prohibits redemption in the circumstances.

(7) A casino operator shall not redeem a gaming token issued by another casino.

Dice

138 (1) The IC document shall set out the procedure for—

- (a) the receipt of dice from the manufacturer;
- (b) the inspection of dice;
- (c) the storage of dice;
- (d) the distribution and collection of dice to and from table games and table game pits;

- (e) the destruction of dice; and
- (f) subject to paragraph (3), the removal of any dice suspected, or showing signs, of being tampered with or being otherwise non-compliant with any approval granted and the secure storage of such dice for any subsequent investigation.

(2) The casino operator shall seek to prevent to the greatest extent possible the use of counterfeit, altered, damaged or otherwise non-compliant dice within the casino premises.

(3) The casino operator shall ensure that, if any dice show any sign of tampering or other damage—

- (a) they are immediately removed from use, placed in a sealed container, stored in a secure area and not used again for gaming; and
- (b) the incident is reported to the compliance committee.

Playing cards

139 (1) The IC document shall set out the procedure for—

- (a) the receipt of cards from the manufacturer;
- (b) the inspection of cards;
- (c) the storage of cards;
- (d) the distribution and collection of cards to and from table games and table game pits or tables;
- (e) the destruction of cards; and
- (f) subject to paragraph (3), the removal of any cards suspected, or showing signs, of being tampered with or otherwise being non-compliant with any approval granted and the secure storage of such cards pending any subsequent investigation.

(2) The casino operator shall seek to prevent to the greatest extent possible the use of counterfeit, altered, damaged or otherwise non-compliant cards in the casino premises.

(3) The casino operator shall ensure that, if any cards show any sign of tampering or other damage—

- (a) they are immediately removed from use, placed in a sealed container, stored in a secure area and not used again for gaming; and
- (b) the incident is reported to the compliance committee.

(4) Unless the Commission by written direction determines otherwise, playing cards used at a casino in respect of a table game shall be—

- (a) shuffled using an electronic shuffler; and
- (b) dealt from a card shoe or other device approved by the Commission.

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Chapter 8 - Conduct of gaming and wagering

Relationship of this Chapter to IC system

140 This Chapter is a relevant provision for element (m) of an IC system (see regulation 89(3)).

List of games to be offered

141 (1) The IC document shall set out a list of the games that the casino operator proposes to offer from time to time.

(2) The IC document shall also set out—

- (a) the mode of play and the rules for each game;
- (b) any limitations and conditions on the offering or playing of each game;
- (c) a clear and concise explanation of all fees to be charged in relation to individual games and generally;
- (d) any applicable wagering limits relating to each game and generally; and
- (e) all other terms and conditions relating to each game and to games and gaming generally.

(3) The casino operator shall maintain a record of the games actually offered at the casino at any time in the previous six years.

(4) The games to be offered in the IC document shall be games on the list published by the Commission under section 91(1)(b) of the Act, and the modes of play and the rules for the games shall be as approved by the Commission under that section.

(5) Subject to any written direction by the Commission, a game that was automatically approved through the operation of section 91(1A) of the Act shall be subject to any limitations and conditions that would be applicable to the game in the relevant foreign jurisdiction.

[Regulation 141(2) subparagraph (d) amended by BR 91 / 2019 reg. 17 effective 12 September 2019]

House rules

142 (1) For these Regulations, a reference to the “house rules” in relation to a patron or patrons is a reference to a document that sets out—

- (a) a list of the games offered to the patron or patrons by the casino;
- (b) the mode of play and the rules for each game;
- (c) a clear and concise explanation of all fees;
- (d) any applicable wagering limits, including the minimum and maximum bets applicable to each game;
- (e) conditions on the issue, use and redemption of gaming tokens and chip purchase vouchers;

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- (f) conditions on the issue and use of wagering vouchers; and
 - (g) all other terms and conditions relating to the games.
- (2) The casino operator shall ensure that—
- (a) an electronic copy of the house rules is made available to any patron accessing a patron account by a clear and conspicuous link; and
 - (b) a paper version of the house rules is made available to a patron on request.
- (3) For the avoidance of doubt, if a game, or a form of a game, is offered by the casino only in a restricted gaming area, the house rules for a patron need not cover the game, or that form of the game, unless the patron has been accepted for the restricted gaming area.
- (4) A modified extract from the house rules may be made available to a patron, or displayed for patrons in the casino, provided that—
- (a) it relates to a particular game or games;
 - (b) it includes a summary of—
 - (i) the mode of play and rules of play for the game or games; and
 - (ii) other information in the house rules relevant to the game or games, that includes all essential information and is not misleading in any way; and
 - (c) it clearly states that it is only a summary of the rules that relate to the game or games, and that the full house rules are available on request.

[Regulation 142(1) subparagraph (d) amended by BR 91 / 2019 reg. 18 effective 12 September 2019]

Information on minimum and maximum wagers

143 (1) The casino operator shall ensure that applicable minimum and maximum wagers are clearly displayed at each gaming machine.

(2) The casino operator shall ensure that applicable minimum and maximum wagers are clearly displayed at each gaming table not in a restricted gaming area.

Jackpot and credit meter payouts and annuities

144 (1) The IC document shall set out the system of payouts for the casino.

(2) The casino operator shall not offer a payout that has not been certified by the compliance committee as being fair in the context of the relevant games.

(3) Subject to this regulation, a payout may be offered in cash, as an annuity, in the form of goods or services, or as a mixture of these.

(4) The casino operator shall not offer a payout that includes an annuity, or goods or services, except in accordance with a written direction of the Commission that permits such payouts.

- (5) If the IC document provides for an annuity payout—
 - (a) it shall set out how the casino operator is to ensure the future payments of the annuity;
 - (b) it may also provide for a single cash payout in lieu of the annuity, and if it does so—
 - (i) it shall set out the calculations for the amount of the cash payment, showing any discount; and
 - (ii) the casino operator shall ensure that any advertisement includes the calculations.
- (6) If the IC document provides for a payout in the form of goods or services, it may also provide for a single cash payout in lieu of the goods or services.
- (7) If the casino operator offers a payout consisting of goods or services, the casino operator shall—
 - (a) set out clearly in any advertisement—
 - (i) the value of the goods or services available as a payout;
 - (ii) the dates the goods or services are available as a payout;
 - (iii) an accurate description of the goods or services, which must not be misleading as to value;
 - (iv) any restrictions on the goods or services including any dates by which the goods or services must be collected or utilised; and
 - (v) if a cash prize is offered as an alternative, the amount of the cash prize; and
 - (b) ensure that any goods or services provided by third parties are actually provided to the patron.

Table inventory

145 (1) In this regulation, the “table inventory”, for a table game that is not fully automated and in which the casino is required to participate financially, is the stock of chips that it has at the commencement of a session of play.

- (2) The IC document shall set out—
 - (a) the procedure for the distribution, collection, reconciliation and storage of a table inventory; and
 - (b) any fill and credit procedures.
- (3) The casino operator shall not permit any addition to or removal from the table inventory except—
 - (a) in exchange for cash;

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- (b) in exchange for a credit instrument that the Commission permits by written direction;
 - (c) for the payment of winning wagers and the collection of losing wagers made at that gaming table;
 - (d) in exchange for gaming chips or other gaming coupons or tokens of an equal aggregate face value; or
 - (e) in accordance with a fill and credit procedure set out in the IC document.
- (4) The casino operator shall ensure that—
- (a) all transactions relating to a table inventory prior to the commencement of gaming and after the conclusion of gaming are recorded; and
 - (b) all transactions relating to a table inventory during gaming are clearly visible to and recorded by the surveillance systems.

Patron transactions at tables

146 (1) The IC document shall set out the procedure to be followed for transactions involving the acceptance of cash or chips from a patron in respect of a table game, and how the patron, the dealer and the game supervisor are to be made aware of the value of a transaction.

(2) The casino operator shall ensure that all such transactions are visible to and recorded by the surveillance system.

- (3) The casino operator shall not permit a wager to be accepted if—
- (a) the wager is placed on behalf of another person;
 - (b) the wager is placed by a person who is or appears to be incapacitated or incapable of making a decision in relation to the wager by reason of intoxication due to drink or drugs or other mental condition; or
 - (c) it would be, or it appears that it would be, unlawful to accept the wager.

Distribution of chips to gaming tables

147 The IC document shall set out a procedure that ensures that—

- (a) when chips are distributed to a table on which gaming is in progress, an accurate electronic record is made that contains sufficient information for the reconciliation of all distributions including—
 - (i) date and time of distribution;
 - (ii) total amount and denomination of chips distributed; and
 - (iii) the table and employees involved in the distribution and receipt of chips; and
- (b) access to completed records of distributions is restricted to specified employees who have no involvement in the distribution process.

Removal of cash and chips from gaming tables

148 The IC document shall set out a procedure that ensures that—

- (a) when cash or chips are removed from a table on which gaming is in progress, an accurate electronic record is made that contains sufficient information for the reconciliation of all removals including—
 - (i) date and time of removal;
 - (ii) total amount and denomination of cash and chips removed; and
 - (iii) the table and employees involved in the distribution and receipt of chips; and
- (b) access to completed records of removals is restricted to specified employees who have no involvement in the removal process.

Chapter 9 - Anti-corruption measures

Relationship of this Chapter to IC system

149 This Chapter is a relevant provision for element (n) of an IC system (see regulation 89(3)).

Anti-bribery and anti-corruption policy

150 (1) The IC document shall set out a comprehensive and robust anti-bribery and anti-corruption policy (the “policy”) in accordance with this regulation.

(2) The casino operator shall conduct a risk assessment to identify any areas of its casino operations at risk for bribery and corruption and the policy shall specify the measures to address those risks.

(3) The policy shall, to the greatest extent possible, encourage a culture where bribery and corruption are unacceptable and that ensures that casino staff, associates and third party contractors—

- (a) act with integrity in all business dealings;
- (b) are provided with the necessary training regarding anti-bribery and anti-corruption measures;
- (c) comply with the gaming law, and any other provision of law, and any international obligations relating to anti-bribery and anti-corruption measures; and
- (d) report to the casino operator any breach or suspected breach of any requirements under subparagraph (c).

(4) The policy shall provide for the immediate reporting to the Commission of any breach or suspected breach of—

- (a) the requirements under paragraph (3)(c);
- (b) the policy.

(5) It shall be a term of the contract of employment for every casino employee that he comply with the terms of the policy.

Chapter 10 - Anti-money laundering and anti-terrorist financing measures

Relationship of this Chapter to IC system

151 This Chapter is a relevant provision for element (o) of an IC system (see regulation 89(3)).

Anti-money laundering and anti-terrorist financing controls

152 (1) The IC document shall set out a comprehensive and robust AML/ATF compliance policy, that is risk-based and will ensure compliance with all the casino operators' AML/ATF obligations.

(2) The casino operator shall conduct a risk assessment to identify any areas of its casino operations at risk for money laundering and terrorist financing and the AML/ATF compliance policy shall specify the measures to address those risks.

(3) The risk assessment shall cover, but not be limited to, the risks involving—

- (a) casino patrons generally, which may include whether a patron—
 - (i) has sources of wealth or income commensurate with his gaming activity;
 - (ii) has provided personal, financial or business information that can be readily verified;
 - (iii) has fiduciary obligations that may create a risk of misappropriation of funds;
 - (iv) is associated with individuals or entities known to be connected to the illicit generation of funds or the laundering of such funds;
 - (v) has been made bankrupt;
 - (vi) has a prior history of criminal or dishonest conduct; or
 - (vii) is a politically exposed person;
- (b) casino gaming, eGaming and betting generally;
- (c) products and services offered by or on behalf of the casino operator;
- (d) employees in the proper performance of their functions and duties and as a voluntary or involuntary part of any AML/ATF scheme;
- (e) the use of foreign holding accounts where funds are held in a foreign jurisdiction for use in a casino in Bermuda;
- (f) the use of third party marketing agents and junkets;

- (g) the ownership structures and integrity of intermediaries and associated businesses such as junket promoters, agents, gaming manufacturers, financial service providers;
 - (h) criminal activities and proceeds of crime generated domestically as well as generated abroad but laundered domestically;
 - (i) financial services offered by the casino operator or by an intermediary; and
 - (j) the use of slot machine or kiosks that accept cash.
- (4) The AML/ATF compliance policy shall include—
- (a) procedures for using all reasonably available information to determine—
 - (i) the full name, date of birth, and residential address, and verification of the same, of a patron of the casino, when required by the Commission or any other law enforcement agency to provide such information; and
 - (ii) whether a suspicious activity report needs to be filed;
 - (b) the creation and maintenance of any records required under;
 - (c) internal testing for compliance with the requirements of the gaming and AML/ATF law;
 - (d) appropriate, ongoing training of casino personnel in AML/ATF matters;
 - (e) a clear reporting line and escalation path;
 - (f) responsibilities of the compliance officer in relation to AML/ATF matters;
 - (g) a clear procedure for the review and implementation of any compliance officer recommendations or reports;
 - (h) integrating and sharing data as appropriate and feasible among—
 - (i) different parts of the casino and integrated resort;
 - (ii) any other casino operators;
 - (iii) other entities providing gaming, betting or lottery services; and
 - (iv) affiliates in other jurisdictions;
 - (i) consideration of all remuneration and employee incentive policies and structures to ensure that no person is rewarded as a result of failing to comply with the AML/ATF compliance policy;
 - (j) procedures to ensure that high risk or politically exposed persons are identified so that appropriate sign-off is obtained for transactions involving those persons;
 - (k) procedures to implement such measures as are necessary to assist any law enforcement or regulatory authorities in Bermuda with any investigations or enabling those authorities to freeze or seize assets where permitted by law;

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- (l) the use of any cashless wagering systems to monitor the variety, frequency and volume of transactions; and
 - (m) clear policies and procedures to prevent to the greatest extent practicable the purchase of chips from 'clean' patrons at a premium.
- (5) The casino operator shall review its risk assessment and compliance policy at regular intervals and in light of any changes of circumstances, including the introduction of new products or technology, new methods of payment by customers, changes in the customer demographic or any material changes, and in any event at least annually.
- (6) The casino operator shall—
- (a) consider such amendments to the AML/ATF compliance policy as may be recommended; and
 - (b) make such amendments as may be required by—
 - (i) those persons carrying out the review pursuant to paragraph (5);
 - (ii) the Commission; or
 - (iii) the independent entity providing the opinion pursuant to regulation 154.
- (7) The casino operator shall keep a record that demonstrates that—
- (a) it takes all relevant risk factors into account when determining the level of AML/ATF risk; and
 - (b) AML/ATF risk assessments are not unduly influenced or compromised by the potential profitability of new or existing patron relationships.
- (8) The casino operator shall seek, through its AML/ATF compliance policy and otherwise, to create to the greatest extent possible a culture where significant importance is attached to AML/ATF.
- (9) The casino operator shall seek to utilise any cashless wagering system or patron account information to aid in complying with the provisions of these Regulations.
- (10) The casino operator shall ensure that adequate resources are allocated to ensure compliance with all AML/ATF requirements.
- (11) The casino operator shall ensure that any employees in a jurisdiction other than Bermuda comply with all record keeping and recording requirements set out in the Act or these Regulations.

Compliance Officer

- 153 (1) A casino operator shall ensure that it has at all times a compliance officer who—
- (a) is adequately trained to carry out the role;
 - (b) fully understands the relevant AML/ATF requirements;

- (c) is available to other employees to consult on AML/ATF related issues as they arise;
 - (d) is fully knowledgeable as to the casino's products, services, customer base and particular AML/ATF risk areas; and
 - (e) has appropriate authority and resources to implement the casino's AML/ATF policies.
- (2) The compliance officer shall be responsible for ensuring that training is provided at a minimum to the following general categories of employees—
- (a) those engaged in the operation of casino games and bookmaking;
 - (b) all employees with cash or credit handling responsibilities;
 - (c) surveillance employees;
 - (d) employees in the accounts department;
 - (e) senior gaming management; and
 - (f) employees responsible for marketing or hosting high value players.
- (3) The compliance officer shall upon request in writing attend an interview with the Commission or with any other law enforcement agency in Bermuda and shall, if required, provide evidence under oath.

Third party accreditation of AML/ATF policy

- 154 (1) A casino operator shall ensure that its AML/ATF compliance policy is reviewed and an opinion prepared by an independent entity approved by the Commission—
- (a) prior to the opening of the casino; and
 - (b) at such intervals as the Commission may by written direction require.
- (2) The review shall include, but shall not be limited to—
- (a) customer due diligence;
 - (b) transaction monitoring;
 - (c) record keeping;
 - (d) training;
 - (e) adherence to reporting requirements;
 - (f) compliance with AML/ATF rules and regulations generally; and
 - (g) compliance with industry good practice.
- (3) The opinion shall address the compliance of the AML/ATF compliance policy with the requirements of these Regulations and any other provisions of law relating to AML/ATF.

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(4) The costs of complying with this regulation shall be borne by the casino operator.

(5) The Commission may publish a list of approved independent entities for the purposes of these Regulations.

(6) The casino operator may request the addition of any entity to the list of approved entities.

(7) If the Commission makes an investigation for the purposes of a request made under this regulation, the casino operator shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the investigation.

(8) Whether any entity is to be added to the list is a decision solely in the discretion of the Commission.

[Regulation 154 paragraph (7) revoked and substituted by BR 91 / 2019 reg. 19 effective 12 September 2019; Regulation 154 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Chapter 11 - Dealing with minors

Dealing with minors

155 (1) This regulation is a relevant provision for element (p) of an IC system (see regulation 89(3)).

(2) The IC document shall set out the procedures for dealing with minors, including—

- (a) identifying a person who appears to be, or appears likely to be, a minor;
- (b) establishing whether or not such a person is in fact a minor;
- (c) if minors will not be permitted to enter the casino premises, or will not be permitted at particular times, how they will be excluded; and
- (d) if minors will be permitted to enter the casino premises, or will be permitted at particular times, how they will then be excluded from gaming areas.

(3) The casino operator shall ensure that there is at all times adequate surveillance and supervision by a combination of appropriately trained floor staff and surveillance staff, of—

- (a) the entrances to the casino premises; or
- (b) the entrances to the gaming areas,

to ensure that minors are excluded from the gaming areas of the casino.

(4) The casino operator shall ensure that the age of any person who enters the gaming area and appears to be or is suspected of being a minor is checked.

(5) The casino operator shall not deliberately provide for the gaming areas to appeal to children or young people.

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(6) The casino operator shall ensure that casino staff refuse service to any adult in a gaming area if the adult is accompanied by a minor.

(7) Where an adult person attempts to bring a minor into a gaming area on more than one occasion, the casino operator shall make a compulsory exclusion order in relation to the person, of such length as the casino operator thinks appropriate, but no less than one month.

(8) The casino operator shall take all reasonable precautions to prevent minors from having access to eGaming.

(9) The casino operator shall ensure that minors are not served intoxicating liquor, and are not permitted to consume intoxicating liquor, on casino premises.

(10) Where a person appears to be a minor, the casino operator shall treat the person as a minor unless the person provides a photographic ID that demonstrates the contrary.

[Regulation 155 revoked and substituted by BR 91 / 2019 reg. 20 effective 12 September 2019]

Chapter 12 - Complimentary services

Complimentary services

156 (1) This regulation is a relevant provision for element (u) of an IC system (see regulation 89(3)).

(2) The IC document shall set out the controls relating to the authorisation and issuance of any complimentary services, which shall include—

- (a) the procedures by which employees are authorised to issue complimentary services;
- (b) the procedures by which the casino operator establishes, modifies or limits that authority; and
- (c) a list of the persons able to authorise complimentary services, and the maximum dollar value or other limit on each person's authority;
- (d) where any complimentary service may be provided.

(3) The casino operator shall ensure that the following details of any complimentary service are recorded in a database—

- (a) a description of the complimentary service or goods;
- (b) the date it was provided;
- (c) the name and position of the employee who authorised it;
- (d) the name of the person receiving it;
- (e) its value;
- (f) the reason for providing it.

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(4) The casino operator shall make the database available to the Commission upon demand.

(5) The casino operator shall prepare a quarterly report detailing the recipient names and dollar value of all complimentary services or goods for that period.

(6) If the casino operator gives patrons coupons, vouchers or other documents that will entitle them to a complimentary service, it shall ensure that—

- (a) they are given in a manner that is clearly visible by the surveillance system; and
- (b) the nature of the coupon, voucher or other document is easily identifiable by the surveillance system.

(7) Any complimentary service provided directly or indirectly by a third party not an affiliate of the casino operator shall be deemed to have been provided by the casino operator where such service or item—

- (a) is directly or indirectly related to gaming; or
- (b) is provided at no cost or at a reduced cost, compared to the cost at which it is available to members of the public generally, in consequence of the person being a patron of the casino.

(8) In this regulation, “complimentary services” means any services or goods provided by a casino operator directly or indirectly to an individual in respect of the anticipated or actual gaming activities of that individual at no cost or at reduced cost where the provision of such services or goods is not generally available to the public and includes—

- (a) cash and non-cash gifts;
- (b) the awarding of reward or other loyalty points otherwise than in accordance with any stated reward scheme.

PART 8

CASINO ADVERTISING AND PROMOTIONS

Meaning of “advertising” in this Part

157 In this Part—

“advertising” means any advertising or promotional activity that—

- (a) relates to—
 - (i) a particular casino or integrated resort in Bermuda; or
 - (ii) casino gaming in Bermuda generally; and
- (b) is commissioned by a person other than a public authority or an entity wholly owned by the government;

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“live advertising” means advertising in the form of an interview or other performance that is not fully scripted, and is given or broadcast in a manner that does not permit editing or revision;

“prepared advertising” means any advertising other than live advertising.

[Regulation 157 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Advertising must comply with Advertising Code and Commission’s directions

158 (1) All prepared advertising shall comply with—

- (a) the Advertising Code set out in Schedule 1; and
- (b) any relevant written direction by the Commission.

(2) A person commissioning, performing in, or producing live advertising shall use his best endeavours to ensure that the advertising complies with—

- (a) the Advertising Code; and
- (b) any relevant written direction by the Commission.

[Regulation 158 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Obligation on casino operator

159 (1) This regulation is a relevant provision for element (w) of an IC system (see regulation 89(3)).

(2) The casino operator shall ensure that all advertising that it conducts or commissions, or in relation to which it exercises control, complies with this Part.

(3) The casino operator shall ensure that all casino staff or agents responsible for marketing and advertising are adequately trained and aware of the obligations in this Part and any relevant written directions of the Commission.

[Regulation 159 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Approval of advertising

160 (1) A casino operator may request the Commission to approve particular advertisements or promotional activities.

(2) An application shall be made in such form as the Commission may require.

(3) The casino operator shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of the application, including any investigations made by the Commission.

(4) The Commission may approve the advertisements or promotional activities, subject to such conditions as the Commission sees fit.

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(5) An approval given under this regulation may be withdrawn in a discontinuance notice given to the casino operator.

[Regulation 160 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 160 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Inability to comply with discontinuance notice

161 (1) This regulation applies to a person on whom a discontinuance notice is served if the person is unable to comply with a requirement in the notice for reasons beyond the person's control.

(2) The person is deemed to have complied with the requirement if—

(a) within the period specified for compliance, the person has—

(i) notified the Commission in writing that the person will be unable to comply; and

(ii) explained the reasons why it is beyond the person's control; and

(b) the Commission is satisfied by the explanation.

[Regulation 161 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Appeal against discontinuance notice

162 (1) A person served with a discontinuance notice may, within 48 hours of the service of the notice or such other period as the Commission may allow, lodge with the Commission an objection in writing stating the reasons for the objection.

(2) An objection shall be made in such form as the Commission may require.

(3) The Commission shall consider the objection and may undertake any investigation it thinks necessary, and shall provide the objector with its written decision either allowing the objection in full or in part, or disallowing the objection, and giving reasons.

(4) During the period of any investigation into an objection, the Commission may require the person raising the objection to take such steps as the Commission thinks necessary, which may include compliance with the notice, or specified requirements in the notice.

(5) The person making the objection shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of the appeal, including any investigation made by the Commission.

[Regulation 162 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 162 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

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PART 9

CASHLESS WAGERING SYSTEM

Relationship of this Part to IC system

163 If a casino operator proposes to use a cashless wagering system (“CWS”) in the casino, this Part is a relevant provision for element (x) of an IC system (see regulation 89(3)).

[Regulation 163 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Use of a cashless wagering system

164 (1) The IC document shall set out the operating protocol for the CWS.

(2) For these Regulations, the “operating protocol” for a CWS is a document that sets out how the CWS will be operated in the casino, including—

- (a) a detailed description of the CWS and of its scope and functions in the casino;
- (b) rules on who may access the system and the actions that may be performed;
- (c) checks and security protocols; and
- (d) rules and procedures for connecting or adapting the CWS to any new or changed gaming machines or other gaming equipment.

[Regulation 164 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

General requirements for a CWS

165 (1) The CWS shall be designed to operate in accordance with its operating protocol in a manner that is—

- (a) honest;
- (b) secure;
- (c) reliable; and
- (d) auditable.

(2) The CWS shall provide assurance of data accuracy and integrity, and in particular shall satisfy the following—

- (a) all key data communications are encrypted;
- (b) it has input data validation controls to ensure that input data is correct;
- (c) it has processing controls to detect errors in the completeness and accuracy of the processing and update of the CWS system; and
- (d) it has output data controls to ensure the accuracy of information being output or reported.

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(3) Each terminal connected to the CWS shall be uniquely identified by the CWS, whether it is connected directly or through a server.

(4) The CWS shall restrict access by employees in accordance with job functions and responsibilities, shall prevent access by unauthorised parties, and shall detect possible unauthorised access and mitigate to the greatest extent possible the information accessible.

(5) The CWS system shall be designed so that no single failure of any part of the system would cause the loss or corruption of data and that all data is held and able to be accessed or retrieved for the purpose of back-up or audit.

(6) The CWS servers and databases shall be held in a restricted and secure area which shall be on the casino premises unless otherwise agreed in writing by the Commission.

(7) The interface on any machine shall be installed in as secure a manner as reasonably practicable to prevent unauthorised access.

(8) The CWS shall be fit for purpose, and be designed to allow for the development of new technology.

(9) Any gaming machine connected to the CWS shall incorporate electronic accounting meters that record—

- (a) credits received from or sent to the CWS; and
- (b) non-cashable promotional credits.

(10) The integrity of the CWS system shall be maintained at all times during live use.

(11) The CWS shall detect and prevent any alteration of any key data unless the change is authorised and fully recorded.

(12) In the event of a system failure, the CWS database shall be reloaded from the last backup and all data up to the minute of failure shall be fully recovered through roll forward of transaction logs.

(13) All diagnostic activity performed on any terminal or on the CWS generally shall be recorded to include details of the specific terminal, the individual undertaking the diagnostic activity, the results of such diagnostic activity, and the date and time of such activity.

(14) In the event of a failure or compromise of the CWS, the casino operator shall arrange an internal investigation and shall report to the compliance committee the results of such an investigation.

(15) All CWS data shall be held in such manner as to be accessible upon request by the Commission for a period of not less than 6 years.

[Regulation 165 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

CWS operations

166 (1) The CWS may provide for—

- (a) the transfer of funds from a terminal or patron account through credit transfers directly to a gaming machine or via the use of TITO technology;
 - (b) the transfer of funds from a gaming machine directly to a patron account;
 - (c) the transfer of funds from a patron account to a token or voucher for inserting into a gaming machine;
 - (d) the transfer of funds from a token or voucher to a patron account;
 - (e) the viewing of and updating of information on a patron account including account balance; or
 - (f) the use of a magnetic strip player card (other than those connected to the patron account) onto which credit may be added for use in gaming and which may only be cashed out at the cage.
- (2) The CWS shall not permit—
 - (a) the transfer of funds to or from a financial institution;
 - (b) the transfer of funds between patron accounts; or
 - (c) the granting of credit.
- (3) The CWS shall not permit a person to access a patron account or transfer funds, unless—
 - (a) the person is entitled or authorised to access the account or the funds; and
 - (b) his identity has been confirmed by a secure means of authentication.
- (4) The CWS shall provide functionality—
 - (a) to allow a patron account to be automatically locked when a specified number of unsuccessful attempts to access have been made;
 - (b) to allow a lost or stolen patron account or other magnetic strip card to be blocked and for any attempt to use such a card to be reported;
 - (c) to permit wagering limits to be set for individual patrons; or
 - (d) to allow the Commission to search online an event log for all pending, completed and failed cashless transactions for at least the previous 12 months of data using at the minimum the following search criteria—
 - (i) date and time range;
 - (ii) terminal; and
 - (iii) patron account number or other unique patron identifier.
- (5) The CWS shall provide such measures as may be appropriate for the relevant games to detect and mitigate problem gaming including the ability for a patron to impose limits on the amount wagered or lost or the time spent on the game.
- (6) The CWS shall be able to create—

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- (a) a daily report containing the following—
 - (i) the date and time generated;
 - (ii) for each gaming machine—
 - (A) the individual and total amount, date, time and transaction number of each credit transaction; and
 - (B) the individual and total amount, date, time and transaction number of each transaction that relates to a non-cashable credit;
 - (iii) for each patron account—
 - (A) the individual and total amount, date, time and transaction number of each credit withdrawal; and
 - (B) the individual and total amount, date, time and transaction number of each credit deposit; and
 - (b) such other financial reconciliation and variance reports as may be required by the gaming law or by written direction of the Commission.
- (7) Where any gaming machine holds information relating to cashless wagering or the patron account, it shall not have the ability to compromise or delete that information, unless the information has been transferred to the CWS.
- (8) The casino operator may permit an approved gaming supplier to operate the CWS on its behalf.

[Regulation 166 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Gaming machines and the CWS

- 167 (1) Where a gaming machine is connected to the CWS, the CWS shall—
- (a) allow credits to be withdrawn or deposited between the gaming machine and a patron account;
 - (b) account for all transfers of credits between patron accounts and gaming machines;
 - (c) assign a unique transaction number to each transaction;
 - (d) require a patron to enter an access code associated with the patron account to initiate any withdrawal or deposit of credits;
 - (e) identify the gaming machine at which a credit transaction occurs;
 - (f) allow a patron to limit the amount withdrawn during a gaming session; and
 - (g) upon request by the patron, display on the gaming machine the patron account balance available for use on that gaming machine;
 - (h) prohibit withdrawal in excess of that balance;
 - (i) prohibit simultaneous transactions on a patron account;

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- (j) provide a patron with a receipt upon request when credits are transferred between the gaming machine and the patron account; and
 - (k) generate such reports as the Commission may by written direction require.
- (2) The CWS shall record a log in relation to each connected gaming machine which shall include—
- (a) type of transaction;
 - (b) monetary value of transaction;
 - (c) time and date of transaction;
 - (d) patron details, where available;
 - (e) the unique transaction number;
 - (f) the gaming machine identifying number; and
 - (g) any other information the Commission may by written direction require.

[Regulation 167 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Patron use of the CWS

168 (1) The CWS shall permit compliance with all regulations governing patron accounts.

(2) The CWS shall not permit a patron to access his patron account or transfer funds to or from his patron account, unless his identity has been confirmed by a secure means of authentication.

(3) The CWS shall permit a patron to view current wagering information including the account balance on demand from any terminal on which the patron is wagering.

(4) The CWS shall permit a patron access only by card insertion into a magnetic card reader or such other protected means as may be approved by the Commission by written direction.

(5) If communication between the CWS and a terminal used for wagering is lost—

- (a) the terminal shall not permit further wagering and shall prominently display an appropriate error message informing the patron of the suspension of the terminal; and
- (b) the loss of the terminal shall be automatically reported to the casino.

(6) The CWS shall record all changes to any patron account, including—

- (a) who made or authorised the change;
- (b) the details of the change; and
- (c) the time and date of the change.

[Regulation 168 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

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Voids and adjustments

169 (1) The CWS shall—

- (a) limit the ability to void credit transactions to authorised users and approved automated procedures;
- (b) maintain a record in a machine readable form an unalterable record of each void; and
- (c) identify, at a minimum—
 - (i) the person or procedure that voided the record;
 - (ii) the patron account number;
 - (iii) the unique transaction number;
 - (iv) the date and time the void occurred; and
 - (v) the value of the transaction.

(2) The CWS shall maintain a record of any changes to the access code associated with a patron account including the date and time when the change was made and the location where the change was made.

[Regulation 169 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Remote access to CWS

170 A CWS may permit remote access by an authorised staff member of an approved gaming supplier (a “remote user”), provided that—

- (a) the CWS and the operating protocol ensure a secure means of authentication of the identity of remote user;
- (b) the connection is established in a way that prevents unauthorised access to the system or the data transmitted between the remote user and the CWS;
- (c) a firewall or equivalent protection is used by the casino operator in conjunction with the connection; and
- (d) all access and transactions by a remote user are recorded by the CWS, including—
 - (i) date and time of access;
 - (ii) the identity of the remote user;
 - (iii) any user accounts accessed during the remote session;
 - (iv) the reason for access; and
 - (v) details of any modifications or transactions.

[Regulation 170 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

PART 10
PATRON ACCOUNTS

Relationship of this Part to IC system

171 If a casino operator proposes to offer patron accounts, this Part is a relevant provision for element (y) of an IC system (see regulation 89(3)).

[Regulation 171 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

System of patron accounts

- 172 (1) Patron accounts shall be maintained electronically.
- (2) A patron account shall comprise the following sub-accounts—
- (a) a general account; and
 - (b) if the patron account is connected to a CWS, a separate account for each of the following types of gaming or betting that the account covers—
 - (i) physical gaming;
 - (ii) betting;
 - (iii) gaming by means of eGaming;
 - (iv) betting by means of eGaming.
- (3) No payments by the patron may be made into one of the separate accounts except by transfer from the general account.
- (4) The IC document shall set out—
- (a) how a patron account and its sub-accounts will be operated;
 - (b) circumstances in which a patron account and each kind of sub-account may be used, or must be used;
 - (c) any restrictions that may be, or shall be, placed on—
 - (i) who may hold a patron account; or
 - (ii) the use of a patron account or sub-account;
 - (d) how a patron will be given access to the patron account and any sub-accounts;
 - (e) mechanisms to ensure that, as far as possible, account holders remain contactable; and
 - (f) procedures for closing a patron account, and for dealing with dormant accounts in accordance with regulation 177.
- (5) The casino operator shall not permit a patron to engage in eGaming except by using an appropriate sub-account.

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(6) The casino operator shall not permit a patron to draw on a patron account except for the purchase of chips or engaging in gaming, eGaming or betting.

(7) The casino operator shall not permit a patron account to be held—

- (a) anonymously;
- (b) in a fictitious name;
- (c) by a patron who already holds another patron account;
- (d) by a minor; or
- (e) by an excluded person.

[Regulation 172 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Establishing a patron account

173 (1) The casino operator shall not activate a patron account, unless—

- (a) the patron has appeared at the casino premises in person;
- (b) the casino operator is satisfied as to the identity of the person, established by photographic ID;
- (c) the casino operator holds the patron account information about the patron, and is satisfied that it is correct; and
- (d) the patron has signed the statement mentioned in paragraph (2).

(2) The patron must, by signing an appropriate statement, agree that the patron—

- (a) will not allow another person to use his patron account;
- (b) is bound by the dispute resolution procedures established by the Commission and agrees to submit to arbitration in the event of an appeal;
- (c) is subject to the house rules of the casino operator;
- (d) is subject to any applicable terms and conditions, including provisions relating to dealing with dormant accounts;
- (e) consents to Bermuda as the exclusive jurisdiction for the resolution of all disputes as between the patron and the casino operator; and
- (f) consents to the patron account information and the details of the patron's transactions being recorded by the casino operator and made available to the Commission.

[Regulation 173 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Records

174 (1) For these Regulations, the patron account information in relation to a patron is the following—

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- (a) full name;
- (b) any other identifier such as a nickname or alias;
- (c) date of birth;
- (d) nationality;
- (e) residential address;
- (f) details of a bank account or credit account in the name of the patron, for paying and receiving funds;
- (g) email address and phone number (where available); and
- (h) any other information that the Commission by written direction requires.

(2) The casino operator shall establish and maintain a record of each patron account that includes—

- (a) the patron account information, updated as appropriate; and
- (b) for each item of the patron account information, the evidence by which the operator was satisfied as to the item, with the date on which it was provided;
- (c) if the patron account will be connected to a CWS, the kinds of gaming or betting to which the account will relate, as mentioned in regulation 172(2)(b);
- (d) the date and time the patron account was opened and, as applicable, activated and closed;
- (e) the date and time the patron first and last accessed his account;
- (f) the details of all transactions relating to the account, including any adjustments to the account; and
- (g) the physical location of the patron while accessing the patron account (where such information is available).

(3) Each patron account shall be assigned a unique identifying number.

[Regulation 174 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Access to patron account

175 (1) The casino operator shall ensure that access to a patron account is limited to the patron and such other persons as may be authorised in accordance with the IC document.

(2) The casino operator shall provide a patron with a secure method of accessing the patron account which shall use no less than two of the following to verify a patron's identity—

- (a) information known only to the patron, such as a password, pattern or answer to a question;

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- (b) an item possessed by the patron such as an electronic token, physical token or identification card;
- (c) the patron's biometric data such as fingerprints, facial or voice recognition.

[Regulation 175 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Financial transactions

176 (1) A casino operator shall not permit a transfer from a patron account to an account outside the casino other than to a bank account or credit card account in the patron's name.

(2) A casino operator shall not permit the transfer of funds between patron accounts.

(3) A casino operator shall not permit a patron account to become overdrawn or maintain a negative balance.

(4) A casino operator shall permit the withdrawal of funds from a patron account within a reasonable period of time following a request for withdrawal by a patron, provided that—

- (a) the request is made in accordance with the terms and conditions applicable to the patron account;
- (b) there is no ongoing or pending dispute lodged with the Commission the outcome of which may impact on the funds held in the patron account; and
- (c) the casino operator has not been directed by the Commission to withhold payments from the account.

(5) A casino operator shall maintain all funds held by it on behalf of patrons in patron accounts—

- (a) separately from the funds of the casino; and
- (b) in a bank.

(6) For the purpose of paragraph (5), funds include—

- (a) cleared funds deposited with the casino operator;
- (b) winnings or prizes which the customer has chosen to leave on deposit with the casino operator; and
- (c) any loyalty or other bonuses or credits that are due but unpaid.

(7) A casino operator shall require a patron to update his information at such regular intervals as the casino operator requires in order to ensure that the patron's information obtained pursuant to these Regulations remains current and accurate.

(8) A casino operator shall not have any recourse to the funds standing to the credit of a patron, except—

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- (a) to make payment to the patron of such funds as the patron wishes to withdraw from his patron account;
- (b) to debit funds required for gaming transactions in accordance with any provisions of the IC document governing electronic gaming or cashless wagering systems;
- (c) to make adjustments following resolution of a dispute, provided that the operator has given written notification of the adjustment in advance;
- (d) to debit inactive funds in accordance with the terms and conditions of the patron account as accepted by the patron and in accordance with the IC document;
- (e) as may be permitted by the gaming law;
- (f) on the instruction of the Commission; or
- (g) as may be required by law.

(9) A casino operator shall ensure that all patrons are informed as to the level of protection (if any) of funds held by the casino operator in the event of the insolvency of the operator.

[Regulation 176 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Dormant accounts

177 (1) For this regulation, a patron account is “dormant” if it has had no patron initiated activity for period of 12 months.

(2) Upon an account becoming dormant, the casino operator shall seek to establish whether the patron wishes to continue the account and shall continue to do so at regular intervals thereafter.

(3) If the casino operator has not been able to contact the patron within one month after the account became dormant, and the account has \$20 or less in funds, the casino operator may close the account.

(4) If the casino operator has not been able to contact the patron within 12 months after the account became dormant, the casino operator may close the account.

(5) A casino operator shall notify the Commission 14 days prior to closing any patron account, and shall take such steps as the Commission directs, including transferring any funds in the patron account to the Commission or to such other account as the Commission directs.

[Regulation 177 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Closing a patron account

178 (1) Upon closing a patron account, the casino operator shall provide the patron with a closing statement detailing all payments made into or from the patron account.

(2) A casino operator shall close a patron account—

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- (a) on request by a patron;
- (b) on instruction to do so by the Commission;
- (c) on the patron becoming an excluded person.

(3) The IC document may specify a form or forms for a request to close a patron account, but must allow for a request to be made remotely.

(4) At the closing of an account, all funds shall be returned to the patron by way of balance transfer to a bank account or credit card account in the name of the patron.

(5) This regulation does not apply when an account is closed pursuant to regulation 177.

[Regulation 178 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

PART 11

PROBLEM AND RESPONSIBLE GAMING

Relationship of this Part to IC system

179 This Chapter is a relevant provision for element (z) of an IC system (see regulation 89(3)).

[Regulation 179 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Responsible gaming programme

180 (1) The IC document shall include a responsible gaming programme in accordance with this Part.

(2) In addition, the compliance plan of the IC document shall set out procedures for the compliance committee to—

- (a) oversee the implementation of the responsible gaming programme; and
- (b) work with the Director and with the Council to ensure that the casino operator applies best practice.

(3) The casino operator shall ensure that necessary mechanisms are in place to enable a patron to apply for and obtain a self-exclusion order from the casino operator.

[Regulation 180 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Content of a responsible gaming programme

181 (1) The responsible gaming programme shall set out—

- (a) the responsible gaming measures that the casino operator will apply;
- (b) any relevant services that the casino operator will provide to patrons, or will recommend or draw to the attention of patrons;

- (c) how the activities of patrons will be observed and monitored to identify patrons who might be at risk of becoming problem gamblers;
 - (d) procedures to ensure that such patrons are provided with relevant information, information about relevant services, and any other appropriate assistance;
 - (e) details of any systems to enable a patron to set time, financial or other limits on his gaming activities, including any mechanism for the purpose of regulation 186;
 - (f) the procedures for—
 - (i) keeping excluded persons out of the casino premises, in accordance with regulation 183;
 - (ii) keeping minors out of gaming areas, in accordance with regulation 155; and
 - (iii) interacting with patrons for the purpose of mitigating problem gaming, in accordance with regulation 184;
 - (g) details of the training programmes to ensure that employees promote and adopt responsible gaming measures when conducting gaming activities;
 - (h) procedures for the keeping of records relating to responsible gaming measures and training;
 - (i) the procedures and training to be provided to identify any self-excluded or family-excluded persons on or seeking to enter the casino premises and the details of the availability of information, treatment, counselling services or intervention services to be offered to that patron and any family members; and
 - (j) the timeline for implementation of any elements of the programme that cannot be implemented from the beginning.
- (2) In this regulation—
- “relevant information”, in relation to a patron who has been identified under paragraph (1)(c), means any information that—
- (a) relates to responsible gaming behaviour, or to problem gambling or the social or other problems that may arise in connection with problem gambling; and
 - (b) is relevant to the patron’s situation and needs;
- “relevant services” means any treatment, counselling service, intervention service or other action that—
- (a) relates to problem gambling or the social or other problems that may arise in connection with problem gambling; and

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- (b) assists an individual affected by problem gambling, an organisation assisting such individuals, or an organisation addressing the social or other problems that may arise in connection with problem gambling.

[Regulation 181 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Approval of responsible gaming programme

182 (1) The Commission shall not approve a responsible gaming programme, unless—

- (a) the Council has been provided with a copy of the proposed programme and has been given the opportunity to provide submissions as to its appropriateness; and
- (b) the casino operator has satisfied the Commission that the programme provides a sufficient level of protection for patrons and vulnerable members of society.

(2) The Commission may take the following matters into consideration when deciding whether to approve a responsible gaming programme—

- (a) programmes operated in other reputable jurisdictions; and
- (b) other measures the casino operator proposes to take to mitigate any negative impact of the casino on the local community.

[Regulation 182 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Access to casino premises by excluded persons

183 (1) The casino operator shall ensure that there is at all times adequate surveillance and supervision of the entrances to the casino premises, by a combination of appropriately trained floor staff and surveillance staff, for the purpose of excluding excluded persons from the casino premises.

(2) The casino operator must take such precautions as are reasonable in the circumstances to prevent excluded persons from entering the casino premises, and to remove any such persons who enter the casino premises.

[Regulation 183 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Patron intervention and mitigation of problem gaming

184 (1) A casino operator shall establish and maintain policies and procedures for interaction with patrons for the purposes of mitigation of problem gaming, which shall cover—

- (a) training casino staff who are authorised to initiate an interaction with a patron;
- (b) procedures for such an interaction;
- (c) the types of behaviour that will trigger an interaction;
- (d) the circumstances that may give rise to refusing service to a patron;

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(e) how to interact with patrons demonstrating signs of agitation, distress, intimidation, aggression or other behaviours that may inhibit patron interaction; and

(f) the creation and retention of records relating to patron interactions.

(2) The casino operator shall adopt policies and procedures that best ensure the safety of patrons and staff.

(3) The casino operator shall endeavour to work with other casino operators in Bermuda to ensure best practice.

[Regulation 184 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Codes of practice

185 The Commission shall consult the Council before issuing any code of practice in relation to problem gambling and responsible gaming under section 199 of the Act.

[Regulation 185 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Credit

186 (1) If the casino operator issues credit to patrons, the IC document shall provide for—

(a) a mechanism to allow a patron to—

(i) self-limit his access to any credit, including over a defined period or to a defined amount;

(ii) be prohibited from access to credit; and

(b) a written explanation of the mechanism to be provided to patrons.

(2) A credit instrument issued by the casino operator shall be unenforceable if granted to—

(a) an excluded person; or

(b) a person who is otherwise prohibited from accessing credit under the programme.

[Regulation 186 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Responsible gaming measures in patron accounts

187 (1) The casino operator shall ensure that a patron account is set up to encourage responsible gaming, and in particular that it includes the following measures—

(a) the patron is able to set limits on the amount the patron may deposit or use to purchase chips during a specified period;

(b) if the patron account is connected to a cashless wagering system, the patron is able to set limits on—

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- (i) the amount the patron may lose during a specified period or in relation to a specified number of transactions;
 - (ii) the amount the patron may wager during a specified period or in relation to a single or other specified number of transactions; and
 - (iii) the ability of the patron to engage in eGaming;
 - (c) the patron has the option to unsubscribe from promotional or other advertising materials; and
 - (d) the account has prominent links to information relating to responsible gaming and problem gambling.
- (2) Where the Commission, by written direction, has specified messages that are to be displayed in specified circumstances on one or more screens in a patron account, the casino operator shall ensure that the message is prominently displayed.
- (3) The casino operator shall not send to a patron account any message or advertising that relates to—
- (a) betting;
 - (b) gaming by means of eGaming; or
 - (c) betting by means of eGaming,
- unless—
- (d) the patron account includes a sub-account in accordance with regulation 172(2) that relates to that type of gaming or betting; and
 - (e) the sub-account has not been suspended.

[Regulation 187 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Patron protection page

188 (1) The casino operator shall maintain an online patron protection page that is accessible to a patron via the casino website at all times without the requirement to log on to a patron account.

- (2) The patron protection page shall include the following—
- (a) any message that the Commission may by written direction require;
 - (b) a prominent direct link to at least one organisation dedicated to helping people with potential gambling problems, including one based in Bermuda if available;
 - (c) a clear statement of the casino operator's policy and commitment to responsible gaming;
 - (d) information on the following matters, or a prominent direct link to such information from an organisation dedicated to helping people with potential gambling problems—

- (i) practical tips to stay within safe limits;
- (ii) myths associated with gambling;
- (iii) the risks associated with gambling; and
- (iv) the signs of a potential gambling problem;
- (e) rules governing self-imposed responsible gaming limits;
- (f) the patron's right to set responsible gaming limits and to self-exclude;
- (g) the patron's right to suspend his patron account.

(3) If the casino operator offers eGaming, it shall maintain a separate patron protection page that relates the above information specifically to eGaming, and specifies a method for the patron to obtain account and game history from the casino operator.

[Regulation 188 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

PART 12

EXCLUSION ORDERS

Self-exclusion orders

189 (1) A self-exclusion order under section 112 of the Act shall be in such form as the Commission may by written direction require, and shall state on its face—

- (a) the term of the exclusion order;
- (b) any minimum period of exclusion; and
- (c) the casinos to which it relates.

(2) An application for a self-exclusion order shall be in such form as the Commission may by written direction require.

(3) The application form shall require the applicant to specify—

- (a) the term of the exclusion order, which shall not be less than six months and may be permanent;
- (b) any minimum period of exclusion that the applicant wishes to request for the purposes of section 114(3) of the Act;
- (c) whether the applicant wishes to be excluded from particular casinos in Bermuda, or from all casinos; and
- (d) an address for service by post of the exclusion order.

(4) The application form shall require the applicant to—

- (a) state that the application is being made voluntarily; and

- (b) provide a suitable waiver and release protecting the Commission and any relevant casino operator from liability arising out of the self-exclusion order.
- (5) The application form shall—
 - (a) where the request is made to a casino operator—
 - (i) state that an exclusion order relating to that casino will be made by the casino operator and given to the applicant or served by post as soon as practicable; and
 - (ii) state that if the applicant has requested exclusion from other casinos as well, an appropriate exclusion order will be made by the Commission and served by post as soon as practicable; and
 - (b) where the request is made to the Commission, state that an appropriate exclusion order will be made by the Commission and served by post as soon as practicable.
- (6) An application for a self-exclusion order shall be signed by the applicant in the presence of a qualified person, and accepted by the qualified person on behalf of the Commission or the relevant casino operator.
- (7) The qualified person shall—
 - (a) process the application;
 - (b) arrange for the issue of an appropriate self-exclusion order as soon as practicable; and
 - (c) where the qualified person is not acting on behalf of the Commission, arrange for the Commission to be provided with a copy of the application and the exclusion order as soon as practicable.
- (8) On the expiry of any minimum period of exclusion, the excluded person may apply to the Commission, in such form as the Commission may require, for the exclusion order to be revoked.
- (9) Where the Commission receives, in accordance with paragraph (3), an application that includes a request for the exclusion to extend to other casinos, the Commission shall make an appropriate self-exclusion order and serve it by post on the applicant.
- (10) An inspector is authorised to accept and process an application for self-exclusion on behalf of the Commission.
- (11) In this regulation—
 - “qualified person” means—
 - (a) in relation to the Commission—
 - (i) an inspector; or

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- (ii) another person authorised by the Commission to accept and process an application for self-exclusion on its behalf; and
- (b) in relation to a casino operator, a member of the casino staff who—
 - (i) has been authorised by the casino operator to accept and process an application for self-exclusion on its behalf; and
 - (ii) has been provided with such training in dealing with problem gambling as the Commission may by written direction require for the purposes of this regulation.

[Regulation 189 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 189 paragraph (3)(a) amended by 2021 : 23 s. 54(4) effective 1 August 2021]

Compulsory exclusion orders

190 (1) A compulsory exclusion order under section 113 of the Act shall be in such form as the Commission may by written direction require.

(2) The compulsory exclusion order shall state on its face—

- (a) the term of the exclusion order, which shall not be less than six months and may be permanent;
- (b) the minimum period of exclusion; and
- (c) the casino or casinos in relation to which it applies.

(3) The compulsory exclusion order shall be personally served on the excluded person.

(4) The Commission may waive the requirement for personal service where—

- (a) reasonable attempts to serve the order have been unsuccessful; or
- (b) the person is not within the jurisdiction.

(5) The Commission may authorise alternative means of service where personal service is waived.

(6) On the expiry of the minimum period of exclusion, the excluded person may apply to the Commission, in such form as the Commission may require, for the exclusion order to be revoked.

[Regulation 190 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 190 paragraph (2)(a) amended by 2021 : 23 s. 54(4) effective 1 August 2021]

Making of a compulsory exclusion order by the Commission

191 (1) The Commission may at any time and without notice issue a compulsory exclusion order against any person.

(2) The Commission may issue a compulsory exclusion order against a person whether or not the person is already the subject of any other exclusion order.

[Regulation 191 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

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Making of a compulsory exclusion order by a casino operator

192 (1) Where a casino operator considers that it would be appropriate for an exclusion order to extend to other casinos in Bermuda, it shall not issue an exclusion order itself, unless—

- (a) it has consulted the Commission on the matter and the Commission has recommended that it make the order itself; or
- (b) the need to issue the exclusion order is urgent.

(2) Where a compulsory exclusion order is made by a casino operator, the casino operator shall—

- (a) provide the Commission with a copy of the order within 24 hours after making the order; and
- (b) unless personal service has been waived, inform the Commission when personal service of the order on the excluded person has been effected.

(3) On receiving a copy of the compulsory exclusion order from the casino operator, the Commission shall consider whether it would be appropriate for the Commission to issue a compulsory exclusion order against the excluded person in relation to other casinos.

(4) The casino operator shall provide, on request by the Commission, any information held by the casino operator regarding the excluded person, the grounds for the exclusion order, and any other information relating to either the excluded person or the making of an exclusion order.

[Regulation 192 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Revocation or variation of exclusion order by Commission

193 (1) An excluded person may apply to the Commission for the revocation or variation of an exclusion order as provided in regulations 194 to 197.

(2) The application shall be in such form as the Commission may require.

(3) The Commission shall not revoke or vary a compulsory exclusion order as requested by the applicant unless the applicant is able to satisfy the Commission on the basis of clear and convincing evidence that the revocation or variation is appropriate in all of the circumstances.

(4) The Commission shall be entitled to consider all evidence available to it and may request additional evidence to enable it to reach a decision.

(5) Where the application relates to a self-exclusion order, the Commission may invite the excluded person to attend a private hearing with the Commission to consider whether a further order should be made.

(6) Where the exclusion order is a compulsory exclusion order that was made as a result of conduct that took place at a casino in Bermuda, the Commission shall provide the relevant casino operator with an opportunity to make representations to the Commission regarding the application.

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(7) The Commission may determine the application by—

- (a) revoking the order;
- (b) varying the order as it sees fit;
- (c) affirming the order on the same or different grounds;
- (d) suspending the order with or without conditions; or
- (e) making any other order as it sees fit.

(8) Unless the Commission provides otherwise, a revocation, variation, suspension or new order takes effect 14 days after the date of the decision.

(9) Upon determining the application, the Commission shall, within 5 working days—

- (a) inform the applicant in writing of its decision; and
- (b) unless the decision is a decision affirming the order, notify all casino operators of the decision and provide a copy of any new or varied order.

(10) The decision of the Commission is final.

(11) Where the Commission refuses to revoke an exclusion order, the Commission shall specify a period of time during which the excluded person shall not be entitled to apply for revocation of the order.

[Regulation 193 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Appeal against making of compulsory exclusion order

194 A person who is served with a compulsory exclusion order may, within 7 days after the order was served, appeal against the making of the order.

[Regulation 194 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Revocation or variation of exclusion order after minimum period

195 (1) An excluded person may, following the expiry of any minimum period specified in the exclusion order, apply for revocation or variation of the order.

(2) The Commission shall not refuse to revoke or vary a self-exclusion order unless it has reasonable grounds for believing that the revocation or variation would have a material adverse impact on the excluded person.

[Regulation 195 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Early variation or revocation of a self-exclusion order

196 (1) Where—

- (a) a person is subject to a self-exclusion order with a minimum period; and
- (b) the circumstances of the person that relate to the order have demonstrably and materially changed before the end of the minimum period,

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the person may apply to the Commission for a variation or revocation of the order before the end of the minimum period in accordance with this regulation.

(2) The Commission shall not grant the revocation or variation unless the applicant has satisfied the Commission that—

- (a) there has been a material change in the circumstances that relate to the making of the order; and
- (b) as a result of the change, it is no longer in the best interest of the self-excluded person for the order to continue without variation or revocation.

(3) No further application shall be made under this regulation, unless there has been a further material change in circumstances since the previous application.

[Regulation 196 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Early variation or revocation of a compulsory exclusion order

197 (1) Where—

- (a) a person is subject to a compulsory exclusion order; and
- (b) the circumstances of the person that relate to the order have demonstrably and materially changed before the end of the minimum period,

the person may apply to the Commission for a variation or revocation of the order before the end of the minimum period in accordance with this regulation.

(2) The Commission shall not grant the revocation or variation, unless the applicant has satisfied the Commission that—

- (a) there has been a material change in the circumstances that relate to the making of the order; and
- (b) as a result of the change—
 - (i) the grounds on which the order were made no longer apply, or are no longer relevant; and
 - (ii) it is not in the best interest of the self-excluded person for the order to continue without variation or revocation.

(3) No further application shall be made under this regulation unless there has been a further material change in circumstances since the previous application.

[Regulation 197 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

List of excluded persons

198 (1) The Commission shall maintain a list of excluded persons, which shall include the following details, where available—

- (a) the full name, any aliases, sex, and date of birth of the excluded person;
- (b) any known addresses of the excluded person;

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- (c) the type of exclusion order;
- (d) the start date and duration of the order;
- (e) the casinos to which the order applies;
- (f) a photograph or description of the excluded person;
- (g) any other information the Commission thinks relevant to the exclusion order or the excluded person.

(2) Where the Commission makes an exclusion order, or receives notice from a casino operator that the casino operator has made an exclusion order, the Commission shall—

- (a) as soon as practicable—
 - (i) add the person to the list of excluded persons; and
 - (ii) provide the name and other details of the person to each casino operator; and
- (b) within one month, provide a complete updated list of excluded persons to each casino operator.

(3) A casino operator shall disclose the name of and information about an excluded person only to persons whose duties and functions require access to such information.

[Regulation 198 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Non-disclosure requirement

199 (1) A member, or former member, of the staff of a casino shall not disclose the existence of, or details of, an exclusion order or of any information relating to an application for or making of an exclusion order otherwise than in accordance with the gaming law or where otherwise required to do so by law.

(2) A person who fails to comply with this regulation commits an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

[Regulation 199 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Casino operator's internal controls

200 (1) This regulation is a relevant provision for element (aa) of an IC system (see regulation 89(3)).

- (2) The casino operator shall ensure that—
 - (a) the casino's internal list of excluded person is updated as soon as practicable following receipt of information from the Commission, and otherwise regularly reviewed and updated;
 - (b) casino staff who—

- (i) will need to be able to identify excluded persons; or
 - (ii) will need to be aware of other information on the list of excluded persons,
 - are identified and provided with the appropriate information and training;
 - (c) excluded persons are prevented from entering the casino; and
 - (d) any excluded persons who do enter the casino are identified and removed.
- (3) The IC document shall set out its procedure for making compulsory exclusion orders under section 113 of the Act, which shall include—
 - (a) documenting the grounds on which an order is issued, and—
 - (i) where the ground is that—
 - (A) the person is affecting or is likely to affect the orderly functioning of the operations of the casino, evidence for that assessment; or
 - (B) the person appears to be cheating, or attempting to cheat, in the casino,
 - evidence supporting that assessment; and
 - (ii) where the ground is that the making of the exclusion order is appropriate in all the circumstances, a summary of the circumstances; and
 - (b) a requirement that the grounds for making an exclusion order shall not include any of the protected characteristics.
- (4) The casino operator shall ensure that copies of the application form for a self-exclusion order are available to a person without the need for the person to enter a gaming area, and that all reasonable efforts are made to provide assistance to a person completing an application form.
- (5) The casino operator shall ensure that at all times during the opening hours of the casino—
 - (a) a qualified person for the purposes of regulation 189 is available to assist any patron who requests assistance regarding problem gaming; and
 - (b) copies of the application form for self-exclusion along with such additional guidance or documentation as the Commission may by written direction require is available to be provided to a patron.
- (6) The casino operator shall ensure that, when it issues an exclusion order to a person, or is notified by the Commission that an exclusion order applies to a person—
 - (a) the person's name and contact details are removed from all marketing databases used by the casino operator, or an affiliate, for marketing that relates to gaming; and
 - (b) any patron account or credit line is closed or suspended.

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(7) The casino operator shall ensure that the names of excluded persons and any further information about the exclusion orders is provided only to those persons whose duties and functions require access to such information or as otherwise required by law.

[Regulation 200 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

PART 13

CREDIT

Gaming or betting on credit

201 (1) A casino operator shall not accept a wager from a patron on the basis of credit other than—

- (a) credit provided by a recognised credit or debit card (see regulation 203); or
- (b) patron account credit provided in accordance with this Part.

(2) A casino operator shall not provide credit to a patron otherwise than by patron account credit.

(3) A casino operator shall not provide an amount of credit of more than \$500 to a patron without issuing an appropriate credit instrument.

[Regulation 201 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Acceptance of cheques

202 (1) This regulation is a relevant provision for element (bb) of an IC system (see regulation 89(3)).

(2) The casino operator may accept a personal cheque as upfront payment from a patron provided that it has examined and has recorded the patron's valid driver's licence or, if a driver's licence cannot be obtained, some other document normally acceptable as a means of identification when cashing cheques, and has recorded a bank check guarantee card number or credit card number.

(3) Unless the Commission by written direction provides otherwise, the casino operator shall not accept a personal cheque from a patron for more than \$500 except as security for a credit instrument issued in accordance with this Part.

(4) The casino operator shall not accept third party cheques—

- (a) as a condition for offering credit to a patron;
- (b) as security for any credit instrument; or
- (c) for the satisfaction in part or in full of any credit instrument.

(5) The casino operator's IC document shall set out—

- (a) the procedures for the acceptance of cheques of patrons and documentation of such acceptance; and

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- (b) the process for verifying the patron's identity.

[Regulation 202 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Use of credit or debit cards

203 (1) This regulation is a relevant provision for element (bb) of an IC system (see regulation 89(3)).

(2) The casino operator may provide gaming chips or other gaming credits to a patron in exchange for a valid charge or cash advance in the amount of the gaming chips or other gaming credits against a commonly recognised credit card or debit card account maintained by the patron.

(3) The casino operator's IC document shall set out—

- (a) the procedures for the presentation and acceptance of credit or debit cards of patrons;
- (b) the procedures for the proper documentation and authorisation of each credit or debit card transaction; and
- (c) the process for verifying—
 - (i) the patron's identity; and
 - (ii) the validity of the card presented.

[Regulation 203 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Granting patron account credit

204 (1) This regulation is a relevant provision for element (bb) of an IC system (see regulation 89(3)).

(2) The casino operator's IC document shall set out—

- (a) the form of any credit instrument that will be offered to patrons for patron account credit;
- (b) the positions in the organisational charts whose occupants will be credit officers;
- (c) details of the training to be provided to credit officers;
- (d) the procedures and criteria for—
 - (i) assessing the creditworthiness of a patron; or
 - (ii) increasing the credit for a patron;
- (e) the credit limits that will apply and, where those limits differ for different classes of patron, the criteria for determining the class of a patron;
- (f) if security is to be taken, the procedures and criteria for taking security;
- (g) debt recovery procedures;

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- (h) procedures for partial payment, consolidation or redemption of credit instruments, and for the issuing of new credit instruments in substitution for those partially paid or consolidated; and
 - (i) such other information as the Commission may by written direction require.
- (3) The casino operator shall fully document any assessment of creditworthiness and the information on which it is based.
- (4) The casino operator shall ensure that it does not grant patron account credit—
- (a) that has not been requested by the patron; or
 - (b) in excess of the amount requested.
- (5) The casino operator shall ensure that a patron to whom patron account credit is granted signs the credit instrument and that all details of the instrument are completed before the credit is granted.
- (6) The Commission may by written direction relax the requirements of paragraph (5) in specified circumstances.
- (7) The casino operator shall ensure that a decision on behalf of a casino operator to grant credit to a patron shall be made only by a credit officer.
- (8) The casino operator shall ensure that any credit officer—
- (a) is a key employee or supervisory employee; and
 - (b) has been provided with such training in dealing with problem gaming as the Commission may by written direction require for the purposes of this regulation.

[Regulation 204 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Requirements for credit instrument for patron account credit

- 205 (1) A credit instrument for patron account credit (a “relevant instrument”) shall not be granted for credit of less than \$500.
- (2) A relevant instrument shall—
- (a) specify the date or dates for payment of the debt, which shall not be more than 12 months after the date of issue; and
 - (b) state the effect of paragraphs (2), (3) and (4).
- (3) A relevant instrument shall not be sold or assigned otherwise than by way of written contract that has been reviewed by the compliance committee and approved as being compliant with any guidance issued by the Commission and as not being subject to any collection methods that would be oppressive or unlawful.
- (4) A relevant instrument shall not be sold or assigned to a person other than—

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- (a) a publicly traded or other bona fide regulated financial institution; or
- (b) a parent, subsidiary or other entity related to the casino operator and approved by the Commission,

unless the transaction and the terms of the contract, including any discount rate, have been reported to the Commission for approval in advance of signing.

(5) A person who sells, purchases or assigns a relevant instrument in breach of paragraph (2) commits an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to a sentence of imprisonment not exceeding two years or to both.

[Regulation 205 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Creditworthiness

206 (1) A casino operator shall not grant patron account credit of more than \$500 to a patron unless it has assessed the patron's creditworthiness and is satisfied that the patron will be able to pay the debt when it is due.

(2) The methods used to assess the patron's creditworthiness shall include at least one of the following—

- (a) obtaining the patron's credit history from a bona fide credit-reporting agency;
- (b) assessing the casino operator's own previous credit transactions with the patron in any jurisdiction;
- (c) obtaining information about the patron's credit history from—
 - (i) a legal business that has granted credit to the patron;
 - (ii) a financial institution at which the patron maintains an account; or
 - (iii) another casino operator in Bermuda or in an accredited jurisdiction;and
- (d) where the patron is not a resident of Bermuda and no credit information is available from any of the sources listed in subparagraph (c) above, obtaining information in writing from any agent or employee of the casino operator who has personal knowledge of the patron's credit reputation or financial resources.

(3) The casino operator shall not assess a person who has derogatory elements in his credit history as being creditworthy, unless the person's subsequent credit history has demonstrated that those elements are no longer relevant.

[Regulation 206 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Increase in credit

207 (1) A casino operator may extend the amount of credit available to a patron who has been granted credit on the basis of an assessment of creditworthiness (the "assessment") without requiring a new application for credit, provided that—

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- (a) the assessment was made within the previous 12 months;
- (b) no new information that calls the creditworthiness of the patron into question has come to the attention of the casino operator; and
- (c) on the basis of the assessment, the casino operator is satisfied that—
 - (i) the patron will be able to pay the increased debt when it is due; and
 - (ii) there is no reason to think that payment of the increased amount of debt will cause the patron hardship.

(2) A decision to extend credit under this regulation shall not be made by the same member of staff who made the assessment.

[Regulation 207 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Debt recovery

208 (1) Where a patron has failed to pay, or to pay in full, an amount due under a credit instrument for patron account credit, the casino operator shall use good faith efforts to collect the full amount of the debt due.

(2) The good faith efforts may include—

- (a) requesting payment—
 - (i) in letters sent to the patron's last-known address;
 - (ii) via facsimile transmission or electronic mail;
 - (iii) in personal or telephone conversations with the patron;
- (b) presenting the credit instrument to the patron's bank for collection; or
- (c) such other collection method or methods as the compliance committee may authorise.

(3) The casino operator shall attempt to collect payment from the patron not less than once every 30 days from the due date.

(4) Any agreement between the casino operator and the patron to amend the date that the debt becomes due and payable shall be set out in writing and signed by both parties.

(5) The casino operator shall document its attempts to collect payment from the patron.

(6) The casino operator shall furnish a copy of the credit instrument to its compliance committee within 30 days after the reliable verification that—

- (a) the instrument is in the possession of a court, governmental agency, or financial institution for enforcement;
- (b) the instrument has been returned to the patron upon partial payment of the instrument; or

- (c) a settlement has been reached with the patron, a copy of which is attached to the copy of the instrument.

(7) Where the casino operator enters into a settlement agreement with a patron, it shall inform the Commission and, if the Commission requires it, provide copies of the original credit instrument and the settlement agreement.

(8) The casino operator shall retain all documents showing, and otherwise make detailed records of, compliance with this regulation, and furnish those documents and records to the Commission upon request.

(9) The Commission may by written direction set the conditions under which a credit instrument may be redeemed or presented to a bank or credit union for collection or payment.

[Regulation 208 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Partial payments and consolidations

209 (1) If the casino operator has obtained partial payment or consolidation of the debt, it shall issue a new substituted credit instrument in place of the original.

(2) If the casino operator settles a debt on a credit instrument for less than its full amount, the operator shall ensure that—

- (a) the debt is settled either with the patron to whom the credit was initially granted or with a person authorised by law to act on his behalf (the “representative”);
- (b) the settlement is authorised on behalf of the casino operator by a credit officer; and
- (c) the settlement is reflected in a single document that is prepared within 14 days after the agreement and includes—
 - (i) the patron’s name;
 - (ii) the name of the representative, if any;
 - (iii) the original amount of the credit instrument;
 - (iv) the amount of the settlement stated in words;
 - (v) the date of the agreement;
 - (vi) the reason for the settlement;
 - (vii) the name and signatures of the credit officers who authorised the settlement; and
 - (viii) the signature of the patron or the representative, or confirmation from the patron or representative acknowledging the debt, the settlement and its terms and circumstances in a written statement signed by the compliance committee.

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(3) The casino operator shall, at the request of the Commission, procure from the patron or the representative such verification of the settlement and its terms, and the circumstances of the original grant of credit, as the Commission may require.

[Regulation 209 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Theft or destruction of a credit instrument

210 (1) Where a credit instrument has been stolen, the casino operator shall report the theft in writing to the police or another appropriate law enforcement agency within 48 hours of discovery of the theft, and shall provide the agency with such information and assistance as it may require.

(2) Where it is alleged by a casino operator that a credit instrument is or may be a forgery, the casino operator shall—

- (a) report the forgery in writing to the police or another appropriate law enforcement agency, including general information about the alleged crime, the amount of any financial loss sustained, the date of the alleged forgery, and identification of employees or agents of the casino operator who may be contacted for further information;
- (b) undertake any reasonable investigations to ascertain whether the credit instrument is forged and the circumstances surrounding any forgery, provided that such investigations do not interfere with or impede any investigations undertaken by law enforcement;
- (c) review its IC document and AML/ATF risk assessments in light of any facts or matters surrounding any forgery; and
- (d) retain all documents showing, and otherwise make detailed records of, compliance with this paragraph, and provide such documents and records to the Commission upon request.

(3) If a credit instrument is lost or destroyed, the debt represented by the credit instrument shall not be unenforceable solely on that basis.

[Regulation 210 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Prohibitions

211 (1) A casino operator shall not grant credit to a patron to enable the patron to satisfy a debt owed to another casino operator or person, including an affiliate of the casino operator.

(2) A casino operator shall not grant credit to a key employee or supervisory employee.

(3) A casino operator shall not offer any form of monetary compensation, commission, or reward to any person calculated by reference to the number of credit applications or the value of any successful credit application.

(4) A casino operator shall not grant or offer to grant credit to—

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- (a) a minor;
- (b) an excluded person; or
- (c) any person who the Commission has informed the casino operator in writing may not be granted credit.

(5) A credit agreement in breach of this regulation shall be unenforceable.

[Regulation 211 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Collection of debts on credit instruments

212 (1) This regulation applies in relation to a debt on a credit instrument issued by a casino operator to a patron under this Part (a “relevant debt”).

(2) No person may collect payment of a relevant debt on the casino operator’s behalf other than—

- (a) a debt collection agency (an “agency”) approved pursuant to paragraph (3);
- (b) the casino operator’s employees or attorneys; or
- (c) an affiliate of the casino operator.

(3) The compliance committee—

- (a) may approve an agency in any jurisdiction for the purposes of this regulation, provided that the compliance committee is satisfied that—
 - (i) the individuals at the agency are suitable persons; and
 - (ii) the methods of collection are lawful in the country of residence of the debtor and would, if undertaken in Bermuda, be lawful in Bermuda; and

(b) may withdraw such an approval at any time.

(4) The compliance committee shall maintain a list of current and previously approved agencies, together with the reasons for the withdrawal of approval of any previously approved agency.

(5) The compliance committee shall inform the Commission whenever it approves or withdraws the approval of an agency, and in the case of a withdrawal of approval, the reasons for the withdrawal.

(6) The casino operator shall not instruct an approved agency to collect a relevant debt on behalf of the casino operator until 5 business days after the Commission was informed of the approval.

(7) Paragraph (2)(a), (b) and (c) does not apply to a person if—

- (a) the person has been denied a licence or approval by the Commission;
- (b) the person has had a licence revoked by the Commission; or

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- (c) the Commission has informed the casino operator in writing that such a person is prohibited from being included in the list maintained pursuant to paragraph (4).

(8) The casino operator shall maintain for the Commission's inspection records that describe credit collection arrangements and that include any written contracts entered into for the collection of relevant debts.

[Regulation 212 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

PART 14 SERVICE OF LIQUOR

Casino operators to which this Part applies

213 This Part applies to a casino operator if the terms of the casino licence provide that the casino operator may serve intoxicating liquor on the casino premises.

[Regulation 213 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Conditions for serving liquor on casino premises

214 A casino operator may serve intoxicating liquor on casino premises, and permit intoxicating liquor to be consumed on casino premises only—

- (a) in accordance with its IC document; and
- (b) subject to any restrictions or conditions under—
 - (i) the gaming law;
 - (ii) the casino licence; and
 - (iii) if the casino premises, or part of the casino premises, are also licensed premises for the purposes of the Liquor Licence Act 1974, the relevant licence granted under that Act.

[Regulation 214 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Casino operator's internal controls

215 (1) This regulation is a relevant provision for element (cc) of an IC system (see regulation 89(3)).

(2) If the casino operator proposes to serve intoxicating liquor, or permit it to be consumed on casino premises, the IC document shall set out—

- (a) details, including plans, of the areas on the casino premises in which intoxicating liquor may be stored, served or consumed;
- (b) the means by which intoxicating liquor may be ordered or purchased;
- (c) the controls to prevent the consumption of intoxicating liquor by minors;

- (d) the hours during which intoxicating liquor will be available or may be consumed;
 - (e) the training to be provided to all employees responsible for the sale or service of intoxicating liquor;
 - (f) the policy and procedure for drinks promotions;
 - (g) the policy and procedure for removing and excluding expellable persons;
 - (h) if the casino premises do not include bathrooms, nearby bathrooms that patrons will be able to use conveniently;
 - (i) if the casino operator proposes to permit patrons to consume, on casino premises, intoxicating liquor that was served elsewhere on the designated site in accordance with a licence under the Liquor Licence Act 1974, details of the proposed permission; and
 - (j) if the casino operator proposes to permit patrons who have been served intoxicating liquor to consume the liquor in other areas of the designated site, details of the proposed permission.
- (3) The casino operator shall ensure that—
- (a) any areas in which patrons may not consume intoxicating liquor are clearly identified to patrons; and
 - (b) the hours during which intoxicating liquor will be available or may be consumed are conspicuously displayed at any bar or service point.
- (4) The casino operator shall ensure that all intoxicating liquor kept on the casino premises is under proper supervision (which may include surveillance) during opening hours, and is securely stored outside opening hours.

[Regulation 215 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Responsible service of alcohol

216 (1) This regulation is a relevant provision for element (cc) of an IC system (see regulation 89(3)).

(2) The casino operator shall ensure that every member of the casino staff with responsibility for the sale or service of intoxicating liquor has been certified as having completed a training programme on responsible alcohol sales and service specified in the relevant regulations made under the Liquor Licence Act 1974.

(3) The casino operator shall ensure that a copy of the certificate is kept at the premises and made available at the request of an inspector.

(4) The casino operator shall ensure that—

- (a) casino staff endeavour to identify expellable persons in the casino; and
- (b) persons identified as expellable persons are not served intoxicating liquor.

[Regulation 216 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

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Restrictions on certain kinds of alcohol

217 (1) A person shall not knowingly serve on the casino premises any intoxicating liquor which consists of or is mixed with any alcohol of a kind other than ethyl alcohol.

(2) A person who fails to comply with this regulation commits an offence and shall be liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

[Regulation 217 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Exclusion of drunken persons etc. from casino premises

218 (1) A member of the casino staff acting on behalf of the casino operator may—

- (a) refuse to admit an expellable person to the casino premises; or
- (b) require an expellable person to leave the casino premises.

(2) The member of the casino staff may, using no more force than is reasonably necessary, and if necessary with the assistance of a police officer—

- (a) prevent the person from entering the casino premises; or
- (b) remove the person from the casino premises or cause the person to be removed from the casino premises.

(3) This regulation does not limit any other right of the casino operator to refuse a person admission to, or to expel a person from, the casino premises.

[Regulation 218 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Offence for casino staff to be drunk

219 Any member of the casino staff of a casino who—

- (a) is drunk, while on duty on the casino premises; or
- (b) permits another member of the casino staff to be drunk, while on duty on the casino premises under his supervision,

commits an offence and shall be liable on summary conviction to a fine of \$300.

[Regulation 219 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Offences

220 (1) A person who serves intoxicating liquor to, or for consumption by, a minor on casino premises, or allows a minor to consume intoxicating liquor, commits an offence and shall be liable on summary conviction to a fine not exceeding \$10,000.

(2) It shall be a defence to any breach of paragraph (1) for the person charged to prove that he believed and had reasonable grounds for believing that the minor was 18 years of age or older.

[Regulation 220 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

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PART 15

BETTING

Casino operators to which this Part applies

221 This Part applies to a casino operator if the terms of the casino licence provide that the casino operator may offer betting on the casino premises.

[Regulation 221 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Conditions for provision of betting on casino premises

222 The casino operator may offer betting on the casino premises only—

- (a) in accordance with its IC document; and
- (b) subject to any restrictions or conditions under—
 - (i) the gaming law; and
 - (ii) the casino licence.

[Regulation 222 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Relationship of this Part to IC system

223 This Part is a relevant provision for element (dd) of an IC system (see regulation 89(3)).

[Regulation 223 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Casino operator's internal controls

224 (1) If the casino operator proposes to offer betting on casino premises, the IC document shall set out—

- (a) the casino's policies and procedures for all aspects of bookmaking, which shall include the policies and procedures to ensure that it complies with regulations 226 to 234; and
- (b) details, including plans, of the areas within the gaming areas in which betting may be offered;
- (c) the forms of betting that may be offered to patrons;
- (d) the rules for each form;
- (e) a clear and concise explanation of all fees;
- (f) any applicable betting limits, including the minimum and maximum bets applicable in particular circumstances;
- (g) the presentation time limits for winning betting tickets, which shall not be less than 60 days; and
- (h) all other terms and conditions relating to betting.

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(2) The casino operator shall ensure that a key employee or supervisory employee in the bookmaking department is on the casino premises and responsible for the book at all times during which the licensee is accepting wagers.

(3) The casino operator shall ensure that—

- (a) the presentation time limits for winning betting tickets are clearly displayed in any betting area; and
- (b) the presentation time limit for a particular ticket is printed on the ticket.

(4) The Commission may by written direction require a specified notice to be displayed in any gaming area where betting is offered.

(5) The casino operator shall, in accordance with any written directions by the Commission—

- (a) maintain records of wagering limits and temporary changes to such limits; and
- (b) maintain records of its betting operations that will enable it to report to the Commission, on request, details of bets, or series of bets, accepted from a particular patron or class of patrons or for a particular period or periods.

(6) The casino operator shall not set lines or odds, offer wagering propositions, or otherwise facilitate a bet for the purpose of ensuring that a patron will win a bet or series of bets.

[Regulation 224 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Computerised betting system

225 The casino operator shall not offer betting unless it is conducted using a computerised betting system.

[Regulation 225 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Reserve requirements

226 (1) A casino operator who offers betting on casino premises shall maintain at all times a cash reserve at least equal to the greater of—

- (a) during the first week of the operation of the book, the amount that the Commission projects will be the casino's book liability at the end of the first week of the book's operation;
- (b) at all times, the casino's actual book liability at that time; and
- (c) \$25,000.

(2) The reserve shall be unencumbered and shall not be commingled with the funds of the book or any other funds.

(3) The casino operator shall take all reasonable steps to ensure that the reserve is protected from claims by any third parties or creditors other than the patrons for whose benefit and protection the reserve is established, and shall provide that—

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- (a) the reserve is established and held in trust for the benefit and protection of patrons to the extent the book holds money for their account, has accepted wagers from them on contingencies whose outcomes have not been determined, or owes them on winning wagers;
 - (b) the reserve will not be released without the written consent of the Commission and will be available within 60 days of any written demand by the Commission; and
 - (c) the casino operator shall be entitled to any interest accruing on the reserve.
- (4) The casino operator shall calculate its reserve requirement each day and shall ensure that any payments or arrangements necessary to cover the required reserve are made within 24 hours.
- (5) The compliance committee shall review all transactions relating to the reserve on at least a weekly basis to ensure that the required reserve has been maintained and shall report to the Commission any breaches of these Regulations.
- (6) The casino operator shall retain an independent certified accountant to examine the pertinent records relating to the reserve and determine, within 5 working days after the end of each calendar month—
 - (a) the amounts required for the reserve for each day of the previous month; and
 - (b) whether the actual reserve amounts met the required amounts.
- (7) The casino operator shall provide the accountant with any records, documents or information required by the accountant, and the accountant shall prepare a report and submit that report to the compliance committee.
- (8) If the report indicates that the amount of the reserve is less than the required amount, then the compliance committee shall inform the Commission of that fact and of the steps taken to remedy the deficiency.
- (9) Where the casino operator ceases to offer betting (whether or not because of the withdrawal of any approval or other action by the Commission), the Commission may require the casino operator to pay the amount of the reserve to the Commission, who shall hold such funds on trust for the relevant patrons and may, as it sees fit—
 - (a) interplead in the Supreme Court for directions as to distribution; and
 - (b) take such other steps as are necessary to effect the proper distribution of the funds.
- (10) This regulation applies subject to any written direction by the Commission, which may, in particular, include provisions—
 - (a) increasing the required reserve, or increasing it in certain circumstances;
 - (b) permitting some or all of the reserve to be held otherwise than in cash; or

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- (c) requiring approval of the Commission for the casino operator to reduce the reserve on a reduction in the casino's book liability.
- (11) In this regulation “book liability” means the sum of—
 - (a) the amounts held by the book for the account of patrons;
 - (b) the amounts accepted by the book as wagers on contingencies whose outcomes have not been determined; and
 - (c) the amounts owed but unpaid by the book on winning wagers through the period established by the book for honouring winning wagers.

[Regulation 226 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Betting tickets

227 (1) Immediately upon accepting a bet, the casino operator shall create a betting ticket on which the terms of the bet are written.

(2) A betting ticket shall bear—

- (a) the name and address of the casino operator;
- (b) the event number and the date and description of the event;
- (c) a unique number by which the ticket can be identified in the casino operator's records;
- (d) the location, date and time of issue;
- (e) the amount of the bet; and
- (f) the payout odds.

(3) A betting ticket may be provided to the patron by electronic means, provided that it is in a format that does not allow for any alteration or amendment of the information contained on the ticket.

(4) In this regulation, “event number” means a set of alpha and/or numeric characters that identify specific odds for a specific bet in relation to the relevant event.

[Regulation 227 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Acceptance of bets

228 (1) A casino operator shall not accept a bet, unless it is placed—

- (a) with cash;
- (b) with chips approved for use in the casino;
- (c) against credit to a patron account; or
- (d) by such other method as the Commission may by written direction allow.

(2) The Commission may by written direction—

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- (a) permit other methods of placing bets; or
 - (b) require specified methods of placing bets to apply, depending on the value of the bet.
- (3) The casino operator shall not accept a bet unless it is placed in person by a patron in a betting area.
- (4) The casino operator shall not knowingly accept a bet upon an event whose outcome has already been determined and is knowable by either the casino operator or the patron at the time the bet is sought to be placed.
- (5) The casino operator shall not accept a bet, including a parlay wager—
 - (a) on the outcome of any political event in Bermuda; or
 - (b) on any other outcome or event that the Commission has prohibited by written direction.
- (6) The casino operator shall not hold a patron's money or its equivalent on the understanding that the casino operator will accept the money as a wager only upon the occurrence of a specified future contingency, unless a betting ticket documenting the bet and the contingency was issued immediately when the casino operator received the money or its equivalent.
- (7) The casino operator shall not accept a bet from—
 - (a) a minor;
 - (b) an excluded person; or
 - (c) a person whom the casino operator reasonably believes is placing a bet on behalf or another person.
- (8) The casino operator shall not accept a bet unless the wagering proposition is posted by electronic or manual means and is updated simultaneously with actual changes to the proposition.
- (9) The casino operator shall not accept a bet on a wagering event, unless—
 - (a) the outcome of the event can be verified;
 - (b) the outcome can be generated by a reliable and independent process;
 - (c) the outcome is not affected by any wager placed; and
 - (d) the event is conducted in conformity with any applicable laws.

[Regulation 228 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Payment of winning bets

- 229 (1) Except as otherwise provided in this regulation, the casino operator shall make payment on a winning bet to the person who presents the patron's copy of the betting ticket.
- (2) The casino operator is not required to make payment to a person who the casino operator knows was not the person to whom the ticket was issued.

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(3) The casino operator is not required to pay a winning bet after the presentation time limit printed on the ticket.

(4) The casino operator is not required to pay a winning bet where a suspicious wager report has been made and the Commission has instructed the casino operator not to make the payment.

(5) The casino operator may accept and pay a winning bet where the betting ticket is provided by post, provided that—

- (a) the payment complies with the requirements of these Regulations; and
- (b) the procedure for accepting postal tickets is set out in the IC document.

[Regulation 229 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Parlay wagers

230 (1) A casino operator that offers parlay wagers shall fully, accurately and unambiguously disclose on all parlay wagering forms—

- (a) the amounts to be paid by winners or the method by which such amounts are to be determined and, if payouts are limited to an aggregate amount under paragraph (2), the aggregate amount;
- (b) the effect of ties;
- (c) any minimum and maximum betting limits;
- (d) the procedure for claiming winnings, including but not limited to the documentation patrons must present to claim winnings, any time limits for claiming winnings, whether winnings may be claimed and paid by mail and, if so, the procedure that applies;
- (e) the effect on the wager if an event that is bet on is not played on the date specified, or if other events occur that will cause the selections to be invalid;
- (f) the requirement that a parlay wager must consist of at least 3 selections that have not become invalid under applicable house rules or the wager will be void and the money wagered will be refunded;
- (g) the rights, if any, reserved by the casino operator, including but not limited to reservation of the right to refuse any wager or delete or limit any selection prior to the acceptance of a wager, or to withhold payouts of specified amounts until the outcome of each proposition offered by the parlay wager has been determined;
- (h) the requirement that the point spreads printed on the parlay wager form when the wager is accepted will be used to determine the outcome of the wagers; and
- (i) that the house betting rules apply to parlay wagers unless otherwise stated on the parlay wager form.

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(2) The casino operator may limit the aggregate amount to be paid to winners on a parlay wager in proportion to the amounts won, provided that the aggregate limit is not less than the amount disclosed on the parlay wager form (the “base amount”) plus twice the amount wagered on the parlay at all establishments to which the aggregate limit applies.

(3) When the casino operator knows or ought reasonably to know that actual payouts on a parlay wager will be limited by an aggregate amount established under paragraph (2), the casino operator shall cease accepting wagers and making payouts on the parlay wager.

(4) After the outcome of the final game, match or event covered by the parlay wager has been determined, the casino operator shall pay each winner at least that proportion of the payout amount stated on the parlay wager form that the aggregate limit bears to total pay-outs, including pay-outs made prior to suspension of pay-outs, that would otherwise have been made but for the limit.

(5) When the casino operator ceases accepting wagers and making payouts on a parlay card under paragraph (4), the casino operator may accept wagers on the aspects of the parlay that have yet to be determined, provided that the parlay wager form, patron receipts, and related documentation are distinguishable from the original parlay so as to constitute a different parlay.

(6) If the casino operator pays the winner of a parlay wager more than 10 percent of the base amount established under paragraph (2) before the outcome of every proposition offered by the parlay has been determined, the casino operator shall pay every winner of a wager on that parlay the proper payout amount stated on the parlay card in full without regard to any aggregate limit established under paragraph (2).

(7) The Commission may by written direction waive requirements of this regulation or impose more restrictive requirements.

[Regulation 230 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Unilateral rescission of wagers

231 The casino operator shall not unilaterally rescind any bet without the prior written consent of the Commission.

[Regulation 231 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Report of suspicious wagers

232 (1) If the casino operator forms the opinion that—

- (a) a bet is a suspicious wager; or
- (b) an event is a suspicious event,

it shall, within 5 days after forming the opinion, report the bet or the event to the compliance committee and the Commission, together with the reasons for the opinion.

(2) The report to the Commission shall be in such form as the Commission may require.

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(3) Each person involved in the formation of the opinion or the reporting of it shall keep the fact of the report confidential.

(4) The casino operator may inform a patron of the report if it is refusing to pay the patron a winning bet on the instruction of the Commission.

(5) In this regulation—

“suspicious event” means an event—

- (a) in relation to which a casino operator accepted or offered to accept bets; and
- (b) which the casino operator knows or suspects has been or will be subject to interference or attempted interference;

“suspicious wager” means a bet to which any of the following apply—

- (a) it is above \$5,000 (as a single wager or as an aggregate over a 24-hour period) and is unusual for the patron when compared with that patron’s history of betting;
- (b) the casino operator reasonably believes it may be a violation of any provision of law;
- (c) the casino operator reasonably believes it is not the sort of bet which the particular patron would normally be expected to place, and the casino operator knows of no reasonable explanation for the wager after considering the known facts; or
- (d) the bet relates to an event that has attracted unusual betting activity, such that the integrity of the event is called into question.

[Regulation 232 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

House betting rules

233 (1) For these Regulations, a reference to the “house betting rules” in relation to a patron or patrons is a reference to a document that sets out—

- (a) the forms of betting offered to the patron or patrons by the casino;
- (b) the rules for each form;
- (c) a clear and concise explanation of all fees;
- (d) any applicable betting limits, including the minimum and maximum bets applicable in particular circumstances; and
- (e) all other terms and conditions relating to betting.

(2) The casino operator shall ensure that—

- (a) an electronic copy of the house betting rules is made available to any patron accessing a patron account by a clear and conspicuous link; and

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- (b) a paper version of the house betting rules is made available to a patron on request.
- (3) A modified extract from the house betting rules may be made available to a patron, or displayed for patrons in the casino, provided that—
 - (a) it relates to a particular form of betting;
 - (b) it includes a summary of—
 - (i) the rules for that form of betting; and
 - (ii) other information in the house betting rules that are relevant, that includes all essential information and is not misleading in any way; and
 - (c) it clearly states that it is only a summary of the rules that relate to the form of betting, and that the full house betting rules are available on request.

[Regulation 233 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Layoff wagers

- 234 (1) The casino operator that offers betting may, in its discretion, accept a layoff wager from another casino operator.
- (2) A casino operator may place a layoff wager with an approved betting business.
- (3) Any licensee placing a layoff wager shall disclose its identity to the person accepting the wager.
- (4) A wager placed by the casino operator with an approved betting business and any winnings from the wagers shall not be included in the calculation of gross gaming revenue and any loss shall not be deductible for the purpose of calculating the casino tax.
- (5) An application to the Commission for approval of a business as an approved betting business shall be made by a casino operator in such form as the Commission may require.
- (6) The Commission may grant the approval, if, after undertaking such investigation as it thinks fit, it is satisfied that the business is a suitable one to offer such layoff wagers to casino operators.
- (7) The casino operator shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of the application, including any investigation made by the Commission.
- (8) The Commission shall maintain and publish on its website a list of approved betting businesses.
- (9) In this regulation—
“approved betting business” means—

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- (a) a casino operator;
- (b) a business with a betting licence under the Betting Act 1975; or
- (c) a business in an accredited jurisdiction with a betting licence granted in that jurisdiction,

that the Commission has approved by written direction for the purpose of this regulation;

“layoff wager” means a bet placed by a casino operator with an approved betting business for the purpose of mitigating the risks associated with bets by patrons.

[Regulation 234 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 234 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

PART 16

RESOLUTION OF GAMING COMPLAINTS

Referral of gaming complaints to Commission

235 (1) The investigation procedure set out in this Part for a gaming complaint applies where a person requests an inspector to make an investigation of a gaming complaint under section 105(2) of the Act.

(2) A person who makes such a request to the Commission shall be bound by the dispute resolution procedure set out in this Part.

[Regulation 235 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Investigation by an inspector

236 (1) A request to investigate a gaming complaint shall be made in such form as the Commission may require.

(2) On receipt of a request by the Commission, the complaint shall be allocated to an inspector who shall, where appropriate—

- (a) ensure that all of the required details have been completed on the complaint form;
- (b) contact the complainant and confirm that he wishes to continue with the complaint;
- (c) obtain from any person any documentation or information necessary or desirable for the investigation of the complaint;
- (d) contact the casino operator and request a report in such form as the Commission may require;
- (e) undertake such investigation as he shall see fit which shall be proportionate to—

- (i) the amount in dispute;
 - (ii) the seriousness of the allegations; and
 - (iii) the potential amounts involved if the complaint is upheld and is part of a larger scheme, rather than a one-off event; and
 - (f) in the course of the investigation, provide both parties with an opportunity to know the evidence against them and to submit any evidence they wish to be considered in the investigation.
- (3) The inspector shall determine whether the request to investigate was made within the required time period and whether there are good reasons for any delay in making the request.
- (4) The decision of the inspector as to the date on which the complainant was informed of his right to lodge a request with the Commission, and the date on which a request was lodged, shall be final and shall not be considered on appeal.
- (5) The inspector may at his sole discretion investigate a complaint made after the limitation period set out in the Act and these Regulations.
- (6) A decision by the inspector to extend or refuse to extend time shall be final and shall not be considered on appeal.
- (7) The inspector may stay his investigation and refer the complaint back to the casino operator at any time, if—
- (a) the complaint has not been subject to the casino operator's dispute resolution procedure;
 - (b) the inspector is of the view that there is a reasonable prospect of the complaint being resolved by the casino operator's dispute resolution procedure; and
 - (c) there are no other good reasons why the complaint ought not to be stayed and referred back to the casino operator.
- (8) The inspector may take any other steps permitted by the gaming law for the purposes of his investigation, including summoning witnesses and ordering disclosure of documents.
- (9) The inspector may cease his investigation at any time, if—
- (a) the amount involved is disproportionate to the likely time and cost of the investigation and there are no other good reasons why there ought to be a full investigation;
 - (b) the complainant or any person acting on his behalf fails to cooperate fully;
 - (c) the patron and the casino operator settle the complaint between the parties;
 - (d) there do not appear to be any reasonable grounds on which the complaint could be upheld; or

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- (e) the complaint is frivolous, vexatious, or not otherwise made in good faith.

[Regulation 236 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Powers to collect evidence

237 (1) For the purposes of an investigation, the inspector may require the casino operator to produce for inspection and examination any information, records or documents that are relevant to the investigation and an inspector may either—

- (a) take copies or extracts at the premises where they are produced for inspection or examination; or
- (b) upon giving a receipt for them, remove them for the purpose of making copies or extracts.

(2) Where an inspector removes documents pursuant to paragraph (1)(b), the inspector shall permit the person in charge of the same to accompany him while the copies or extract are being made, and shall, whether that person accompanies him or not, return the same to the premises from which they were removed as soon as possible and in any case within 2 business days.

[Regulation 237 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Decision and order

238 (1) Upon conclusion of his investigation, the inspector shall provide a written decision to the patron and the casino operator detailing his findings and shall where appropriate make an order as regards any payment to be made by either party.

(2) The order of the inspector shall, subject only to any review or appeal pursuant to the gaming law, be binding upon the parties.

(3) Where an inspector orders payment, the payment shall be made within 30 days of the date of the recommendation.

[Regulation 238 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Reconsideration of an inspector's decision

239 (1) Any party aggrieved by the decision or the order of the inspector may apply for a review of the decision or order by the Commission.

(2) An application for review shall be in such form as the Commission may require and shall be accompanied by—

- (a) a clear statement of the grounds on which the decision or order ought to be overturned or varied;
- (b) any documentation not considered by the inspector during the investigation; and
- (c) any other information or documentation the Commission may require.

(3) The application form and documentation must be received by the Commission within 14 days after the date of the decision.

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(4) The Commission may undertake any further investigation as it thinks fit or may, at its sole discretion, limit the review to the information available to the inspector.

(5) The Commission may confirm, vary or reverse the decision of the inspector and shall provide its decision in writing.

(6) The Commission may confirm, vary or set aside an order made by the inspector and shall inform the patron and the casino operator of its decision in writing, along with any amended order as appropriate.

(7) If the Commission upholds the decision of the inspector, the person making the application shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of the application, including any investigation undertaken pursuant to paragraph (4).

[Regulation 239 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 239 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

PART 17

CASINO MARKETING LICENCES

Commission may require introducer to hold a marketing licence

240 (1) The Commission may by written notice require a casino operator not to enter into a casino marketing arrangement with a specified unlicensed person, or to enter into an agreement only on specified conditions.

(2) Where a casino operator has entered into a casino marketing arrangement with an unlicensed person, the Commission may direct the casino operator—

- (a) to suspend the operation of the arrangement until the person holds an appropriate marketing licence; or
- (b) to terminate the arrangement.

(3) In this regulation “unlicensed person” means a person who does not hold a marketing licence.

[Regulation 240 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Application for a marketing licence

241 (1) A person may apply to the Commission for a marketing licence in accordance with this Part.

(2) The application shall be made in such form as the Commission may require and shall—

- (a) specify the classes of introduction services that the applicant proposes to provide to casino operators;

- (b) be accompanied by evidence that the applicant is a suitable person to provide those services, having regard to the matters set out in regulation 243;
 - (c) be accompanied by a declaration by a casino operator certifying that—
 - (i) the information contained in the application is true to the best of the casino operator's knowledge and belief; and
 - (ii) the casino operator is satisfied that the applicant is a suitable person to be involved in the gaming industry in Bermuda in the relevant capacity; and
 - (d) be accompanied by any other documents or information that the Commission by written direction requires.
- (3) The application may propose conditions to be attached to the licence.
- (4) The casino operator may withdraw its endorsement of the applicant at any time by notice in writing to the Commission.
- (5) The applicant shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of the application, including any investigation undertaken by the Commission.
- (6) For the purpose of determining the application, the Commission may, subject to the requirements of any other Act that relates to privacy or the use of personal information, consider any document given to the Commission for the purposes of the gaming law.

[Regulation 241 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 241 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Grant of licence as a marketing agent

242 (1) The Commission may, at its discretion, grant or refuse an application under regulation 241 for a marketing licence.

- (2) The Commission may grant the licence subject to specified conditions.
- (3) The Commission shall not grant the licence unless the Commission is satisfied that the applicant, and each associate of the applicant, is a suitable person to be concerned in or associated with the with the gaming industry in Bermuda in that capacity.
- (4) The Commission shall maintain on its website an up-to-date list of persons who hold marketing licences, specifying the introduction services for which they are licensed and any conditions on the licence.

[Regulation 242 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Assessment of applicant

243 The matters on which the Commission is to base an assessment of an applicant for the purposes of regulation 242 shall include the matters set out in regulation 34, read as if—

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- (a) a reference to the applicant were a reference to an applicant to be licensed as a marketing agent;
- (b) a reference to the supply of goods or of gaming equipment were omitted; and
- (c) a reference to the supply of services, or of “related services”, were a reference to the supply of introduction services.

[Regulation 243 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Amendment and withdrawal of application

244 (1) An application for a marketing licence may be amended with the leave of the Commission at any time prior to the determination of the application by the Commission.

(2) A request for withdrawal of an application may be made at any time prior to final determination of the application by the Commission by filing with the Commission a written request to withdraw.

(3) The Commission may in its discretion, deny or grant the request for amendment or withdrawal of an application and may grant any such request upon such terms as it sees fit.

(4) If the Commission grants a request to withdraw, it may provide that the applicant shall not be entitled to reapply for a marketing licence for a specified period of up to 2 years from the date of withdrawal.

[Regulation 244 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Conditions applying to holder of a marketing licence

245 Regulation 36 shall apply to the holder of marketing licence as if—

- (a) a reference to an approved gaming supplier were a reference to the licensed marketing agent; and
- (b) a reference to regulation 34 were a reference to that regulation as modified by regulation 243.

[Regulation 245 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Variation of terms of marketing licence

246 (1) The Commission may, with or without an application by the holder of a marketing licence, vary—

- (a) the introduction services covered by the licence; or
- (b) any conditions attached to the licence.

(2) If the Commission is considering varying a licence without an application, otherwise than by adding functions or relaxing conditions, it shall notify the holder of the licence and invite him to make submissions.

(3) An application for a variation shall—

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- (a) be in a form approved by the Commission;
- (b) specify the variation requested;
- (c) set out the reasons for the variation;
- (d) be accompanied by a statement in support of the applicant by a casino operator; and
- (e) be accompanied by any available additional evidence relevant to whether it is appropriate for the Commission to make the variations.

(4) The applicant shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the evaluation of the application, including any investigation undertaken by the Commission.

[Regulation 246 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 246 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

On-going monitoring of holder of a marketing licence

247 (1) At such intervals as it may determine, the Commission may investigate whether or a person who holds a marketing licence remains a suitable person to continue to hold the licence, having regard to the matters mentioned in regulation 243.

(2) For the purposes of an investigation, the Commission shall have all of the powers available to it upon an application for an original licence.

(3) If the Commission makes an investigation under this regulation, the holder of the licence shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of any investigation undertaken by the Commission.

[Regulation 247 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 247 amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Cancellation of marketing licence

248 (1) The Commission may cancel a marketing licence, if the holder of the licence—

- (a) fails to comply with any requirement of the gaming law; or
- (b) is unable to satisfy the Commission that it remains a suitable person to hold a marketing licence, having regard to the matters mentioned in regulation 243.

(2) Where the Commission proposes to cancel the licence, it shall provide to the holder of the licence—

- (a) written notice of the Commission's intention to withdraw approval and the grounds on which it relies; and
- (b) an opportunity to make representations.

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(3) If the Commission cancels the licence, it may also provide that the person shall not be entitled to reapply for a marketing licence for a specified period of up to 2 years from the date of the cancellation.

(4) If the Commission cancels the licence, it shall notify all casino operators of the cancellation.

(5) Notwithstanding any cancellation, the supplier shall, in accordance with regulations 3 and 4 of the Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of any investigation undertaken by the Commission in relation to the cancellation.

[Regulation 248 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 248 paragraph (5) amended by 2021 : 23 s. 54(5) effective 1 August 2021]

Surrender of marketing licence

249 (1) The holder of a marketing licence may apply to the Commission to surrender the marketing licence.

(2) An application for surrender may be made at any time by notice in writing.

(3) Upon receipt of an application, the Commission may grant or refuse the application and shall notify the applicant in writing of its decision.

(4) If disciplinary proceedings have been commenced against the applicant, or an investigation is being made, the Commission may refuse to grant surrender of the licence or approval until after the conclusion of the disciplinary action or investigation and any consequential actions by the Commission.

[Regulation 249 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

PART 18

TEMPORARY MANAGERS

Appointment of a temporary manager

250 (1) If the Commission appoints a temporary manager of a casino in accordance with section 50 of the Act, it shall notify the casino operator of the appointment in writing.

(2) In addition to the methods of service set out in section 195 of the Act, the notice may be served by giving it, in person, to any key employee on the casino premises.

(3) If the appointment arises from a cancellation, revocation or suspension of the casino licence, the notice may be served with the notice of cancellation, revocation or suspension, or at any later time.

(4) If the appointment arises from a surrender of the casino licence, the notice may be served at any time after the Commission receives the notice of surrender.

(5) Unless the notice provides otherwise, the appointment of the manager takes effect—

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- (a) on the date of the relevant event, if the notice is served before the relevant event; or
 - (b) immediately it is served, if the notice is served after the relevant event.
- (6) The notice shall include the terms of the manager's appointment.
- (7) A person shall not accept an appointment as manager of a casino where to do so would place him in a position in which his personal interests conflict with his duties as a manager.
- (8) In this Part "relevant event", in relation to the appointment of a manager, means the cancellation, revocation, surrender or suspension of the casino licence that caused the application of section 43(3)(b) or section 50(1) of the Act.

[Regulation 250 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Powers and duties of the manager

251 (1) Subject to the written terms of his appointment, a manager shall have all of the powers of the former casino operator in relation to the business of the casino, including the power—

- (a) to demand, settle, recover or receive, by action or otherwise, any sums due to the casino operator in relation to or arising out of the casino operations under the former casino operator;
 - (b) to commence, continue, discontinue or defend any action or other legal proceedings, including to enforce all and any rights under all agreements or contracts entered into by the former casino operator in relation to or arising out of the casino operations;
 - (c) to settle, adjust, refer to arbitration, compromise and arrange any claims, accounts, disputes, questions and demands with or by any person who is or claims to be a creditor of the former casino operator pursuant to a contract in relation to or arising out of the casino operations;
 - (d) to do all acts and execute any deeds, receipts or other document desirable for the purpose of performing his duties as manager;
 - (e) to borrow money, whether on the security of the assets of the casino operator or otherwise, for the purposes of carrying out his duties as manager;
 - (f) to appoint a solicitor, accountant or other professionally qualified person to assist him in the performance of his duties; and
 - (g) to appoint and remunerate managers, officers, agents, advisors, servants, employees and others to do any business that the manager is unable to do himself, or which can be more conveniently done by an agent, upon such terms as to remuneration or otherwise as the manager may think proper.
- (2) Any person with any information or documentation in his custody, power or control who would have been required to provide such information or documentation to the

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former casino operator shall provide that information or documentation to the manager upon demand.

(3) The manager shall ensure that he maintains proper accounts of all receipts and expenditure and that he complies with all requirements of the gaming law in relation to maintenance of records and accounting practices.

(4) The manager, as the deemed holder of the casino licence under section 50(6) of the Act, shall have the same obligations and shall be liable to the same disciplinary action as any other holder of a casino licence.

(5) The manager may request from the Commission written approval of any action proposed to be taken by the manager.

(6) The manager shall not, without the consent of the Commission—

- (a) terminate the contract of employment of any key employee;
- (b) cause the casino operations to close; or
- (c) vary the existing opening hours of the casino.

(7) Without limiting any other provision of law and subject to the written terms of his appointment, the manager shall be entitled to be indemnified out of the assets of the former casino operator in respect of the business of the casino against all liabilities properly incurred by him in the performance of his duties, and such an indemnity shall apply as a priority to all unsecured claims against the assets.

(8) The manager shall provide to the Commission upon demand any information or documentation relating to his appointment as a manager.

(9) The manager shall report to the Commission the existence of any contract or other matter relating to the casino operations that the manager reasonably believes is not in the best interest of the casino.

(10) If the Commission receives such a report from the manager, the Commission may require the manager to cease any payments due to any person and may exercise any other powers available to the Commission.

(11) In this regulation “former casino operator” means the person who held the casino licence immediately before the relevant event.

[Regulation 251 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Resignation of a manager

252 (1) A manager may terminate his appointment by providing a notice of resignation to the Commission in writing.

(2) The appointment shall terminate upon a date determined by the Commission, which shall not be later than 12 weeks after the date of receipt of the notice, unless agreed by the manager.

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(3) The Commission may attach such conditions to the acceptance of the notice of resignation as it sees fit and the manager shall comply with the conditions.

[Regulation 252 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Costs and expenses of a manager

253 (1) A manager shall be entitled to such salary or other remuneration as may be agreed with the Commission and as set out in the notice of appointment.

(2) The manager shall be entitled to pay himself out of funds collected or realised by him, his reasonable costs, charges and expenses properly incurred in the discharge of his duties.

(3) The manager shall account to the Commission at such intervals as the Commission requires for all payments made pursuant to paragraph (2).

(4) The manager shall apply all money received by him as follows—

- (a) in discharging of all sums due under contracts of employment;
- (b) in discharging his own costs and expenses; then
- (c) in discharging all other obligations of the casino.

(5) The Commission may by notice in writing vary the priority of payments set out in paragraph (4).

[Regulation 253 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

PART 19

DISCIPLINARY PROCEDURES

Chapter 1 - Disciplinary action against certain regulated persons

Application of this Chapter

254 This Chapter applies in relation to the following regulated persons—

- (a) an approved gaming supplier;
- (b) the holder of a marketing licence.

[Regulation 254 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Commission may take disciplinary action

255 (1) Where the Commission is satisfied that a ground for disciplinary action has been proved against the regulated person, it may take appropriate disciplinary action.

(2) For the purposes of this regulation, disciplinary action is appropriate if it is effective, proportionate and dissuasive.

(3) For the purposes of this Part, the disciplinary actions that may be imposed on the regulated person are the following—

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- (a) the service of a written notice on the person censuring him for any action specified in the notice;
- (b) suspension of the person's licence or approval for a specified period;
- (c) variation of the conditions of the person's licence or approval;
- (d) cancellation of the person's licence or approval;
- (e) the imposition of a financial penalty of not more than \$10,000 in relation to each ground of disciplinary action.

[Regulation 255 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Grounds for disciplinary action

256 Each of the following is a ground for disciplinary action against the regulated person—

- (a) that the person's licence or approval was improperly obtained in that, when it was granted, there were grounds for refusing it;
- (b) that the person has been convicted—
 - (i) of an offence under the gaming law;
 - (ii) of an indictable offence arising out of or in connection with the activities of the person in relation to matters governed by the Act; or
 - (iii) whether in Bermuda or elsewhere, of an offence involving dishonesty or moral turpitude;
- (c) that the person has contravened a provision of gaming law, a direction by the Commission, or a condition of his licence or approval;
- (d) that the person has failed to provide information that he is required by the gaming law to provide or has provided information knowing it to be false or misleading or reckless as to whether it is so;
- (e) that for any reason, the person is, in the opinion of the Commission, no longer a suitable person to hold the licence or approval, having regard to the matters in relation to which suitability for the licence or approval was assessed;
- (f) that the person has failed to provide information as required pursuant to section 70(1) of the Act or otherwise under the gaming law, or has provided information knowing it to be false or misleading or reckless as to whether it is so.

[Regulation 256 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Chapter 2 - Investigation of a disciplinary case

Raising of a disciplinary case

257 (1) For the purposes of this Part, a disciplinary case is raised in relation to a regulated person if any person lodges with the Commission, in such form as the Commission may require, an allegation, accusation or claim that the regulated person has—

- (a) breached a requirement of the gaming law, a condition of the licence or approval, a direction by the Commission, any applicable codes of conduct, or any other applicable law; or
- (b) acted in a way that calls into question the suitability of the person to hold the licence or approval; or
- (c) otherwise failed to act professionally and in accordance with the standards expected of a person in the position of the regulated person.

(2) For the avoidance of doubt, an allegation for the purposes of paragraph (1)—

- (a) may be made by an inspector or other employee of the Commission; and
- (b) may relate to facts or matters that occurred—
 - (i) outside Bermuda; or
 - (ii) at a time when the person was not a regulated person.

(3) As soon as reasonably practicable after the disciplinary case is raised, the Commission shall appoint a presenting officer to—

- (a) investigate the allegation;
- (b) make a decision as to whether the case should be presented to the Commission; and
- (c) if the Commission sends the case to a panel, present the case to the panel.

(4) The presenting officer shall be an inspector, another officer employed by the Commission, or an attorney appointed by the Commission for the purpose.

(5) The Commission may, on the recommendation of the relevant presenting officers, divide or consolidate disciplinary cases.

(6) The presenting officer shall undertake such preliminary investigation as he sees fit and shall determine whether—

- (a) the case should be dismissed without further action;
- (b) no further investigation should be made under this Part, whether because an action under regulation 259 would appropriately address the matter, or because the officer considers that the time and costs likely to be incurred in fully investigating the complaint are disproportionate to the likely sanction; or

- (c) the case should be further investigated.
- (7) If the case is not to be further investigated, the presenting officer shall—
 - (a) record the details of the allegation and reasons for not proceeding;
 - (b) make any appropriate notification or recommendation to the regulated person under regulation 259(2);
 - (c) where appropriate, write to—
 - (i) any person who lodged an allegation that raised the disciplinary case; or
 - (ii) the regulated person,informing him of the decision not to take any further action; and
 - (d) take no further action.

[Regulation 257 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Licence or approval may be limited or suspended during investigation

- 258 (1) This regulation applies where—
- (a) a disciplinary case has arisen in relation to a regulated person; and
 - (b) the Commission is satisfied that, without action under this regulation, there is a material risk to—
 - (i) the integrity of any part of the gaming industry in Bermuda;
 - (ii) the safety of any persons; or
 - (iii) the reputation of the gaming industry in Bermuda.
- (2) The Commission may—
- (a) vary the conditions on the licence or approval; or
 - (b) suspend the operation of the licence or approval,

as it considers necessary to appropriately mitigate the risk, until the resolution of the disciplinary case.

(3) During any period of suspension, the regulated person is deemed not to be the holder of the licence or approval except for the purposes of the disciplinary case.

[Regulation 258 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Informal actions in a disciplinary case

- 259 (1) In a disciplinary case, the presenting officer shall at each stage consider whether, in addition to or as an alternative to disciplinary action, it would be appropriate for the Commission to take an action set out in this regulation, or any other action.

(2) The presenting officer may, if he considers it appropriate, do any of the following—

- (a) notify the regulated person of the allegations, or a summary of the allegations, that raised the disciplinary case, or of other matters that were raised in the course of any investigation;
- (b) draw the attention of the person to the fact that any future infraction, if proved, will be likely to result in disciplinary action;
- (c) make a non-binding recommendation to the person suggesting changes to the person's conduct or practices.

(3) Where—

- (a) a matter in the disciplinary case relates to a casino operator or a member of the casino staff of a casino operator;
- (b) the matter could have been dealt with by the casino operator's complaint system; and
- (c) the person lodging the allegation did not make a complaint to the casino operator,

the presenting officer may, if he considers it appropriate, advise the person who lodged the allegation to lodge a complaint with the casino operator for action, and assist him to do so.

(4) The presenting officer may, if he considers it appropriate, recommend to the Commission that it make a direction under section 52 of the Act to any relevant casino operator.

[Regulation 259 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Investigation of allegation and powers of presenting officer

260 (1) If the presenting officer has decided that further investigation is appropriate, he shall undertake such investigations as he sees fit in order to determine whether, on the balance of probabilities, there are grounds for disciplinary action.

(2) As part of the investigation, the presenting officer shall write to the regulated person informing him of the fact of the investigation, and may at his sole discretion provide him with—

- (a) the nature of the allegations;
- (b) the facts and matters relied on, or a summary of those facts and matters, enclosing such relevant documents, and with such redactions, as the presenting officer thinks fit; and
- (c) an opportunity to respond within a reasonable period specified by the presenting officer.

(3) The presenting officer is not required to comply with paragraph (2) where to do so could, in the opinion of the presenting officer, jeopardise the investigation.

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(4) The presenting officer shall take into account any response by the regulated person received within the required period.

(5) If the presenting officer is of the opinion that there is insufficient evidence to establish on the balance of probabilities that there are grounds for disciplinary action, he shall—

- (a) record the details of the allegation;
- (b) record the findings of his investigation;
- (c) consider whether any notification or recommendation to the regulated person under regulation 259(2) would be appropriate, and if so, make the notification or recommendation;
- (d) where appropriate, write to—
 - (i) any person who raised an allegation that raised the disciplinary case; or
 - (ii) the regulated person,informing him of the decision not to take any further action; and
- (e) take no further action.

(6) Upon completion of the investigation, if the presenting officer is of the opinion that there is sufficient evidence to establish on the balance of probabilities that there are grounds for disciplinary action, he shall—

- (a) if he is satisfied that a censure is the most appropriate disciplinary action in all the circumstances, cause a notice of censure to be served on the regulated person; or
- (b) refer the case to the Commission for disciplinary action in accordance with regulation 261.

(7) The decision of the presenting officer shall be final.

[Regulation 260 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Referral to the Commission for disciplinary action

261 (1) A presenting officer who refers the disciplinary case to the Commission shall provide the Commission with his written opinion, setting out—

- (a) the nature of the original allegation;
- (b) the facts as found by the presenting officer;
- (c) the grounds for disciplinary action;
- (d) full details of the investigation undertaken and evidence considered; and
- (e) the disciplinary action proposed by the presenting officer as an appropriate sanction in all of the circumstances.

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(2) The Commission shall, at a meeting of the Commission, consider the written opinion and shall, at its sole discretion—

- (a) make an order setting out the disciplinary action to be taken against the regulated person; or
- (b) direct that the case be considered at a full hearing in accordance with Chapter 3, and make such other orders as it thinks appropriate.

(3) Where the Commission makes an order providing for disciplinary action to be taken, the order along with the written opinion of the presenting officer shall be provided to the regulated person and, where the Commission thinks it necessary or desirable, to any casino operator.

(4) The Commission may redact third party or confidential material contained in the written opinion, provided that the regulated person is provided with sufficient information for him to know the nature of the allegation and the facts as found by the presenting officer.

(5) The Commission shall not make an order for the revocation or cancellation of a casino licence under paragraph (2)(a), but may include a recommendation for revocation or cancellation in a direction that the case be considered at a full hearing.

(6) An order or direction of the Commission is final.

[Regulation 261 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Chapter 3 - Disciplinary panel hearing

Application of Chapter

262 This Chapter applies where the Commission has directed that a disciplinary case be dealt with by way of a full hearing.

[Regulation 262 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Appointment of panel

263 (1) This regulation applies where the Commission has directed that an allegation be dealt with by way of a full hearing.

(2) Subject to this regulation, the Chair of the panel shall be the Chairman of the Commission.

(3) Where the Chairman of the Commission is unavailable, is conflicted, or is otherwise unable to perform the functions of the Chair of the panel, the Chair of the panel shall be such other member of the Commission as the members present decide.

(4) The Chair of the panel shall appoint at least two other persons to the panel.

(5) Subject to this regulation, the other members of the panel shall be members of the Commission.

(6) The Chair of the panel may appoint other qualified persons if the Chair is of the view that it is in the interest of justice to do so.

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- (7) A person is qualified for the purposes of this regulation if the person—
- (a) has qualifications or experience that the Chair of the panel thinks relevant to the allegations; and
 - (b) does not have any conflict of interest.

[Regulation 263 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Notice of hearing

264 (1) Subject to this Chapter, as soon as reasonably practicable after the Commission gives a direction for full hearing, the presenting officer shall serve a notice of hearing on the regulated person.

- (2) The notice of hearing shall—
- (a) particularise the allegation against the regulated person and the facts upon which it is based;
 - (b) specify the date, time and venue of the hearing;
 - (c) inform the regulated person of his right to attend the hearing and to be represented;
 - (d) inform the regulated person of the power of the panel to proceed in his absence; and
 - (e) inform the regulated person of his right to adduce evidence and, with the permission of the panel, to call and cross-examine witnesses.

(3) The presenting officer shall give no less than 28 days' notice of the date and location of the hearing and no less than 7 days' notice of the precise time and venue of the hearing.

(4) The presenting officer may give a shorter period of notice than that specified in paragraph (3) where the regulated person consents or the presenting officer considers it reasonable in the public interest in the exceptional circumstances of the case.

[Regulation 264 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Case management

265 (1) Following the appointment of a panel, the Chair of the panel may list the matter for a case review.

(2) Unless the parties agree otherwise, the regulated person shall be given no less than 14 days' notice of any case review.

(3) A case review may be conducted by telephone or by such other method as may be agreed between the parties or, where the parties fail to agree, as decided by the Chair of the panel.

(4) The Chair of the panel may give directions to secure the just, expeditious and effective running of proceedings before the panel.

(5) Directions issued by the Chair of the panel may include, but are not limited to, such of the following as he considers appropriate having regard to the nature of the allegation, any representations made by the parties and all other material factors—

- (a) that each party disclose to the other—
 - (i) any documentary evidence in their possession or power relating to the allegation;
 - (ii) details of the witnesses on whom they intend to rely and signed witness statements setting out the substance of their evidence;
 - (iii) a curriculum vitae and an expert report in respect of any expert on whom they intend to rely; and
 - (iv) a summary of the legal arguments;
- (b) that each party provide an estimate as to the likely length of the hearing and the date or dates on which they propose that the hearing should take place;
- (c) that the regulated person indicates, so far as is practicable—
 - (i) which facts are admitted and which facts remain in dispute;
 - (ii) which witness evidence is admitted and which witnesses are required for cross examination; and
 - (iii) whether any preliminary legal arguments are required;
- (d) where the allegation is admitted, a direction that the parties produce a statement of agreed facts;
- (e) that a witness is to give evidence-in-chief by way of oral evidence;
- (f) that two or more allegations against the same regulated person or more than one regulated person are listed for consideration and determination together by the panel;
- (g) at the panel's discretion, that the oral evidence of a witness is to be given by means of a video link or a telephone link;
- (h) a direction that a particular witness should be treated as a vulnerable witness, and directions as to how the evidence of such witness should be obtained or presented to the panel;
 - (i) directions relating to sensitive evidence;
- (j) a direction for an adjournment of the case review or an additional case review where the circumstances of the case require;
- (k) time limits for compliance with any of the directions listed above; and
- (l) such other directions as the Chair of the panel thinks fit.

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(6) Within 7 days after the date of the case review, the Chair of the panel shall serve on the parties a record of the directions issued by him.

(7) A panel may draw such inferences as it considers appropriate in respect of the failure by a party to comply with directions.

[Regulation 265 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Procedure before the panel

266 (1) Subject to these Regulations, the panel may determine its own procedure, and may give such directions regarding the conduct of the hearing as it considers just.

(2) The panel may at any time, whether of its own motion or upon the application of a party, adjourn the hearing until such time and date as it thinks fit.

(3) The panel may request clarification, further information or documents from either party or from any other person in respect of any matter which in its opinion is relevant to the hearing and any such information must be served upon the parties, who shall be given a reasonable opportunity to comment.

(4) The hearing shall be in private.

(5) With the parties' consent and at the panel's discretion, the hearing may be considered by the panel on the papers without the need for the parties to attend.

(6) All deliberations of the panel shall be in the absence of the parties.

(7) The standard of proof before the panel is that applicable to civil proceedings.

(8) Subject to any provision of the gaming law that places the burden on the regulated person, the burden of proof shall be on the presenting officer.

(9) The burden of satisfying the panel that he is a suitable person to hold the licence or approval shall always be on the regulated person.

[Regulation 266 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Absence of the appellant

267 Where the regulated person is neither present nor represented at a hearing, the panel may nevertheless proceed to consider and determine the allegation if it is satisfied that the regulated person was served with notice of the hearing, or that all reasonable efforts have been made to serve the appellant with notice of the hearing, in accordance with these Regulations.

[Regulation 267 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Joinder

268 The panel may, where it would be just to do so, consider and determine together—

(a) two or more allegations against the same regulated person; or

(b) allegations against two or more regulated persons.

[Regulation 268 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

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Representation

269 (1) At a hearing, the regulated person may be represented by—

- (a) counsel; or
- (b) at the discretion of the panel, any other person.

(2) A person who gives evidence at a hearing shall not be entitled to represent or accompany the regulated person at that hearing.

(3) The regulated person, either in person or by representative, and the presenting officer shall be entitled to be heard by the panel.

[Regulation 269 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Evidence

270 (1) The panel may admit any evidence it considers fair and relevant to the case before it, whether or not such evidence would be admissible in a court of law.

(2) In relation to proceedings before the panel, unless otherwise agreed between the parties or directed, each party shall not less than 28 days before the date of a hearing—

- (a) provide to the other party a list of every document which he proposes to introduce as evidence; and
- (b) provide to the other party a copy of every document listed in subparagraph (a) which the other party has not previously received.

(3) A panel may receive into evidence a signed witness statement containing a statement of truth as the evidence-in-chief of the witness concerned, unless the panel decides, upon the application of a party or of its own motion, that the witness concerned is to give evidence-in-chief by way of oral evidence.

(4) A party may, at any time during a hearing, make an application to the panel for the oral evidence of a witness to be given by means of a video link or a telephone link.

[Regulation 270 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Witnesses

271 (1) Witnesses shall be required to take an oath, or to affirm, before giving oral evidence at the hearing.

(2) In proceedings before the panel, the following may, if the quality of their evidence is likely to be adversely affected as a result, be treated as a vulnerable witness—

- (a) any witness under the age of 18 at the time of the hearing;
- (b) any witness with a mental disorder;
- (c) any witness who is significantly impaired in relation to intelligence and social functioning;

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- (d) any witness with physical disabilities who requires assistance to give evidence;
- (e) any witness who works in law enforcement in any jurisdiction and who by giving evidence is likely to be prejudiced in the performance of his duties;
- (f) any witness who complains of intimidation.

(3) Upon hearing representations from the parties, the panel may adopt such measures as it considers desirable to enable it to receive evidence from a vulnerable witness, including but not limited to the use of—

- (a) video links;
- (b) pre-recorded evidence as the evidence-in-chief of a witness, provided always that such witness is available at the hearing for cross-examination and questioning by the panel;
- (c) interpreters, including signers and translators, or intermediaries; or
- (d) independent legally qualified persons appointed by the panel to consider evidence or to cross-examine any witness on behalf of the regulated person.

[Regulation 271 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Voting

- 272 (1) A decision of the panel shall be taken by simple majority.
- (2) No member of the panel may abstain from voting.
- (3) Where the votes are equal, the Chair of the panel shall have the casting vote.

[Regulation 272 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Determination of the panel

- 273 (1) The panel shall provide the appellant with its determination either orally at the hearing or at a later date in writing.
- (2) The panel may—
- (a) dismiss the allegation;
 - (b) make an order providing for such disciplinary action as it thinks appropriate; and
 - (c) make such costs order as it thinks fit.
- (3) The decision of the panel is final.
- (4) The panel may give written reasons for its decision.

[Regulation 273 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

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Correction of errors

274 (1) The Chair of the panel may, at any time within the period of 28 days from the date of the panel's determination, correct accidental errors in the determination.

(2) A correction made to a determination is to be deemed to be part of the determination and written notice of it must be given, as soon as reasonably practicable, to the parties.

[Regulation 274 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Revocation of licence an administrative procedure

275 Notwithstanding any other provision of law—

- (a) all sanctions, including the revocation of a casino licence, shall be deemed an administrative procedure; and
- (b) the Commission may revoke a casino licence or any other licence granted under the Act irrespective of any moratorium or other order arising out of insolvency or bankruptcy proceedings.

[Regulation 275 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Privileged documents or information

276 (1) A regulated person may refuse to disclose any document or information based on privilege recognised by law in Bermuda.

(2) A regulated person who refuses disclosure of any document or information based on privilege shall be deemed to be refusing to cooperate without good cause, and such refusal may be held against the licensee.

[Regulation 276 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Sensitive documents or information

277 (1) For the purposes of this regulation, “sensitive information” means all information, documents, or records—

- (a) provided to the Commission in confidence;
- (b) the disclosure of which could result in harm to any person;
- (c) provided to the Commission by a foreign casino regulatory body;
- (d) relating to a third party;
- (e) obtained by the Commission in the exercise of its duties other than by way of voluntary disclosure;
- (f) directly or indirectly relating to or pertaining to any actual or prospective application, investigation, complaint or disciplinary sanction against any person other than the regulated person;

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(g) whose disclosure would, in the opinion of the Commission, seriously prejudice the Commission in the performance of its regulatory functions; or

(h) whose disclosure would reveal the source of or existence of any information listed in subparagraphs (a) to (g).

(2) A presenting officer may apply to the Chair of the panel, with or without notice to the regulated person, for directions relating to sensitive information.

(3) Upon such an application, the Chair of the panel may give such directions as he thinks fit in the interests of justice, which may include authorising the presenting officer to—

(a) withhold the existence of any sensitive information from the regulated person;

(b) redact any documentation containing sensitive information prior to disclosing it to the regulated person; or

(c) appoint an independent attorney to provide submissions to the panel based on such sensitive information, without the requirement to disclose the sensitive information or the opinion to the regulated person.

[Regulation 277 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Extension or abridgement of time

278 Where any time is fixed under the gaming law for the doing of any act, that time may be extended or abridged by the Commission or the panel where it is in the interests of justice to do so.

[Regulation 278 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

PART 20

MISCELLANEOUS

Appeals against decision of the Commission

279 (1) *[Repealed by 2021 : 23 s. 54(3)]*

(2) For the purposes of section 89 of the Act, where a special employee is aggrieved by a decision regarding his special employee licence that is not otherwise appellable under the gaming law—

(a) the special employee may lodge an appeal with the Commission in such form as the Commission may require; and

(b) the Commission shall deal with the appeal in good faith and in accordance with such procedure as it may by written direction provide.

[Regulation 279 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019; Regulation 279 paragraph (1) repealed by 2021 : 23 s. 54(3) effective 1 August 2021]

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Unlawful gaming contracts and avoiding of gaming contracts

280 (1) A casino operator shall not make a gaming contract—

- (a) with an excluded person;
- (b) of a kind prohibited by written direction of the Commission; or
- (c) otherwise than in accordance with its IC document.

(2) A gaming contract between a casino operator and a patron shall be unenforceable at the instance of the casino operator, if—

- (a) the patron has cheated at any time during the period beginning 48 hours before the gaming contract was made and ending when the result is declared; and
- (b) the casino operator provides the patron with written notice that the gaming contract is unenforceable due to the patron cheating.

(3) In this regulation—

“cheat” means—

- (a) to interfere, or attempt to interfere, with the process by which the gaming or betting is conducted; or
- (b) to engage, or attempt to engage, in any conduct that—
 - (i) the person knows, or ought to know, is likely to alter the odds of a game or bet where such odds would otherwise be fixed; or
 - (ii) is intended to alter the odds of a game or bet where such odds would otherwise be fixed, whether or not such conduct is likely to have the intended result;

“gaming contract” means any express or implied contract between a casino operator and a patron arising out of the placing and accepting of a wager or a series of wagers made by the patron by way of gaming or betting.

[Regulation 280 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

Evidential provisions

281 (1) In any criminal proceedings for an offence for which any of the following matters is a relevant matter in relation to a particular time—

- (a) whether a particular person held a casino licence;
- (b) whether the terms and conditions of a casino licence included particular provisions;
- (c) whether particular premises were covered by a casino licence;
- (d) whether a casino operator's IC document included particular provisions;
- (e) whether a particular person holds a special employee licence;

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(f) whether a person's special employee licence included particular provisions, the following shall apply—

- (g) the negative of each of the matters shall be presumed unless the contrary is proved;
- (h) a certificate purporting to be signed by the Chairman that sets out facts in relation to one of the matters shall be sufficient evidence of the fact certified, in the absence of proof to the contrary.

(2) In any criminal proceedings that relate to casino premises, the following shall apply—

- (a) evidence that a transaction in the nature of a sale of intoxicating liquor took place shall be evidence that the liquor was served;
- (b) evidence that consumption of intoxicating liquor was about to take place shall be evidence of the consumption of intoxicating liquor without proof of actual consumption;
- (c) if intoxicating liquor in open containers was found on the casino premises, consumption of intoxicating liquor is deemed to have taken place in those premises, unless the contrary is proved.

[Regulation 281 inserted by BR 91 / 2019 reg. 21 effective 12 September 2019]

SCHEDULE 1

(regulation 158)

ADVERTISING CODE

1. Advertising must reflect the spirit and intent, and not merely the letter, of this Code.
2. Advertising must be legal, decent, honest and truthful.
3. Advertising must not be likely to bring the gaming industry into disrepute.
4. Advertising must not be likely to bring the tourist industry in Bermuda into disrepute.
5. Advertising must not be aimed at minors.
6. Advertising must have regard to the need to protect minors and other vulnerable persons.
7. Advertising must be obviously identifiable as such.
8. Advertising must not be likely to mislead. Obvious exaggerations are permitted, provided that the average person is unlikely to take the advertisement literally.
9. Advertising must not omit material information where such an omission is likely to mislead.
10. Advertising must not state or imply that a product can facilitate winning in games of chance.
11. Advertising providing a comparison must be capable of objective substantiation and verification.
12. Advertising providing a price comparison must make the basis of the comparison clear.
13. Advertising must not be likely to cause widespread offence on the grounds of race, religion, gender, sexual orientation, disability, age, or any characteristic protected by the Human Rights Act 1981. The fact that the advertisement is offensive to some people may not result in the breach of this code. Advertisements may be distasteful without resulting in a breach of the code. The likelihood of widespread offence will be judged on the overall content, context, medium, likely audience, and prevailing standards.
14. Advertising must not be likely to cause fear or distress without justifiable reason, and in any event should not be excessive.
15. Advertising must not condone or encourage illegal activity or civil unrest.
16. Advertising must not encourage underage drinking, drinking and driving, or excessive drinking.
17. Advertising must not unjustifiably infringe individual privacy.
18. Advertising must not be sent to an excluded person.
19. Advertising must not suggest that gambling can be a solution to financial concerns or a means of achieving financial security.

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20. Advertising must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional distress.

[Schedule 1 inserted by BR 91 / 2019 reg. 22 effective 12 September 2019]

Made this 24th day of September 2018

Acting Minister of Economic Development and Tourism

[Operative Date: 26 September 2018]

[Amended by:

BR 91 / 2019

2021 : 23]