

Guernsey Gambling Control Commission

Gambling (Casino Gaming) Regulations, 2003

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Guernsey Gambling Control Commission

The Gambling (Casino Gaming) Regulations, 2003

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GUERNSEY STATUTORY INSTRUMENT

2003 NO. _____.

The Gambling (Casino Gaming) Regulations, 2003

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THE GUERNSEY GAMBLING CONTROL COMMISSION, in exercise of the powers conferred on it by sections 10 and 11 of the Gambling (Casino Gaming) Ordinance, 2001^a and all other powers enabling it, hereby makes the following Regulations -

Part 1: Application for Casino Operator's Licence

Regulation 1: Application for a casino operator's licence.

(1) A person who wishes to be granted a casino operator's licence (an "applicant") shall make application in that behalf to the Commission.

(2) An application under this regulation shall -

(a) be in such form as the Commission may from time to time approve;

(b) identify clearly the premises in respect of which the

^a Ordinance No. XXXVIII of 2001.

application is made; and

- (c) be accompanied by such fee as may be specified by Ordinance of the States made under section 12 of the Law.

(3) A person making application under this Part shall cause a notice of the application containing the prescribed particulars -

- (a) to be published in the edition of La Gazette Officielle next following the date of the application;
- (b) to be affixed for a period of at least 21 days immediately following the date of its publication in La Gazette Officielle in accordance with subparagraph (a) to, on or as near as possible to the premises referred to in the application in such manner as to enable it to be easily read by a person on a public thoroughfare adjacent to the premises; and
- (c) upon or before its publication in La Gazette Officielle in accordance with subparagraph (a), to be delivered to the respective offices, in packages marked respectively for the attention, of -
 - (i) HM Procureur;
 - (ii) the Chief Officer of Police; and
 - (iii) the Constables of the Parish in which the premises referred to in the application are situated.

- (4) For the purposes of paragraph (3) “**prescribed particulars**” means
- (a) the full name and address of the applicant;
 - (b) the address of the premises to which the application relates;
 - (c) in the case of an application from a body corporate, the full name and address of the proposed nominee of the applicant; and
 - (d) a statement that any person desiring to oppose the application should deliver or send to the Commission (so as to arrive at the offices of the Commission within 21 days from the date of publication of the notice) a written statement of the grounds of his objection.

Regulation 2: Nominee of applicant company.

(1) The Commission shall not consider an application from a body corporate unless -

- (a) that body proposes to appoint one of its officers, servants or agents as nominee, to carry out the functions and duties conferred under regulation 59; and
- (b) the Commission, subject to the provisions of paragraph (2), approves the appointment.

(2) The Commission shall not approve an individual for appointment as nominee unless it is satisfied that the individual is -

- (a) ordinarily resident in Guernsey;
- (b) a person of integrity; and
- (c) otherwise fit to carry out the functions of nominee

Regulation 3: Hearing of application for a casino operator's licence.

(1) An application for the grant of a casino operator's licence shall be determined by way of a hearing to be held on such date and at such time and place as the Commission may appoint; provided that the Commission shall not appoint a date for the hearing of an application falling within 21 days of publication of a notice under regulation 1(3)(a).

(2) The Commission shall, as soon as reasonably practicable, give written notice of the date, time and place appointed for any hearing under paragraph (1) to -

- (a) the applicant;
- (b) where any objection to the grant of the licence is raised by any person by means of a written statement -
 - (i) made in response to a notice published, displayed or delivered in accordance with the provisions of regulation 1(3); and
 - (ii) received by the Commission within the period specified in such notice,

the person raising the objection;

- (c) HM Procureur;
- (d) the Chief Officer of Police;
- (e) the Constables of the Parish in which the premises referred to in the application are situated; and
- (f) such other person as the Commission thinks fit.

(3) At the hearing of an application-

- (a) the applicant; and
- (b) any person to whom written notice has been given under paragraph (2),

shall be entitled to appear and be heard in person or by and through a representative of his choice .

Regulation 4: Application for renewal of a casino operator's licence.

(1) An application for the renewal of a casino operator's licence shall be made at least 90 days before the day upon which the licence is due to expire.

(2) Subject to paragraph (1) the provisions of these Regulations shall apply to an application for the renewal of a casino operator's licence as they apply to an application for the grant thereof.

Part 2: Control Systems for Authorised Casino Gaming

Regulation 5: Control system submission.

(1) A licensee (or an applicant under Part 1 if requested by the Commission) shall make a submission to the Commission in writing (a “**control system submission**”) -

- (a) prepared at his own cost;
- (b) by, or with the approval of, its auditors; and
- (c) which describes and explains in a legible and comprehensible manner -
 - (i) the types and numbers of casino games and gaming machines which the licensee proposes to operate upon the licensed premises; and
 - (ii) the system of controls and administrative, management, accounting and other procedures that the licensee or applicant proposes to implement in respect of or concerning those games and gaming machines to ensure that they are played or operated fairly and in accordance with the provisions of the laws of the Island.

(2) Without prejudice to the generality of paragraph (1) and any other provision of these Regulations, a control system submission shall include information about the matters set out in the First Schedule to these Regulations.

(3) The Commission shall provide a licensee or applicant with a list of matters to be addressed in his control system submission, and which shall serve as a guideline to the licensee or applicant for the preparation of his control system submission.

Regulation 6: Considerations and decisions regarding control system submissions.

(1) The Commission shall consider a control system submission and either -

- (a) approve it; or
- (b) refuse to approve it.

(2) In considering a control system submission, the Commission may, by written notice given to a licensee or applicant, require the licensee or applicant -

- (a) to give the Commission such further information about the submission as is specified in the notice and is necessary and reasonable to help the Commission to make a decision about the submission; or
- (b) to allow the Commission, by its members, officers or servants, to submit the submission for evaluation by any person appointed for the purpose by the Commission.

(3) For the consideration, evaluation or assessment of a control system submission under this regulation by or on behalf of the Commission, the applicant shall pay to the Commission such fee as may be specified by Ordinance of the States

made under section 12 of the Law.

(4) In considering a control system submission, the Commission shall have regard to whether the submission -

- (a) satisfies the requirements of the laws of the Island; and
- (b) is capable of providing satisfactory and effective control over the playing and operation of the games and gaming machines referred to in the submission.

(5) The Commission may refuse to approve a control system submission if, without reasonable excuse, a licensee or applicant fails to comply with a requirement under paragraph (2).

(6) The Commission shall promptly give to a licensee or applicant a written notice of the Commission's decision to approve or refuse to approve a control system submission.

(7) If the Commission decides to refuse to approve a control system submission, the notice under paragraph (6) shall state the reasons for the decision and, if the Commission believes that the submission is capable of being easily rectified to enable the Commission to approve it, the notice shall also-

- (a) explain how the submission may be changed; and
- (b) invite the licensee or applicant to resubmit the control system submission after making the appropriate changes.

Regulation 7: Change to approved control system submission.

(1) The Commission may, by written notice given to a licensee or applicant, direct the licensee or applicant to change his approved control system within the time, and in the way, stated in the notice.

(2) If a licensee or applicant does not comply with a direction under paragraph (1), approval of the licensee's or applicant's approved control system may, by virtue of this regulation, be withdrawn for such period of time and subject to such conditions and other matters as the Commission thinks fit.

(3) The terms of an approved control system shall not be altered except in compliance and accordance with -

- (a) a direction under paragraph (1); or
- (b) the consent of the Commission.

Regulation 8: Prohibition on playing or operation of casino game etc.

(1) A licensee shall, in respect of an approved control system relating to licensed premises of which he is the licensee -

- (a) comply with the provisions of that system;
- (b) cause the provisions of that system to be drawn to the attention of its employees;
- (c) require its employees to comply with and implement the provisions of that system; and
- (d) take all reasonable actions designed to ensure that all activities taking place upon the premises take place in accordance with

the provisions of that system.

(2) A licensee and any employee of that licensee who, without reasonable excuse, permits any person to play any casino game or operate any gaming machine upon licensed premises -

(a) unless there is in place an approved control system relating to those premises; or

(b) otherwise than in accordance with the provisions of an approved control system relating to those premises,

is guilty of an offence punishable by a fine on summary conviction not exceeding level 5 on the uniform scale.

Part 3: Members, Officers and Servants of the Commission

Regulation 9: Duties and responsibilities of members, officers and servants.

A member of the Commission and any officer or servant of the Commission to whom any functions are delegated by or under the Law shall -

- (a) carry out his duties and responsibilities honestly and fairly;
- (b) disclose to the Commission any interest which he or any member of his family may have or acquire in any business which derives income from any form of gambling activity; and
- (c) conduct himself in a manner which does not prejudice the effective carrying out of any of his duties or responsibilities.

Regulation 10: Powers and duties of authorised persons.

(1) An authorised person to whom any function is delegated by the Commission under the Law shall, where that function includes the inspection of any licensed premises -

- (a) carry upon his person, when carrying out an inspection, a certificate verifying his identity and signed on behalf of the Commission; and
- (b) show the same to any person who reasonably requires him to produce proof of his identity and authority.

(2) In addition to his powers of entry under section 15 of the Ordinance, an authorised person may at any time -

- (a) inspect or search licensed premises;
- (b) examine, or make copies of or take extracts from, any document found in or upon those premises and which refers or is suspected to refer to any gambling activity, and request from the licensee, owner or person in charge of those premises or from any person in whose possession or charge that document is, an explanation of any entry therein;
- (c) examine any article or other object found in or upon those premises and which refers or is suspected to refer to any such activity, and request from the owner or person in charge of those premises or from any person in whose possession or

charge that article or object is, information in regard thereto;
and

- (d) seize, against the issue of a receipt, any such article, document or object, if it appears to provide evidence of a contravention of any provision of the laws of the Island, or if he or she wishes to retain it for further examination or for safe custody; provided that a person from whose possession or charge any such document has been taken shall, as long as it is in the possession or charge of the authorised person concerned, at such person's request be allowed, at his or her own expense and under the supervision of such inspector, to make copies thereof or to take extracts therefrom at any reasonable time.

(3) A person of a description referred to in paragraphs (2)(b) or (c) who fails unreasonably to comply with a request made by an authorised person thereunder is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

Regulation 11: Offices for authorised persons.

(1) A licensee shall provide offices for the use of any authorised person, at the cost of the licensee, from where an authorised person may carry out his functions.

(2) Offices provided under paragraph (1), shall be on the licensed premises and equipped to support the supervisory and investigative functions of an authorised person.

Part 4: Miscellaneous matters concerning Licensees and Casino

Gaming etc.

Suitability of Business Associate

Regulation 12: Licensee's agreements etc. with business associate who is unsuitable.

- (1) A licensee shall not -
 - (a) enter into;
 - (b) continue in; or
 - (c) continue to be a party to,

any agreement, association or relationship with a business associate who is unsuitable.

- (2) A business associate is unsuitable for the purposes of paragraph (1) if -
 - (a) following enquiry made or upon the basis of information received by the Commission, it appears to the Commission that he is not a person of integrity; or
 - (b) following a request made by the Commission to that associate to provide information about the activities, associations or any other matter relating to the integrity of the associate, the associate unreasonably -
 - (i) refuses or omits to supply; or

(ii) delays in supplying,

the information so requested.

(3) In deciding whether a business associate of the licensee is or is not a person of integrity, the Commission may have regard to the following matters -

(a) the person's character or business reputation;

(b) the person's current financial position and financial background; and

(c) if the person has a business association with another entity-

(i) that entity's character or business reputation; and

(ii) that entity's current financial position and financial background.

Information relating to stakes prizes and rules

Regulation 13: Stakes and prizes.

A licensee shall ensure that accurate and up to date written information relating to -

(a) the minimum and maximum stakes and the prizes payable in respect of winning wagers applicable to every casino game authorised for play under a casino operator's licence; and

(b) all winning combinations, together with the corresponding prizes,

applicable to every gaming machine authorised for operation under a casino operator's licence and exposed for play,

is at all times clearly displayed on the gaming table or machine concerned or in a conspicuous place immediately adjacent thereto.

Regulation 14: Rules.

A licensee shall ensure that accurate and up to date written details of the rules relating to the playing of any casino game or the operation of any gaming machine are at all times clearly displayed on the gaming table or machine concerned or in a conspicuous place immediately adjacent thereto.

Records, licence and advertising

Regulation 15: Records and documents.

- (1) A licensee which is a body corporate shall -
 - (a) keep the statutory records at its licensed premises or registered office; and
 - (b) upon request made by the Commission or an authorised officer -
 - (i) make those records available for inspection by an authorised officer; and
 - (ii) provide, to the Commission or an authorised officer, copies of the same.
- (2) For the purpose of this regulation the “statutory records” means -

- (a) a copy of the memorandum and articles of association of the licensee, including any amendments;
- (b) a copy of the licensee's certificate of incorporation;
- (c) a copy of its concession granted under the Hotel Casino Concession (Guernsey) Law, 2001^b;
- (d) a register of all current and former officers and directors of the licensee;
- (e) minutes of all meetings of the shareholders in the licensee;
- (f) minutes of all meetings of the directors and committees of the board of directors;
- (g) a register of all shareholders, listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
- (h) any other records that the Commission specifically requires be maintained.

Regulation 16: Licence to be prominently displayed.

A casino operator's licence shall be prominently displayed in a conspicuous place in the licensed premises to which it relates.

^b Order in Council No. XI of 2002.

Regulation 17: Undesirable advertising.

(1) A specific advertisement or form of advertising shall be undesirable if, in the opinion of the Commission -

- (a) it is offensive;
- (b) it is misleading;
- (c) it is in bad taste;
- (d) it is not in the public interest; or
- (e) it contrasts or compares the merits of the licensed premises with any other form of entertainment .

(2) The Commission may, after affording a licensee the opportunity to be heard, by written notice to the licensee, declare any advertisement or form of advertising undesirable on any of the grounds specified in paragraph (1).

(3) A licensee shall not conduct advertising declared undesirable by the Commission under paragraph (2).

Trade name and word "casino"

Regulation 18: Display of word "casino".

The word "casino" shall be prominently displayed on the exterior of the premises which house the licensed premises.

Regulation 19: Trade name.

(1) A licensee shall submit the name under which it wishes to trade, to the Commission for approval.

(2) A licensee shall not commence trading, without its trade name being approved by the Commission.

(3) A licensee shall not change the name under which it trades as approved by the Commission under paragraph (2), without the prior approval of the Commission

Hours of operation

Regulation 20: Hours of operation.

(1) Subject to the provisions of section 10(2)(h) of the Ordinance, the hours during and days upon which casino games may be played and gaming machines operated upon licensed premises shall be as prescribed in the licensee's approved control system submission; provided that no casino game shall be played or gaming machine operated upon licensed premises on Good Friday and Christmas Day.

(2) A licensee and any employee of that licensee who, without reasonable excuse, permits a casino game to be played or a gaming machine to be operated contrary to paragraph (1), is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

Additional entertainment

Regulation 21: Approval of additional entertainment upon licensed premises.

(1) A licensee shall not provide or permit to be provided upon licensed premises any form of entertainment (“**additional entertainment**”), other than

authorised casino gaming except with the prior approval of the Commission.

(2) An application by a licensee for approval by the Commission under paragraph (1) of the provision of additional entertainment upon the licensed premises shall be submitted to the Commission at least 7 days prior to the day upon which the licensee wishes to commence provision of the same.

(3) The prior approval of the Commission under paragraph (1) may be granted for such term and subject to such conditions as the Commission thinks fit.

Player Protection

Regulation 22: Player protection code.

A licensee shall, in consultation with such organisation as the Commission may from time to time prescribe for the purposes of this regulation, submit to the Commission for approval, a code of conduct that will promote responsible gaming, which shall include, but not be limited to, the following measures -

- (a) player information;
- (b) education and prevention;
- (c) counselling; and
- (d) arrangements for exclusion and self-exclusion from licensed premises.

Regulation 23: Under-age gaming.

(1) No person under the age of 18 years shall be permitted to enter or remain upon any licensed premises except with the consent in writing of the

Regulation 25: Payment of gratuities.

(1) Other than in the circumstance described in an approved control system submission, neither the licensee nor an employee shall accept any gratuity or gift (whether consisting of cash or anything else of value) offered by or on behalf of any person who plays or operates or intends to play or operate any casino game or gaming machine in the casino.

(2) A licensee and an employee who accepts any gratuity or gift contrary to paragraph (1), is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

Part 5: Excluded persons and exclusion of persons

Regulation 26: List of excluded persons.

(1) The Commission may establish a list of persons who are to be excluded from any licensed premises and prohibited from partaking in authorised casino gaming.

(2) The criteria to be applied by the Commission for inclusion of a person's details upon a list established under paragraph (1) are -

- (a) contravention of the gambling laws of any country;
- (b) contravention or conspiracy to contravene the provisions of the Law, the Ordinance these Regulations or any similar law ordinance or regulations;
- (c) non-payment of gambling debts;
- (d) the making of an order relating to the person under section 12

Commission.

- (2) A licensee and any employee of that licensee -
 - (a) who permits a person under the age of eighteen to enter or remain upon licensed premises contrary to paragraph (1), and
 - (a) who knows, or has reasonable cause to suspect, that that person is under the age of eighteen,

is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

Standards of maintenance of licensed premises

Regulation 24: Maintenance of licensed premises.

(1) Unless otherwise authorised by the Commission, a licensee shall maintain its licensed premises -

- (a) to the standards described in the maintenance policies; and
- (b) in accordance with the work schedules,

in its operations policy.

(2) In this regulation, “**operations policy**” has the meaning given by section 11 of the Hotel Casino Concession (Guernsey) Law, 2001.

Gratuities

of the Ordinance;

- (e) any conduct which in the opinion of the Commission is undesirable.

Regulation 27: Entry of names.

(1) Before a person's details are placed on a list established under regulation 26, the Commission shall first review the information and evidence in its possession and make a determination that there is sufficient reason to believe that any one of the criteria specified in regulation 26(2) is applicable to the candidate.

(2) No person's details shall be placed on a list established under regulation 26 until such time as the person concerned has had notice of the intention of placing his or her details on the list and been given an opportunity to be heard; provided that the provisions of this paragraph shall not apply to a person whose details appear in exclusion lists of any other gambling regulatory body; and provided further that such a person's failure to respond to an invitation by the Commission to be heard or failure to request the opportunity to be heard shall not result in the Commission being prevented from conducting such a hearing in the absence of that person, and from placing that person's details on such a list, if the evidence is sufficient.

Regulation 28: Distribution and contents of the list.

(1) A list established under regulation 26 shall be open to public inspection at the offices of the Commission, during normal office hours of the Commission and shall be distributed to -

- (a) every licensee ; and
- (b) any gambling regulatory body that the Commission thinks fit.

(2) The following information and data shall be provided for each excluded person -

- (a) the person's full name and all aliases the person is believed to have used;
- (b) description of the person's physical appearance, height, weight, type of build, colour of hair and eyes, and any other physical characteristics which may assist in the identification of the person;
- (c) date of birth, if available;
- (d) the date the person's name was placed on the list;
- (e) a photograph of the person and the date thereof, if available;
and
- (f) the reason for placing the person's name on the list.

Regulation 29: Notice of intention to place name on list.

The notice to be given to a person whose details it is intended to place on a list established under regulation 26, shall specify the grounds for inclusion on the list and shall inform the candidate that a request for a hearing may be made by the candidate within fourteen days from the date of the notice.

Regulation 30: Petition to be removed from list.

(1) Any person whose details have been placed on a list established under regulation 26 may petition the Commission in writing and request that they be

removed from such list, specifying the grounds believed by the petitioner to constitute good cause for removal of the same.

(2) The Commission shall, within sixty days of receipt of a petition, either deny the petition or set down the petition for hearing.

(3) The burden of showing good cause for removal from the list shall at all times rest with the petitioner.

Regulation 31: Excluded person prohibited from entering licensed premises etc.

(1) An excluded person shall not -

(a) enter or attempt to enter upon any licensed premises; or

(b) partake in any gambling upon licensed premises .

(2) An excluded person who contravenes paragraph (1) is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

(3) A licensee and an employee of that licensee who, without reasonable excuse, permits an excluded person -

(a) to enter licensed premises ; or

(b) to partake in any gambling upon licensed premises ,

is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

Regulation 32: Duty of licensee.

(1) Whenever an excluded person enters or attempts to enter upon or is found to be on licensed premises from which he or she is excluded, the licensee of those premises shall -

- (a) request that person to leave or not to enter the premises; and
- (b) notify the Commission of the circumstances in which that person entered or attempted to enter upon the premises.

(2) A licensee shall notify the Commission of -

- (a) the identity of any person whose name, in the opinion of the licensee, should be placed upon a list established under regulation 26; and
- (b) the matters and considerations upon which the licensee's opinion is based.

Regulation 33: Record of cheaters and persons suspected of contravention.

(1) A licensee shall keep a record on its licensed premises of the names of persons that it is aware -

- (a) are or have been, whether in Guernsey or elsewhere, involved in cheating; or
- (b) are contravening or have contravened, whether in Guernsey or elsewhere, regulations or rules applicable to casino gaming.

- (2) A record kept in accordance with paragraph (1) shall, include -
- (a) where reasonably practicable, a photograph of each person named on the record; and
 - (b) where the licensee is aware of them, such other details as the Commission may by notice in writing specify.
- (3) A licensee shall -
- (a) make a record kept in accordance with paragraph (1) available for inspection by an authorised officer; and
 - (b) provide, to the Commission or an authorised officer, copies of such entries upon the record as Commission or authorised officer may request.

Part 7: Key Employees and Nominee

Regulation 34: Requirement not to employ person unless he holds key employee registration certificate.

(1) A licensee shall not employ a person to carry out the functions of a key employee unless that person holds a key employee registration certificate.

(2) A licensee who contravenes paragraph (1), is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

Regulation 35: Persons classified as key employees.

(1) The following employees are classified as key employees for the purposes of these Regulations -

- (a) the senior management of the licensee;
- (b) if the licensee is a body corporate, every director and officer of such body;
- (c) any individual who has the authority to offer employment to or terminate the employment of employees who carry out functions which include the supervision of other employees;
- (d) any individual who has the authority to supervise or direct a shift of each gaming or security activity, including but not limited to the supervision or direction of the entire pit operation, gaming machines or other gaming operation, and any persons having authority to supervise or direct such persons;
- (e) any individual having authority or the responsibility to manage any department or the carrying out of any function by a department of a casino operation, including, but not limited to -
 - (i) the accounting department;
 - (ii) credit and collections department;
 - (iii) cage department;

- (iv) personnel department;
 - (v) internal audit department;
 - (vi) security department; and
 - (vii) surveillance department;
- (f) any individual who has been specifically represented to the Commission by a licensee, officer or director thereof as being important or necessary to the operation of licensed premises;
- (g) all persons who individually or as part of a group formulate management policy relating to the operation of licensed premises;
- (h) any employee -
- (i) who is engaged in any of the occupations; or
 - (ii) who falls within any of the categories of personnel,
- set out in the Second Schedule to these Regulations; and
- (i) any individual who, in the opinion of the Commission, carries out functions at licensed premises which the Commission reasonably believes ought to be regulated under the Law and, in respect of whom and which, the Commission has notified the licensee in writing of its opinion and belief.

(2) For the purposes of paragraph (1)(i), the Commission, in reaching any decision, shall not be restricted by the title of the job performed and may take into consideration, amongst other things, the functions and responsibilities of the person or position involved.

Regulation 36: Application for key employee registration.

(1) An application for a key employee registration shall be made to the Commission in such form as the Commission may from time to time approve.

(2) An application under this regulation shall be accompanied by -

- (a) a letter from a licensee addressed to the Commission confirming the proposed employment of the applicant as a key employee;
- (b) two copies of a recent photograph of the face of the applicant; and
- (c) a non-refundable application fee of £250, payable to the Commission.

(3) The Commission may, by written notice given to an applicant for a key employee registration, require the applicant to give the Commission further information or a document that is necessary and reasonable to help the Commission determine the application.

(4) Where a notice under paragraph (3) has been given, the Commission is not required to determine the application until the notice has been complied with.

Regulation 37: Consideration and grant of application.

(1) The Commission shall consider an application for a key employee registration and, subject to the provisions of this Part, either grant or refuse to grant it.

(2) The Commission may only grant an application for a key employee registration if it is satisfied that the applicant is -

- (a) to be employed by a licensee as a key employee; and
- (b) a fit and proper person to hold a key employee registration.

(3) In determining whether an applicant is a fit and proper person to hold a key employee registration, the Commission may have regard to the following matters -

- (a) the application and the documents submitted with it;
- (b) the applicant's character;
- (c) the applicant's current financial position and financial background;
- (d) the applicant's general suitability to carry out functions as a key employee; and
- (e) if appropriate, the fact that the applicant holds, or has held, a registered or licensed position in respect of gaming, whether casino or otherwise, anywhere in the world.

Regulation 38: Investigation into suitability.

The Commission may carry out such investigations as it thinks fit concerning an application for a key employee registration to decide whether the applicant is a fit and proper person to hold a key employee registration certificate.

Regulation 39: Decision concerning application.

(1) If the Commission decides to grant an application for a key employee registration, it shall, as soon as practicable-

- (a) issue a key employee registration certificate to the applicant; and
- (b) give written notice of the issue of the certificate to the appropriate licensee.

(2) If the Commission decides to refuse to grant an application for a key employee registration, it shall, as soon as practicable -

- (a) notify the applicant in writing of the decision and the reasons for the decision; and
- (b) send a copy of that notice to the appropriate licensee.

Regulation 40: Form of key personnel registration certificate.

A key employee registration certificate shall be in such form as is approved from time to time by the Commission.

Regulation 41: Conditions of key employee registration.

The Commission may grant a key employee registration -

- (a) on such conditions it considers necessary, expedient or desirable for

the proper conduct of authorised casino gaming; or

- (b) on such other conditions it considers necessary, expedient or desirable in the public interest.

Regulation 42: Varying or adding key employee registration conditions.

(1) Where the Commission considers it necessary, expedient or desirable to do so -

- (a) for the proper conduct of authorised casino gaming; or
- (b) in the public interest,

it may by notice in writing (a “**condition notice**”) given to a key employee, vary or rescind a condition to which the key employee is subject, or add a condition.

(2) A condition notice shall contain the Commission’s reasons for the change.

(3) The Commission shall give a copy of the condition notice to the appropriate licensee at the same time it gives a condition notice to the key employee.

(4) A change of conditions takes effect on-

- (a) the day on which the condition notice is given to the key employee; or
- (b) such later day as is specified in the condition notice.

Regulation 43: Return of key employee registration certificate for endorsement of changed conditions.

(1) A key employee shall return his registration certificate to the Commission within seven days of receiving a condition notice notifying a change of conditions.

(2) On receiving the registration certificate, the Commission shall-

(a) amend the registration certificate in an appropriate way and return the amended registration certificate to the key employee; or

(b) if the Commission does not consider it practicable to amend the registration certificate, issue a replacement key employee registration certificate free of charge, incorporating the change of conditions, to the key employee registration.

(3) A change of conditions does not depend on the key employee registration certificate being amended to record the change or a replacement key employee registration certificate being issued.

Regulation 44: Period of validity of key employee registration.

Subject to any condition to the contrary, a key employee registration remains valid until it lapses or is surrendered or revoked.

Regulation 45: Duplicate key employee registration certificate.

(1) Where-

(a) written application, accompanied by two copies of a recent photograph of the face of the key employee, is made to the

Commission for issue of a duplicate of a key employee registration certificate; and

- (b) the Commission is satisfied that the key employee registration certificate has been lost, stolen, destroyed or damaged in such way as to warrant replacement,

the Commission may, upon payment of a fee of £20, issue a duplicate key employee registration certificate to the key employee.

(2) A duplicate key employee registration certificate shall be issued on the same terms, and be subject to the same conditions, as the registration certificate it replaces (the “**original registration certificate**”).

(3) If at any time while a duplicate key employee registration is in force the original registration certificate is found, the person to whom the original registration certificate was issued, if it is in his possession, shall return it to the Commission or, if it is not in his possession but he becomes aware that it has been found, shall take all reasonable steps to obtain possession of it and, if successful, return it as soon as practicable to the Commission.

Regulation 46: Lapse of key employee registration.

A key employee registration lapses if there has been no relationship of employee and employer between the key employee and the relevant licensee for a continuous period of three months.

Regulation 47: Cancellation of key employee registration.

(1) A key employee may cancel his key employee registration by giving written notice (a “**cancellation notice**”) to the Commission accompanied by the certificate relating to his registration.

- (2) The cancellation takes effect -
 - (a) on the day the cancellation notice and accompanying certificate is given to the Commission; or
 - (b) if a later day of effect is stated in the notice, that later day.

Regulation 48: Suspension or revocation of key employee registration.

(1) A ground for suspending or revoking a key employee registration exists if -

- (a) the key employee is not, or is no longer, a fit and proper person to hold a key employee registration;
- (b) the key employee has been convicted of an offence under the Law or of any offence involving fraud or dishonesty;
- (c) the key employee has contravened a condition of his registration;
- (d) the key employee has contravened a provision of the Law, the Ordinance or any regulations made thereunder, being a provision the contravention of which does not constitute an offence;
- (e) the key employee registration was obtained by a materially false or misleading representation or declaration or in some other improper way.

(2) When considering whether the ground referred to in paragraph (1)(a) exists, the Commission may have regard to the matters to which it may have regard in deciding whether an applicant for a key employee registration is a fit and proper person to hold a key employee registration.

Regulation 49: Direction to rectify.

(1) This regulation applies where the Commission believes that -

- (a) a ground referred to in regulation 48(1) exists; and
- (b) it is appropriate to give the key employee an opportunity to rectify the matter or matters that give rise to the Commission's belief that such a ground exists.

(2) The Commission shall give to the key employee written notice that the Commission proposes to give him a direction under this regulation and a reasonable opportunity to make representations about the proposed direction.

(3) After considering any representations made by, or on behalf of, the key employee, the Commission may, by written notice to him, direct him to rectify the matter or matters specified in the notice in a manner specified in the notice within the period of time specified in the notice.

(4) The period of time stated in the notice shall be reasonable having regard to the nature of the matter or matters to be rectified.

(5) A notice under this regulation shall -

- (a) state the reasons for the decision to give the direction; and

- (b) warn the key employee of the consequences of failing to comply with the notice.

(6) The Commission shall give a copy of a notice given under this regulation to the appropriate licensee at the same time it gives the notice to the key employee.

Regulation 50: Immediate suspension.

(1) The Commission may suspend a key employee registration under this regulation if it is satisfied on reasonable grounds that-

- (a) a ground referred to in regulation 48(1) exists;
- (b) the urgency of the matter does not permit the taking of action under regulation 49; and
- (c) the circumstances require that the registration be suspended to ensure that-
 - (i) the public interest is not affected in an adverse and material way; or
 - (ii) the integrity of the conduct of authorised casino gaming by the licensee employing the key licensee is not jeopardised in any way.

(2) A suspension under this regulation -

- (a) shall be effected by written notice (a “**suspension notice**”) given to the key employee and the licensee employing that

employee;

- (b) takes effect immediately when the suspension notice is given; and
- (c) is for such period of time as is specified in the suspension notice.

Regulation 51: Cancellation or reduction of period of suspension.

The Commission may, by written notice to a key employee whose key employee registration is, or is about to be, suspended-

- (a) cancel the suspension; or
- (b) reduce the remaining period of the suspension by a period of time specified in the notice.

Regulation 52: Revocation of key employee registration.

(1) Subject to this regulation, the Commission may, by notice in writing (a “revocation notice”) given to a key employee, revoke his key employee registration, if -

- (a) it is satisfied on reasonable grounds that -
 - (i) a ground referred to in regulation 48(1) exists; and
 - (ii) the circumstances on which the ground is based are of a serious and fundamental nature; or
- (b) a direction under regulation 49 has not been complied with.

(2) The Commission shall not revoke a key employee registration under paragraph (1)(a) unless it is satisfied that, unless the registration is revoked -

- (a) the integrity of the conduct of authorised casino gaming by the licensee employing the key employee may be jeopardised in a material way; or
- (b) the public interest may be affected in an adverse or material way.

(3) Revocation of a key employee registration takes effect when the revocation notice is given or, if the revocation notice specifies a later day, on the later day.

(4) A person whose key employee registration has been revoked shall return his registration certificate to the Commission within seven days of receiving a revocation notice.

Regulation 53: Notice of commencement of key employee.

Within seven days after a key employee commences to carry out functions for a licensee, the licensee shall notify the Commission of the commencement by notice in the approved form.

Regulation 54: Returns about employees.

(1) The Commission may, by written notice given to a licensee, require the licensee to give a return under this regulation.

(2) The notice shall state a time, being not less than 14 days after the notice is given, for giving the return.

(3) A notice shall not be given under this regulation within one month after the giving of a previous notice under this regulation.

(4) A casino licensee who is given a notice under paragraph (1) shall give a return as required by this regulation listing all the employees currently employed by the licensee and carrying out functions in respect of the operations of the licensee under his casino operator's licence, including both those who are key employees and those who are not, and the nature of the duties in which each of them is engaged.

(5) A return under this regulation -

(a) shall be in such form as the Commission may from time to time approve; and

(b) shall be given to the Commission within the time stated in the notice.

Regulation 55: Notice of cessation of employment.

Within seven days after the relationship of employer and employee between a licensee and a key employee ceases, the licensee shall notify the Commission of the cessation of the relationship by notice in such form as the Commission may from time to time approve.

Regulation 56: Temporary registration.

(1) Where application for registration has been made under regulation 36, and the Commission is satisfied that -

- (a) the operation of the licensee's business will be seriously prejudiced or disadvantaged by a delay in the employment of the applicant; and
- (b) the commencement of the employment of the applicant will not prejudice the integrity and proper operation of the licensee's business,

the Commission may grant an applicant for registration with temporary key employee registration, pending the outcome of the substantive application for registration.

(2) A temporary registration granted under paragraph (1) may be granted for such period and subject to such conditions as the Commission thinks fit.

Regulation 57: Proof of registration and identification.

(1) A licensee shall, in respect of every employee required to be registered under these Regulations, keep a copy of such employee's registration certificate on the employment record of that employee.

(2) A key employees shall at all times while on licensed premises have his registration certificate available for identification and access control purposes.

Nominee

Regulation 58: Requirement for approved nominee.

A licensee which is a body corporate shall not permit any person to play any casino game or operate any gaming machine upon licensed premises unless -

- (a) the Commission has approved a nominee in respect of those

premises; and

- (b) the nominee is the holder of a key employee registration certificate.

Regulation 59: Functions and duties of nominee.

(1) A nominee shall, insofar as is reasonably possible, personally supervise the exercise of rights under the casino operator's licence in respect of which he is the nominee.

(2) In relation to any of the Commission's functions and duties under the Law, a licensee shall authorise its nominee to deal with the Commission as if the nominee were himself the licensee.

(3) Any notice required to be given by the Commission to a licensee under these Regulations shall also be given to that licensee's nominee and acted upon by the nominee as if he were himself the licensee.

(4) Subject to the provisions of regulation 60, a nominee shall not absent himself from the Island -

- (a) for any single period exceeding 14 days; and

- (b) cumulatively, for more than 42 days in any period of 12 months.

Regulation 60: Absence of nominee.

(1) A nominee desiring to absent himself for any period in excess of those specified in regulation 59(4) shall, before so absenting himself, apply to the Commission for permission to that effect.

- (2) An application under paragraph (1) shall propose-
 - (a) where the Commission has approved an alternate nominee under regulation 61, that person; or
 - (b) in any other case, a person eligible to be a nominee of a licensee under these Regulations,

to act as temporary nominee during the nominee's absence and, in default of proposing such a person, the application shall be refused.

(3) On application being made to it under this regulation, the Commission may approve a temporary nominee for such term and subject to such conditions as it thinks fit.

(4) A temporary nominee approved under this regulation shall for the period to which the approval under this regulation relates perform the same functions and be subject to the same duties as if he were the licensee's approved nominee.

Regulation 61: Alternate nominee.

(1) A licensee who wishes to obtain approval from the Commission for an alternate nominee shall make application in that behalf to the Commission.

(2) An application under this regulation shall be in an approved form and accompanied by a non refundable application fee of £250.

(3) The Commission shall determine an application under this regulation by reference to the same criteria that are applied in approving a nominee of an applicant for a casino operator's licence under regulation 2(2).

(4) An alternate nominee approved by the Commission under this regulation shall act as the licensee's nominee for the purposes of these Regulations only in the absence of the approved nominee.

(5) A casino licensee shall, prior to an alternate nominee acting as nominee for the purposes of these Regulations, notify the Commission of the dates and times at which its alternate nominee will be so acting.

Regulation 62: Replacement nominee.

(1) A licensee shall, within 7 days of the occurrence of any of the circumstances described in paragraph (2), propose to the Commission one of its officers, servants or agents, being an individual who satisfies the Commission that he is -

- (a) ordinarily resident in the Island;
- (b) a person of integrity; and
- (c) otherwise fit to carry out the functions of nominee,

as a replacement nominee to carry out the functions and duties conferred by these Regulations on the approved nominee of a licensee.

(2) The circumstances referred to in paragraph (1) are -

- (a) the absence of an alternate nominee to act as nominee;
- (b) the death of the approved nominee;

- (c) certification of the approved nominee by a medical practitioner authorised to practise in the Island, as a person unfit to continue to act as nominee;
- (d) the making of an order relating to the approved nominee under section 12 of the Ordinance.

(3) A licensee who wishes to replace its approved nominee or, as the case may be, its alternate nominee shall make application in that behalf to the Commission.

(4) An application under paragraph (3) shall be in an approved form and accompanied by a non refundable fee of £250.

(5) The Commission shall determine a proposal under paragraph (1) or an application under paragraph (3) by reference to the same criteria that are applied in approving a nominee of an applicant for a casino operator's licence under regulation 2(2).

Part 7: Suppliers of Gaming Equipment

Regulation 63: Manufacture etc. and supply of casino gaming equipment.

(1) Subject to paragraph (3), no person shall carry on the business of the manufacture, sale, lease, making available, distribution, import, marketing, maintenance or repair of any casino gaming equipment for use in licensed premises, without there being in force in respect of that person a certificate of prior approval.

(2) No person shall supply casino gaming equipment to any person in Guernsey other than the holder of a casino operator's licence, without the prior approval of the Commission.

(3) The provisions of paragraph (1) shall not apply to the sale, in a manner approved by the Commission, by a licensee, of its casino gaming equipment, in the normal course of business.

(4) For the avoidance of any doubt, references in this regulation to “casino gaming equipment” include registered casino gaming equipment.

Regulation 64: Authorised activities under a certificate of prior approval.

A certificate of prior approval shall state the activities authorised under the provisions of the relevant approval, which may be any or all of the following -

- (a) manufacturing;
- (b) assembly;
- (c) programming or program duplication;
- (d) distribution;
- (e) repairing;
- (f) importation;
- (g) maintaining; or
- (h) any other related activity authorised by the Commission, in respect of any authorised casino gaming or casino gaming equipment,.

Regulation 65: Application for certificate of prior approval.

(1) A person who wishes to obtain a certificate of prior approval (the “applicant”) shall make application in that behalf to the Commission.

(2) An application under this regulation shall -

(a) be in such form as the Commission may from time to time approve; and

(b) be accompanied by such fee as may be specified by Ordinance of the States made under section 12 of the Law.

(3) The Commission may, by written notice given to an applicant for a certificate of prior approval, require the applicant to give the Commission further information or a document that is necessary and reasonable to help the Commission determine the application.

(4) Where a notice under paragraph (3) has been given, the Commission is not required to determine the application until the notice has been complied with.

Regulation 66: Investigation into suitability.

The Commission may carry out such investigations as it thinks fit concerning an application for a certificate of prior approval to enable it to decide whether the applicant is a fit and proper person to conduct the activities listed in regulation 64, and to be associated with the operations of the licensee.

Regulation 67: Consideration of application.

(1) The Commission shall consider an application for a certificate of prior approval and, subject to the provisions of this Part, either grant or refuse to grant it.

(2) The Commission may grant an application for a certificate of prior approval only if it is satisfied that the applicant is a fit and proper person to be associated with operations conducted by a licensee.

(3) In determining whether an applicant satisfies paragraph (2), the Commission may have regard to the following matters-

- (a) the application and the documents submitted with it;
- (b) the applicant's character or business reputation;
- (c) the applicant's current financial position and financial background;
- (d) the applicant's general suitability to be associated with the casino licensee as a business associate;
- (e) if appropriate, the fact that the applicant holds, or has held, a similar position in respect of the supply of casino gaming equipment, anywhere in the world; and
- (f) if the applicant has a business association with another entity-
 - (i) the entity's character or business reputation; and
 - (ii) the entity's current financial position and financial background.

Regulation 68: Determination of application.

(1) If the Commission grants an application for a certificate of prior

approval, it shall promptly issue a certificate of prior approval in a form approved by the Commission to the applicant.

(2) If the Commission refuses to grant an application for a certificate of prior approval, it shall give the applicant written notice of the decision and of the reasons for the refusal.

Regulation 69: Period of validity of certificate.

Unless withdrawn by the Commission under these Regulations, a certificate of prior approval shall be valid on and from such day as the Commission shall direct for a period of 12 months.

Regulation 70: Fee in respect of certificate of prior approval.

The holder of a certificate of prior approval shall, upon its issue, pay to the Commission such fee as may be specified by Ordinance of the States made under section 12 of the Law.

Regulation 71: Renewal of certificate of prior approval.

(1) The holder of a certificate of prior approval may apply to the Commission for the renewal of his certificate.

(2) The provisions of this Part shall apply to the renewal of a certificate of prior approval as they apply to the grant thereof.

Regulation 72: Certificate of prior approval not transferable.

A certificate of prior approval cannot be transferred.

Regulation 73: Withdrawal of certificate of prior approval.

(1) The Commission may, by notice in writing (a “**withdrawal notice**”) given to the holder of a certificate of prior approval, withdraw his certificate of

prior approval under this regulation if it is satisfied on reasonable grounds that the holder of the certificate-

- (a) is not, or is no longer, a fit and proper person to be associated with operations conducted by a licensee;
- (b) has been convicted -
 - (i) of an offence under the Law, the Ordinance or regulations made thereunder (including, for the avoidance of doubt, these Regulations); or
 - (ii) of any offence involving fraud or dishonesty;
- (c) has contravened a provision of the Law, the Ordinance or regulations made thereunder (including, for the avoidance of doubt, these Regulations), being a provision the contravention of which does not constitute an offence;
- (d) obtained the certificate as a result of a materially false or misleading representation or in some other improper way.

(2) Withdrawal of a certificate of prior approval takes effect when the withdrawal notice is given or, if the withdrawal notice specifies a later day, on the later day.

(3) A person whose certificate of prior approval has been withdrawn shall return the certificate to the Commission within seven days of receiving a withdrawal notice.

Part 8: Approval and Registration of Casino Gaming Equipment

Regulation 74: Requirements concerning keeping etc. of casino gaming equipment.

- (1) A licensee shall not -
 - (a) keep;
 - (b) maintain; or
 - (c) expose for play upon licensed premises,

any casino gaming equipment other than registered casino gaming equipment.

- (2) The holder of a certificate of prior approval shall not -
 - (a) keep; or
 - (b) maintain,

any casino gaming equipment other than registered casino gaming equipment.

(3) A licensee who contravenes paragraph (1), or the holder of a certificate of prior approval who contravenes paragraph (2), is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

Regulation 75: Requirements concerning maintenance of registered casino gaming equipment.

(1) A licensee and the holder of a certificate of prior approval shall maintain registered casino gaming equipment in respect of which, as the case may be, the licensee or the holder is the registered keeper -

- (a) such that it is suitable for its intended purpose; and
- (b) in accordance with or using such procedures, techniques and types of persons as the Commission may from time to time specify in writing.

(2) Neither a licensee nor the holder of a certificate of prior approval shall alter or permit the alteration of

- (a) any registered casino gaming equipment; or
- (b) the method of operating any registered casino gaming equipment,

in respect of which, as the case may be, the licensee or the holder is the registered keeper, except under and in accordance with the prior written authority of the Commission.

(3) A licensee or the holder of a certificate of prior approval who contravenes paragraphs (1) or (2), is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

Regulation 76: Registration of casino gaming equipment.

(1) A licensee or the holder of a certificate of prior approval may -

- (a) by application in such form as the Commission may from

time to time approve;

- (b) accompanied by such fee payable to the Commission as may be specified by Ordinance of the States made under section 12 of the Law,

apply to the Commission for registration under this Part of any casino gaming equipment in which he has an interest.

(2) If the Commission considers it necessary for any casino gaming equipment to be evaluated in order to be in a position to determine an application under paragraph (1), the Commission shall -

- (a) carry out the evaluation; or
- (b) direct the applicant -
 - (i) to arrange to have the equipment evaluated at his own expense by an approved evaluator; and
 - (ii) to give to the Commission a written report of the evaluation.

(3) If the Commission carries out an evaluation of any casino gaming equipment under paragraph (2)(a), the applicant shall pay to the Commission such fee as may be specified by Ordinance of the States made under section 12 of the Law.

(4) In addition to any other good reason, the Commission may refuse to consider an application under paragraph (1) if -

- (a) the fees payable under paragraph (1) or (3) have not been paid to the Commission; or
- (b) the applicant fails to comply with a direction of the Commission under paragraph (2)(b).

(5) Subject to the provisions of this regulation, the Commission shall grant or refuse to grant an application under paragraph (1) and give to the applicant written notice of its decision.

(6) Where the Commission refuses to grant an application under this regulation, the notice under paragraph (5) shall state the reasons for the decision.

(7) Where the Commission grants an application under this regulation, it

- (a) may do so for such period and subject to such conditions as it thinks fit; and

- (b) shall -

- (i) record the registerable particulars of the casino gaming equipment to which the application relates in a register maintained for the purpose (the “**register of equipment**”); and

- (ii) issue and send to the applicant a certificate (an “**equipment certificate**”), in such form as the Commission may from time to time approve, relating

to the registration of that equipment.

(8) For the purposes of paragraph (7)(b)(i) “**registerable particulars**” means, in relation to the registered casino gaming equipment concerned -

- (a) the name and address of the registered keeper of the equipment;
- (b) the nature of the interest in the equipment -
 - (i) of the keeper; and
 - (ii) of any other person,
- (c) the name and address of the manufacturer of the equipment;
- (d) the date of importation of the equipment;
- (e) the serial or model number or, where the association of a serial or model number with the equipment is impracticable, a description, of the equipment; and
- (f) such other particulars as the Commission may reasonably require.

Regulation 77: Cancellation of registration.

- (1) A licensee or the holder of a certificate of prior approval may -
 - (a) by application in such form as the Commission may from time to time approve;

- (b) accompanied by such fee payable to the Commission as may be specified by Ordinance of the States made under section 12 of the Law,

apply to the Commission for cancellation of the registration of registered casino gaming equipment in respect of which he is the registered keeper and shall so apply immediately he ceases to have an interest in such equipment.

(2) In addition to any other good reason, the Commission may refuse to consider an application under paragraph (1) if the fee payable under that paragraph has not been paid to the Commission.

(3) Subject to the provisions of this regulation, the Commission shall grant or refuse to grant an application under paragraph (1) and give to the applicant written notice of its decision.

(4) Where the Commission refuses to grant an application under this regulation, the notice under paragraph (3) shall state the reasons for the decision.

(5) Where the Commission grants an application under this regulation, it

- (a) may do so subject to such conditions as it thinks fit; and
- (b) shall -
 - (i) make any necessary amendments to the equipment register; and

- (ii) issue and send to the applicant a certificate (a “**cancellation certificate**”) in such form as the Commission may from time to time approve, relating to the cancellation of the registration of that equipment.

Regulation 78: Suspension of registration.

(1) The Commission may by written notice given to a licensee or holder of a certificate of prior approval, suspend the registration of any registered casino gaming equipment if it determines that -

- (a) the equipment is not operating as approved by the Commission; or
- (b) the application to register the equipment made under regulation 76 contained a misrepresentation as to the manner in which the equipment operates.

(2) A notice issued under paragraph (1), may include a requirement that the person to whom it is addressed shall -

- (a) take such reasonable steps as the Commission may specify in the requirement to ensure that the registered casino gaming equipment to which the notice relates is not used in connection with gambling at the licensed premises; and
- (b) deliver that equipment to such place within Guernsey as may be specified in the notice.

(3) A person who unreasonably refuses or omits to comply with the terms of a requirement under paragraph (2), is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

Regulation 79: Records to be kept by licensee etc.

A licensee and the holder of a certificate of prior approval shall -

- (a) retain all equipment certificates and cancellation certificates issued under this Part; and
- (b) maintain such other records in respect of registered casino gaming equipment as the Commission may reasonably require.

Regulation 80: Approved evaluators.

(1) The Commission may appoint any person to be an approved person for evaluating casino gaming equipment for the purposes of this Part.

- (2) An appointment under paragraph (1) -
 - (a) shall be valid for such period; and
 - (b) may be made -
 - (i) in respect of such type or types of equipment; and
 - (ii) subject to such other terms and conditions,

as the Commission may think fit.

(3) A person wishing to be appointed under paragraph (1) shall apply to the Commission in such manner as the Commission may from time to time determine.

(4) When considering an application under this regulation, the Commission shall give regard to the following -

- (a) the application and the documents submitted with it;
- (b) the applicant's character or business reputation;
- (c) the applicant's current financial position and financial background;
- (d) the applicant's general suitability to be associated with the regulation of casino gaming;
- (e) whether the applicant holds, or has held, a similar position in respect of the testing of casino gaming equipment, anywhere else in the world; and
- (f) the applicant's technical skills, capabilities and experience in the field of testing casino gaming equipment.

Part 9: Procedure for determination of Disputed Claims

Regulation 81: Disputed Claims.

(1) In the event that a disputed claim arises between a claimant and a licensee, the licensee shall -

- (a) provide the claimant with an explanation of the reason why it refuses to pay the amount involved in the claim; -
- (b) inform the claimant of -
 - (i) the powers under these Regulations to determine the claim; and
 - (ii) the method by which those powers may be invoked; and
- (c) if requested by the claimant, supply him with a form upon which the claimant may submit details of the disputed claim for determination in accordance with these Regulations.

(2) In this Part, unless the context otherwise requires -

a “**claimant**” means a person who claims payment from a licensee on the basis of a disputed claim; and

a “**disputed claim**” means a claim for the payment of money -

- (a) of an amount no less than £50, alleged by a claimant to be properly and fairly due to him from a licensee, on the basis of the outcome of authorised casino gaming and which is disputed by the licensee; and

- (b) which is referred to the Commission by way of written notice within 14 days of the date upon which the claim is said to have arisen.

Regulation 82: Determination of disputed claim

(1) Where a disputed claim is referred to the Commission, an officer appointed for the purpose by the Commission (an “assessor”) shall determine the claim, on the basis of a balance of probabilities, and notify the claimant and the licensee of that determination and the reasons therefore as expeditiously as reasonably possible after considering -

- (a) any representations which the claimant and the licensee may reasonably wish to make to him; and
- (b) any evidence which is presented to him.

(2) A licensee shall make available to an assessor such books, documents, videotapes and other materials or things in the possession of the licensee as the assessor may reasonably require for the purposes of determining a disputed claim.

(3) An employee shall, if requested by an assessor, attend before him and, if requested by the assessor, answer truthfully any question concerning the disputed claim reasonably put to him by the assessor, the claimant or the licensee; provided that an employee need not provide an answer to any such question where the answer constitutes evidence of a criminal offence on the part of that employee.

(4) When making a determination under paragraph (1), an assessor may also issue a direction to a licensee requiring him to make payment to a claimant within such period, and of such amount, as may be specified in the direction.

(5) A licensee shall comply with any direction issued under this regulation.

Regulation 83: Appeal to the Commission.

(1) A claimant or licensee aggrieved by the decision of an assessor under regulation 82 may, within 14 days of being notified of such decision, lodge an appeal in writing to the Commission.

(2) The Commission shall, with due regard to expedience, hear and determine the appeal, and may thereafter confirm, reverse or set aside the assessor's decision or make such other order as it deems appropriate.

(3) The appeal shall be determined and be heard by the Commission in such a manner and in accordance with such procedure as the Commission may determine; provided that the Commission shall afford the parties to the appeal the opportunity to present their cases before it makes a decision on appeal.

Part 10: Interpretation and Miscellaneous

Regulation 84: Commission's power to issue compliance notice.

(1) Where a person contravenes any provision of these Regulations (being a provision the contravention of which does not constitute an offence), the Commission may issue to that person a written notice containing the particulars set out in paragraph (2).

(2) The particulars to be included in a notice issued under paragraph (1) are -

- (a) the numbered provision of these Regulations which is being or has been contravened by the person to whom the notice is addressed;
- (b) a statement of the circumstances constituting the contravention;
- (c) a statement of the action reasonably required to be taken by the person to whom the notice is addressed, to ensure that the contravention ceases or does not recur; and
- (d) the date by which that action is to be taken.

(3) A person who, without reasonable excuse, fails to comply with the requirements of a notice issued under paragraph (1), is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the uniform scale.

Regulation 85: Notices, approvals etc. to be in writing.

(1) A notice, approval, appointment, consent or other similar matter given, issued, made or granted by or on behalf of the Commission under any provision of these Regulations shall have no effect unless -

- (a) given, issued, made or granted in writing; and
- (b) signed by a member or officer of the Commission on behalf of the Commission.

(2) An application made by or on behalf of any person under any provision of these Regulations shall have no effect unless -

- (a) made in writing; and
- (b) signed by or on behalf of the person making the application.

Regulation 86: Interpretation.

(1) In these Regulations, unless the context otherwise requires -

“**applicant**” means, as the case may be-

- (a) a person making application under regulation 1 for a casino operator's licence;
- (b) a person making application under regulation 36 for a key employee certificate;
- (c) a person making application under regulation 65 for a certificate of prior approval;
- (d) a person making an application under regulation 76 for registration of casino gaming equipment;
- (e) a person making an application under regulation 77 for cancellation of the registration of any item of registered casino gaming equipment in respect of which he is the registered keeper;
- (f) a person making an application under regulation 80 to be an approved evaluator

“approved control system submission” means a control system submission approved by the Commission under regulation 6(1)(a);

“approved evaluator” means a person appointed by the Commission under regulation 80;

“approved nominee” means a nominee approved by the Commission under regulation 2;

“assessor” means a person appointed by the Commission under regulation 82;

“authorised casino gaming” has the meaning given by section 19 of the Ordinance;

“business associate” -

- (a) of an applicant for a casino operator's licence, means a person whom the Commission reasonably believes-
 - (i) is associated with the ownership or management of the applicant's operations; or
 - (ii) will, if a casino operator's licence is issued to the applicant, be associated with the ownership or management of the licensee's operations;
- (b) of a licensee, means a person whom the Commission reasonably believes to be associated with the ownership or management of that licensee's operations;

“cancellation certificate” means a certificate issued by the Commission under regulation 77(5);

“cancellation notice” means a notice given under regulation 47;

“cash” means coin and currency that circulates, and is customarily used and accepted as money, in the issuing nation;

“casino gaming equipment” means any item of equipment, device, component or machine used remotely or directly in connection with -

- (a) the playing of a casino game; or
- (b) the operation of a gaming machine, and

includes chips and playing-cards;

“casino operator's licence” has the meaning given by section 19(1) of the Ordinance;

“certificate of prior approval” means a certificate issued under regulation 76;

“cheating” means the illegal alteration of the elements of chance, method of selection or criteria which determine -

- (a) the result of a game; or
- (b) the amount or frequency of payment in a game;

“Chief Officer of Police” means the chief officer of the salaried police force of Guernsey;

“chip” means a non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a licensee for use at the licensee's licensed premises;

“Commission” has the meaning given by section 26(1) of the Law;

“condition notice” means a notice given under regulation 42;

“control system submission” has the meaning assigned to it by regulation 5;

“employee” means a person employed by a licensee and whose duties, powers or functions relate to the conduct of authorised casino gaming;

“equipment certificate” means a certificate issued by the Commission under regulation 76;

“excluded person” means a person whose name appears on a list established under regulation 26(1);

“HM Procureur” includes HM Comptroller;

“Island” means the Island of Guernsey;

“key employee” means an employee classified under regulation 35;

“**key employee registration**” means the registration by the Commission of an employee as a key employee under regulation 37;

“**key employee registration certificate**” and “**registration certificate**” mean a valid and current registration certificate issued by the Commission under regulation 40 in respect of a key employee registration;

“**Law**” means The Guernsey Gambling Control Commission, Law, 2001^c;

“**licensee**” means the holder of a casino operator’s licence;

“**licensed premises**” means the place or premises specified in a casino operator's licence on which the activities authorised or permitted thereby may be conducted under the Law;

“**nominee**” means an individual approved by the Commission to perform functions and duties under these Regulations as if he were himself a licensee;

“**Ordinance**” means The Guernsey Gambling (Casino Gaming) Ordinance, 2001;

“**playing-cards**” means cards used for playing blackjack, poker or other card games, but excludes cards used in the playing of authorised casino gaming other than a card game;

^c Order in Council No. XXIII of 2001.

“registered casino gaming equipment” means casino gaming equipment registered in accordance with regulation 76;

“registered keeper” means the person whose name is recorded in the register of equipment as the keeper of the item of registered casino gaming equipment to which a registration relates;

“register of equipment” means the register maintained by the Commission under regulation 76;

“revocation notice” means a notice given under regulation 52;

“suspension notice” means a notice given under regulation 50; and

“withdrawal notice” means a notice given under regulation 73.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^d apply to the interpretation of these Regulations as they apply to the interpretation of an enactment.

(3) Unless the context otherwise requires, references in these Regulations to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

(4) In these Regulations any words importing the neuter gender shall include the masculine and the feminine, and any words importing the masculine gender shall include the feminine and the neuter.

^d Ordres en Conseil Vol. XIII, p. 355.

- (5) Unless the context otherwise requires -
- (a) a reference in these Regulations to a numbered regulation, Part or Schedule is a reference to the regulation, Part or Schedule of these Regulations which is so numbered; and
 - (b) a reference in a provision of these Regulations to a numbered paragraph or subparagraph is a reference to the paragraph or subparagraph of that provision which is so numbered.

Regulation 87: Citation

These Regulations may be cited as the Gambling (Casino Gaming) Regulations, 2003.

Regulation 88: Commencement.

These Regulations shall come into force on the 11th day of March, 2003.

FIRST SCHEDULE

Matters to be included in a control system submission

1. The following matters to be used in connection with the playing and operation of casino games and gaming machines referred to in the submission -
 - (a) accounting systems and procedures and accounts;
 - (b) administrative systems and procedures;
 - (c) computer software;
 - (d) standard forms; and
 - (e) any standard terms and conditions of business.
2. The casino surveillance system and plan.
3. The minimum and maximum stakes and maximum winnings which may be wagered and won upon the outcome of any casino game.
4. The stakes and prizes which may be wagered and won in connection with the operation of any gaming machine (including a statement of the theoretical return achievable in respect of the machine and the method of its calculation).
5. The rules governing the playing or operation of any casino game or gaming machine.

6. The rules governing the winning of any jackpot.
7. The general procedures to be followed in connection with the playing and operation of casino games and gaming machines.
8. The procedures and standards for the maintenance, security, storage and transportation of -
 - (a) casino games and gaming machines; and
 - (b) equipment to be used in conjunction with those games and gaming machines.
9. The procedures for recording and paying prizes won during the playing or operation of casino games and gaming machines.
10. The procedures for using and maintaining security facilities (including a surveillance system plan).
11. The positions which fall within the classification of key employee positions for the purpose of regulation 35.
12. General compliance procedures, including the appointment of a compliance officer as well as his functions and duties.
13. The procedures and controls to be adopted and implemented by the licensee or applicant to detect and prevent money laundering activities from taking place at the licensed premises, including without prejudice to the generality of the same, details concerning -

- (a) prohibited cash transactions;
- (b) transactions to be reported;
- (c) transaction reports; and
- (d) multiple transactions;

14. Subject to the provisions of regulation 20, the hours during which gaming rooms may be operated.

15. Any entrance fees to be charged by the licensee or applicant;

16. The procedures and controls to be adopted and implemented by the licensee or applicant to ensure that the identities of persons using the licensed premises are accurately recorded, including details of the types of identification documents that persons using the premises will be required to produce.

17. The office facilities to be provided by the licensee or applicant for the use of authorised persons in accordance with regulation 11;

18. The policy and procedures to be adopted by the licensee or applicant in connection with the exclusion of problem gamblers.

19. The policies and procedures to be adopted by the licensee or applicant in promoting responsible gambling; and

20. Any other matters referred to in a list provided by the Commission under regulation 5(3).



SECOND SCHEDULE

Key Employees

1. Nominee
2. Compliance officer.
3. Table inspector.
4. Dealer or croupier.
5. Cashier.
6. Counter.
7. Change attendant.
8. Host.
9. Floor attendant.
10. Security attendant.
11. Gaming machine attendant.
12. Gaming machine technician.
13. Surveillance personnel.

14. Gaming credit personnel.
15. Gaming debt collection personnel.
16. Internal audit personnel.
17. Accounting personnel.
18. Data processing personnel.

Dated this 11th day of March, 2003.



P. J. H. MORGAN

Chairman of the Guernsey Gambling Control Commission

For and on behalf of the Commission.

EXPLANATORY NOTE.

(This note is not part of the Regulations)

These Regulations, made by the Guernsey Gambling Control Commission (“the Commission”) under the Gambling (Casino Gaming) Ordinance, 2001, provide for the regulation and good conduct of casinos in Guernsey.

Part 1 of the Regulations (regulations 1 to 4) contains provisions concerning applications for a casino operator's licence. The provisions require applications to be in writing and to be publicised. An application for a licence is to be dealt with by the Commission by way of a hearing at which the applicant and others (including persons who object to the application) are entitled to attend and be heard.

Part 2 (regulations 5 to 8) consists of regulations relating to the system of management, accounting and other controls which an applicant for or holder of a casino operator's licence intends to implement to ensure that gaming in a casino (“licensed premises”) is carried out properly and fairly. Amongst other things, regulations in this Part require an applicant or holder of a licence to submit a control system submission for approval by the Commission (regulation 5). Casino gaming and the operation of gaming machines may only take place upon licensed casino premises in accordance with the provisions of a control system submission which are approved by the Commission (regulation 8).

Part 3 (regulations 9 to 11) relates to the members and officers and servants of the Commission. Regulation 9 sets out the duties of members, officers and servants and requires, amongst other things, that they carry out their duties honestly and fairly. Regulation 10 prescribes the powers and duties of authorised persons (an "authorised person" meaning a police officer, member of the Commission or any officer or servant of the Commission) to inspect licensed premises and exercise certain other powers to ensure that casino gaming is carried out fairly. Under regulation 11 the licensee of a casino shall provide offices for the use of any authorised person, from where an authorised person may carry out his functions.

Part 4 (regulations 12 to 25) contains miscellaneous provisions relating to the holder of a casino operator's licence and casino gaming generally. The regulations in this Part regulate various matters including: a licensee's agreements and arrangements with business associates who are unsuitable (regulation 12); the display at the licensed premises of information relating to stakes, prizes and rules (regulations 13 and 14); the maintenance by a licensee of records and documents (regulation 15); the display at licensed premises by a licensee of his licence (regulation 16); restrictions upon undesirable advertising of a casino by a licensee (regulation 17); requirements concerning the display of the word "casino" and trade names of a licensee (regulations 18 and 19); the hours during which a casino may operate for the purposes of casino gaming (regulation 20); the approval by the Commission of additional forms of entertainment upon licensed premises (regulation 21); the submission to the Commission for approval of a code of conduct that will promote responsible gaming (regulation 22); the prohibition of casino gaming by persons under the age of 18 years (regulation 23); standards of maintenance for licensed premises (regulation 24) and the payment of gratuities to licensees and their employees (regulation 25).

Part 5 (regulations 26 to 31) consists of provisions relating to the exclusion of persons from licensed premises. Under regulation 26, the Commission may establish a list of persons who are to be excluded from licensed premises, whilst under regulation 33, a licensee must keep a record of persons who have been involved in cheating. Persons whose details appear on a list established under regulation 26 may not enter licensed premises and licensees and their employees must not allow such persons to enter licensed premises.

Part 6 (regulations 34 to 62) contains provisions establishing a scheme under which key employees of a licensee must hold registration certificates issued by the Commission and requiring a licensee to appoint a specific nominee to be responsible for operation of licensed premises. Regulation 35 classifies which persons employed by a licensee are key employees for the purposes of this Part. Regulations 36 to 39 consist of provisions which regulate applications for key employee certificates and enable the Commission to grant or refuse applications or

to require further information to be submitted before making any decision. Regulations 41 to 57 contain miscellaneous provisions relating to key employee registration including - the powers of the Commission to issue registration certificates subject to conditions (regulations 41 to 43); the period of validity of key employee registrations (regulation 44); cancellation of key employee registrations (regulation 47); suspension or revocation of key employee registrations (regulation 48) and the returns to be made by a licensee about employees (regulation 54).

Regulations 58 to 62 comprise provisions which relate to nominees. Under regulation 58, every licensee is obliged to appoint a nominee approved for the purpose by the Commission. Regulation 59 prescribes the functions and duties of a nominee and regulations 60 to 62, respectively, provide for the absence of a nominee, the appointment of an alternate nominee and the replacement of a nominee.

Part 7 (regulations 63 to 73) consists of regulations designed to control the manufacture and supply of casino gaming equipment by making such manufacture and supply illegal in Guernsey except as provided for under the Regulations (regulation 63). Regulations 64 to 68 enable the Commission to consider, investigate and determine an application for a certificate of prior approval which, once granted, enables the holder lawfully to carry out those activities relating to casino gaming equipment as are authorised under the certificate. Other regulations in this Part deal with the period of validity of a certificate (regulation 69); the fee payable in respect of an application for a certificate of prior approval; renewal of certificate of prior approval (regulation 71) and the withdrawal by the Commission of a certificate of prior approval (regulation 73).

Part 8 (regulations 74 to 80) includes provisions relating to the keeping, use and registration of casino gaming equipment. Under regulation 74 it is a criminal offence for a licensee or the holder of a certificate of prior approval under Part 7 to keep, maintain or (in the case of a licensee) expose casino gaming equipment for play, unless that equipment is registered under this Part. Regulation 76 contains provision which enables the Commission to register casino gaming equipment. Other regulations under this Part - enable the Commission to cancel or suspend the registration of equipment (regulations 77 and 78); require a licensee and holder of a certificate of prior approval to keep certain records relating to registered equipment (regulation 79) and enable the Commission to appoint approved evaluators (regulation 80) to evaluate equipment in respect of which an application to register is made under this Part.

Part 9 (regulations 81 to 83) contains provisions which are designed to facilitate the resolution of disputed claims to gambling winnings in excess of £50 in value. Under regulation 81 licensees are obliged to notify claimants of disputed winnings of their rights under the Regulations to have any dispute determined as set out in

this Part. In the first instance any disputed claim may be assessed by an assessor appointed by the Commission under and in accordance with regulation 82. Appeals from the decision of an assessor may be made to the Commission as provided for under regulation 83.

Part 10 (regulations 84 to 88) consists of miscellaneous provisions. Under regulation 84, the Commission is empowered to issue compliance notices in respect of contraventions of the Regulations which do not in themselves constitute criminal offences. Any such notice must contain certain particulars relating to the matter complained of by the Commission and include a period during which the person to whom the notice is addressed must take action to ensure that any contravention does not recur. Regulation 85 provides that all notices, approvals etc. to be given or made under the Regulations shall not be valid unless given etc. in writing. Regulations 86, 87 and 88 deal respectively with interpretation; citation and commencement.

The First Schedule lists those matters which must be addressed in a control system submission made in accordance with Part 2.

The Second Schedule sets out those occupations and categories of personnel which fall within the key employee classification.