



BERMUDA

CASINO GAMING AMENDMENT REGULATIONS 2019

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

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Citation

1 These Regulations which amend the Casino Gaming Regulations 2018 (“the principal Regulations”) may be cited as the Casino Gaming Amendment Regulations 2019.

Amends regulation 2

2 (1) Regulation 2 of the principal Regulations is amended as follows.

(2) In paragraph (1)—

(a) insert each of the following definitions in the appropriate alphabetical position—

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

“allegation”, in relation to a disciplinary case, means the allegation, accusation or claim by which the case arose under regulation 257;

“bet” means a wager, other than a wager that is part of a game in a casino, on—

(a) the outcome of a race, competition or other event or process;

(b) the likelihood of anything occurring or not occurring;

(c) whether anything is or is not true;

“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;

“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;

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

“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;

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(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;

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

“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;

“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;

“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;

“intoxicating liquor” has the same meaning as in the Liquor Licence Act 1974;

“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;

“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;

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- “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;
- “marketing licence” means a marketing licence under Part 17;
- “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”, 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;
- “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;
- “prepared advertising” has the meaning given in regulation 157;
- “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;

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“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;

“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;

“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;

“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;

“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;” and

- (b) in the definition of “element”, delete “document” and substitute “system”.

Amends regulation 10

3 (1) Regulation 10 of the principal Regulations is amended as follows.

(2) Delete “regulation 3 of the Casino Gaming (Casino Fees) Regulations 2017” and substitute “regulations 3 and 4 of the Casino Gaming (Casino Fees) Regulations 2017”.

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Amends regulation 26

- 4 (1) Regulation 26 of the principal regulations is amended as follows.
- (2) In paragraph (6), delete “regulation 3 of the Casino Gaming (Casino Fees) Regulations 2017” and substitute “regulations 3 and 4 of the Casino Gaming (Casino Fees) Regulations 2017”.

Amends regulation 32

- 5 (1) Regulation 32 of the principal Regulations is amended as follows.
- (2) Revoke paragraph (4).

Revokes regulation 37

- 6 Regulation 37 of the principal Regulations is revoked.

Amends regulation 45

- 7 (1) Regulation 45 of the principal regulations is amended as follows.
- (2) Revoke paragraph (6) and substitute the following—
- “(6) The casino operator shall, in accordance with regulations 3 and 4 of the Casino 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.”.

Amends regulation 52

- 8 (1) Regulation 52 of the principal regulations is amended as follows.
- (2) Revoke paragraph (5) and substitute the following—
- “(5) The casino operator shall, in accordance with regulations 3 and 4 of the Casino 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.”.

Amends regulation 53

- 9 (1) Regulation 53 of the principal regulations is amended as follows.
- (2) Revoke paragraph (4) and substitute the following—
- “(4) The casino operator shall, in accordance with regulations 3 and 4 of the Casino 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.”.

Amends regulation 57

- 10 (1) Regulation 57 of the principal regulations is amended as follows.

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(2) Revoke paragraph (2) and substitute the following—

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

Amends regulation 68

11 (1) Regulation 89 of the principal Regulations is amended as follows.

(2) After paragraph (2) insert—

“(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.

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(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;
- (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. ”.

Revokes and replaces regulation 69

12 Regulation 69 of the principal Regulations is revoked and the following regulation substituted—

“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—

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- (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
 - (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.

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(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;
- (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. ”.

Amends regulation 78

13 (1) Regulation 78 of the principal Regulations is amended as follows.

(2) Revoke paragraph (4) and substitute the following—

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

Amends regulation 86

14 (1) Regulation 86 of the principal Regulations is amended as follows.

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(2) After paragraph (3), insert—

“(4) The casino operator shall, in accordance with regulations 3 and 4 of the Casino 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.”.

Amends regulation 89

15 (1) Regulation 89 of the principal Regulations is amended as follows.

(2) In paragraph (3), revoke the table and substitute the following 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 |
| (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 |

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|------|--|-------------------------------|
| (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 |

Amends regulation 125

- 16 (1) Regulation 125 of the principal Regulations is amended as follows.
 (2) Revoke paragraph (1) and substitute the following paragraph—

“(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;

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- (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;
- (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.”.

Amends regulation 141

- 17 (1) Regulation 141 of the principal Regulations is amended as follows.
- (2) In paragraph (2)(d), delete “betting”, and substitute “wagering”.

Amends regulation 142

- 18 (1) Regulation 142 of the principal Regulations is amended as follows.
- (2) In paragraph (1)(d), delete “betting”, and substitute “wagering”.

Amends regulation 154

- 19 (1) Regulation 154 of the principal Regulations is amended as follows.
- (2) Revoke paragraph (7) and substitute the following—

“(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 Casino Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of the investigation.”.

Revokes and replaces Chapter 11 of Part 7

- 20 Chapter 11 of Part 7 of the principal Regulations is revoked and the following Chapter substituted—

“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.

(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.

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(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.”.

Inserts new Parts

21 The principal Regulations are amended by inserting at the end the following Parts—

“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;

“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.

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.

Obligation on casino operator

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

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(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.

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 Casino 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.

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

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.

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 Casino 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.

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)).

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.

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.

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(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.

(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.

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;

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- (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—
- (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.

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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;
 - (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.

Patron use of the CWS

- 168 (1) The CWS shall permit compliance with all regulations governing patron accounts.

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(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.

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.

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.

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)).

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.

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(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.

(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.

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.

Records

- 174 (1) For these Regulations, the patron account information in relation to a patron is the following—
- (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;

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- (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.

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;
- (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.

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;

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- (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—
- (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.

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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.

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—

- (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.

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)).

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.

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
- (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.

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.

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.

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;
- (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.

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.

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.

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—
 - (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.

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.

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 30 days 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.

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(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
 - (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.

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 30 days 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.

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.

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.

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.

(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.

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.

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.

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,

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.

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.

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;
- (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

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- (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.

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.

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—

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- (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.
- (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.

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.

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
- (b) the process for verifying the patron's identity.

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.

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;
- (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.

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(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.

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—

- (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.

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.

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—

- (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.

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.

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(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.

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.

(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.

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

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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.

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—

- (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.

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
- (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.

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.

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.

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.

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.

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.

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(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.

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.

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.

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.

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.

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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.

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)).

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.

(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.

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(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.

Computerised betting system

225 The casino operator shall not offer betting unless it is conducted using a computerised betting system.

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—

- (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.

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(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
- (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;

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- (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.

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.

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—

- (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.

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(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 of 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.

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.

(3) The casino operator is not required to pay a winning bet after the presentation time limit printed on the ticket.

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(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.

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.

Unilateral rescission of wagers

231 The casino operator shall not unilaterally rescind any bet without the prior written consent of the Commission.

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.

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.

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 Casino 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—

- (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.

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.

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

- (e) the complaint is frivolous, vexatious, or not otherwise made in good faith.

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.

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.

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.

(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 Casino 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).

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.

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 Casino 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.

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.

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—
- (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.

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.

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.

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—

- (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 Casino 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.

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 Casino Gaming (Casino Fees) Regulations 2017, be liable to reimburse the Commission for the costs of any investigation undertaken by the Commission.

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.

(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 Casino 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.

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.

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—

- (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.

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(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.

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 former casino operator shall provide that information or documentation to the manager upon demand.

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(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.

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.

(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.

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).

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.

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—

- (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.

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.

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.

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.

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.

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.

(4) The presenting officer shall take into account any response by the regulated person received within the required period.

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(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.

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.

(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.

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.

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.

- (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.

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.

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.

(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.

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.

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.

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.

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.

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.

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;

- (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.

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.

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.

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.

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.

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.

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;
- (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.

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.

PART 20

MISCELLANEOUS

Appeals against decision of the Commission

279 (1) For the purposes of section 51 of the Act, where a casino operator is aggrieved by a decision regarding its casino licence that is not otherwise appellable under the gaming law—

- (a) the casino operator 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.

(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.

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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.

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;

- (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.”.

Inserts Schedule 1

22 The principal Regulations are amended by inserting after regulation 281 the following Schedule—

“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.

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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.
20. Advertising must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional distress.

Made this 11th day of September 2019

Minister of Finance

[Operative Date: 12 September 2019]