

ANTIGUA AND BARBUDA

INTERACTIVE GAMING AND INTERACTIVE WAGERING REGULATIONS

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ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

2007 NO.

Interactive Gaming and Interactive Wagering Regulations (the “Regulations”), made by the Minister (as defined hereunder) under section 351 of the International Business Corporation Act Cap. 222.

PART I

1. (1) These Regulations may be cited as the Interactive Gaming and Interactive Wagering Regulations 2007.

(2) These Regulations come into force on the 30th day of March, 2007.

2. In these Regulations, except where the context otherwise requires:

“the Act” means the International Business Corporation Act;

“applicant” means any person or entity who on his own behalf or on behalf of another person has made an initial or renewal application to the Commission (as defined hereunder) for an interactive gaming or interactive wagering licence. As used in these Regulations, the term applicant shall include any and all persons that the Commission determines to be key to or an integral part of the gaming operation presented to the Commission as part of an application and all applicants shall be accessible to appear before the Commission upon the recommendation of the Director of Gaming.

“application” means an application to the Commission for an interactive gaming or interactive wagering licence or a renewal application;

“authorized game” means interactive gaming or interactive wagering that a licence holder is permitted to conduct under these Regulations;

“authorized premises” means a location that has been approved by the Commission for authorized interactive gaming or interactive wagering; , including but not limited to approval by the Commission of all matters relating to or concerning the carrying on of interactive wagering at a site in a location within a Free Trade and Processing Zone;

“bet” shall be interchangeable with “wagering”; see also interactive wager;

“betting” means the act of placing a bet or wager;

“Board” means the Board established under section 316 of the Act;

“Certificate of Incorporation” means the Certificate of Incorporation issued by the Commission pursuant to the Act to carry on the business of interactive gaming or interactive wagering;

“Client Service Provider” means a person, whether a natural person or corporate, providing a service to a licence holder, which the Commission determines is material to the activities material to these Regulations. Client Service Provider includes but is not limited to a person(s), but may not be restricted to person(s) providing:

- (a) aggregating services (such as poker room servers), and
- (b) player facing systems, which would be classified as an interactive gaming or interactive wagering system, if those systems were in Antigua and Barbuda, with which the licence holder passes electronic messages related to players, gaming or wagering;

“Commission” means the Commission established under section 316 of the Act;

“control system” means software, hardware, and systems that affect the outcome of the authorized interactive gaming or interactive wagering;

“Financial payment processor” means a financial institution or electronic cash provider or any alternate payment processor;

“Free Trade and Processing Zone” means the Free Trade and Processing Zone established under section 6 of the Free Trade and Processing Zone Act;

“game” means a contrivance which has for its object to furnish sport, pastime, contest, recreation or amusement;

“Gambling/Gaming” means the wagering of a stake of money or anything of value, on the unknown result of a future event, at the risk of losing all or a portion thereof for the sake of a return, irrespective of whether any measure of skill, including all skill, is involved or not and means playing or conducting any game of skill or chance, or of mixed skill and chance, in which money or any other valuable thing is staked or risked on an event or contingency.

“gaming records” means all records directly or indirectly related to the interactive gaming or interactive wager including but not limited to bets provided by a licence holder or authorized Client Service Provider, player account information, wagers placed and outcomes of games played;

“interactive” means the conducting or operation of an interactive game of chance or skill, or of an interactive game with a combination of skill and chance or interactive wager, where the players are not in the same premises as the gaming equipment, pursuant to these Regulations;

“interactive betting licence” means the licence granted to a licence holder to operate interactive betting and interactive wagering and is synonymous with a wagering licence; *see interactive wagering licence*;

“interactive game” means a game in which:

- (a) prize consisting of money or something else of value is offered or can be won under the rules of the game;

- (b) a player:
 - (i) enters the game or takes any step in the game by means of a telecommunication device, including, but not limited to the internet; and
 - (ii) gives, or undertakes to give, a monetary payment or other valuable consideration to enter, in the course of, or for, the game.
- (c) the winner of a prize is decided by chance, a combination of skill and chance, or skill alone.

“interactive gaming” means

- (a) an agreement, scheme or arrangement where a player usually plays against the interactive gaming or interactive wagering licence holder acting as a bank or against another player such as peer to peer;
- (b) games such as roulette or blackjack or a percentage game played with cards, dice or any electronic or mechanical device or machine for money; and
- (c) games such as keno, bingo and a lottery; but does not mean betting or wagering;

“interactive gaming licence” means the licence granted to a licence holder by the Commission to conduct interactive gaming;

“interactive gaming and interactive wagering equipment” means a machine or other device (whether computing, electronic, electrical or mechanical), computer software, or another mechanism, device, item or thing, used or suitable for use, in the conduct of an authorized game;

“interactive gaming and interactive wagering related activities” mean any activity or business that the Commission considers reasonably related to interactive gaming or to interactive wagering or to the operation of interactive gaming or interactive wagering, or any business that offers goods or

services to persons who participate in licenced interactive gaming or interactive wagering.

“interactive wager” means the act of placing an interactive wager or bet, but is not limited to a sports wager or spread betting. Within this definition, a wager is a contract or agreement between at least two parties where a sum of money or other item of value to which all jointly contribute, becomes the sole property of one or some of them on the happening or the non-happening of a future event which is at present uncertain, such as a sports bet, or a question disputed between them is settled in one way or the other; and the outcome is at least partly dependent on chance, or uncertain outcome or outcomes that are not foreknown; but does not mean any stake hazarded in the course of, or incidental to, a game of chance;

“interactive wagering licence” means the licence granted to a licence holder by the Commission to operate interactive wagering or betting and is synonymous with an interactive betting licence; *see interactive betting licence;;*

“key person(s)” means a person who:

- (a) occupies or acts in a managerial position, operations director position or carries out managerial functions, in relation to operations carried out by a licence holder;
- (b) is in a position to control or exercise significant influence over the systems or operations conducted by a licence holder;
- (c) occupies or acts in a supervisory position, which exercises authority over a person or persons with responsibility for systems designated in the licence holder’s approved control system, including but not limited to operational or monetary control;
- (d) is an Information Technology (“IT”) Director or other person in an equivalent position who has access or control over any component of the information security or

information processing systems of a licence holder; or

- (e) is a Client Service Provider or equivalent person providing key services related to the operation of a licence holder's business, as determined by the Commission.

“key relationship” means a relationship between a licence holder and another person as a result of which the other person is a key person;

“licence holder” means a person to whom the Commission has issued an interactive gaming or interactive wagering licence;

“Minister” means the Minister responsible for Finance;

“person” means any individual or any legal entity or company, partnership, limited liability company, association of persons, body of persons, group of companies or bodies, corporate or incorporate;

“player” in relation to a game of chance or bet includes any person who is 18 years of age or over, taking part in the game or bet against other persons taking part in the game or bet;

“player's account” means an account:

- (a) in the name of the player:
 - (i) at a payment processor as defined in financial transaction provider;
 - (ii) held on the books or in the systems of the licence holder; or
 - (iii) with a body approved by the Commission;
- (b) against which the licence holder has a right to collect the amount of a wager; and
- (c) that is established on a basis under which the player may only have direct recourse to the account:

- (i) to gamble or wager with the licence holder;
- (ii) to ascertain the balance of funds in the account or to close the account;
- (iii) to obtain the whole or part of an amount paid into the account as a prize in an authorized game/bonus; or
- (iv) as authorized by the licence holder or the Commission.

“storefront” means an alternative Uniform Resource Locator (URL) by which a licence holder’s authorized games may be accessed, and which offers a different “look and feel” from the URL of the licence holder’s main site. A storefront shall not be considered as a sublicense;

“sublicence” means any arrangement whereby a licence holder:

- (a) creates one or more URLs or brands, in addition to the licence holder’s main URL which use different software for gaming or apply different business rules for gaming other than the main URL by way of contract to provide interactive gaming or interactive wagering;
- (b) arranges with a third party to operate interactive gaming or wagering;
- (c) enters into any arrangement whereby a licence holder uses different management or key persons in the operation of interactive gaming or interactive wagering; or
- (d) operates an interactive gaming or interactive wagering system with beneficial owners not separately licenced by the Commission (including separate logical businesses whether using the same or different systems).

“system” means an integrated composite of people products and/or processes that provide a capability to satisfy stated needs or objectives.

“URL” means uniform resource locator, the unique address which identifies a resource on the internet for routing purposes.

PROHIBITIONS

3. (1) Except as permitted by these Regulations, no person shall engage in the operation of interactive gaming or interactive wagering activities unless that person holds a licence granted under these Regulations.
- (2) Except as permitted by the Regulations, no person shall be a beneficial owner, or receive monetary benefit based on the amount of money wagered in an interactive gaming or wagering activity unless that person holds a licence granted under these Regulations.
- (3) No licence shall be granted to any entity unless the entity is incorporated under the Act as an interactive gaming or interactive wagering company, and is in possession of a Certificate of Incorporation and a certificate of good standing, and has complied with all the requirements of the Act and any Regulations made thereunder.
4. (1) It is an offence to allow an underage person to participate in internet gaming or internet wagering. However, a defence to a breach under this subregulation is where a licence holder can demonstrate it undertook all reasonable means to identify the person and determined the person was not underage.
- (2) It is an offence to allow problematic or pathological gaming or wagering to occur. When, in the mind of the Commission sufficient information existed that, a reasonable person would have considered the player had demonstrated behaviour characteristic of problem or pathological gaming or wagering then this constitutes an offence under this Part.
- (3) It is an offence to allow players to be treated unfairly by internet gaming or internet wagering systems. When, in the mind of the Commission sufficient information existed that, a reasonable person would have considered the player had been

treated unfairly, regardless of whether the unfair treatment was by a licence holder, an associate of the licence holder, or another player in an interactive game facilitated by a licence holder, then this constitutes an offence under this Part.

PART II

APPLICATION FOR INTERACTIVE GAMING OR INTERACTIVE WAGERING LICENCE

5. An application for an interactive gaming or interactive wagering licence must be submitted to the Commission in the form set out in Schedule “A” to these Regulations.
6. To be considered by the Commission, an application for interactive gaming or interactive wagering licence must contain all of the information requested in the form set out in Schedule “A” and be accompanied by:
 - (a) if applicable, a business entity information Form as set out in Schedule “B”;
 - (b) personal information forms as set out in Schedule “C” to these Regulations for each key person, director, partner and chief executive officer of the applicant and each shareholder with five percent (5%) or more ownership of or controlling interest in the applicant; and
 - (c) a non-refundable fee in the amount of Fifteen Thousand United States dollars (\$15,000.00 US) for the costs and expenses of conducting the investigation, due diligence, review and assessment of the applicant as required by these Regulations.
7. Where the cost of conducting the investigation and due diligence exceeds Fifteen Thousand United States Dollars (\$15,000.00 US) the Commission shall notify the applicant in writing to require a further non-refundable deposit or deposits in such amounts as the Commission may determine.

8. Subject to the foregoing section, the Commission shall promptly consider the application and shall, if possible, within 60 days either:
- (a) grant the application and issue an interactive gaming or interactive wagering licence;
 - (b) deny the application; or
 - (c) return the application to the applicant with a request for additional or supplemental information or clarification(s), as deemed appropriate by the Commission.
9. All information provided by the applicant to the Commission shall be held in the strictest confidence and shall not be used by the Commission for any purpose other than matters pertaining to an application, unless it is required for administration or enforcement of the Act or these Regulations or if it is related to an official investigation.

CONDITIONS FOR GRANTING OR DENYING APPLICATION

10. The Commission may grant an application for an interactive gaming or interactive wagering licence only if the Commission is satisfied that:
- (a) the applicant is suitable to hold an interactive gaming or interactive wagering licence;
 - (b) each director, partner and chief executive officer, and each shareholder with five percent (5%) or more of or controlling interest in the applicant is suitable to be associated with an applicant's operation or is a publically traded company and that all necessary documents have been filed with the Commission pursuant to Schedule "C"; and
 - (c) all key person(s) submissions have been approved.

11. The Commission in its sole discretion may require that all beneficial owners of shares complete the personal information Form set out in Schedule “C”.
12. The Commission, in its sole discretion, may deny an application even if the Commission is satisfied of the matters mentioned in the foregoing section. A decision by the Commission to deny a licence is final and conclusive.

INTERACTIVE GAMING LICENCE AND INTERACTIVE GAMING OR INTERACTIVE WAGERING LICENCE FEES

13. An applicant shall pay One Hundred Thousand United States dollars (\$100,000.00 US) for each year’s interactive gaming licence and Seventy-Five Thousand United States dollars (\$75,000.00 US) for each year’s interactive wagering licence, which shall be an annual licencing fee. This fee is payable to the Commission before any such licence will be issued.
14. For the purpose of Regulation 13 the Commission may, at its sole discretion, define a scheme for the payment of the licence fee.

SUITABILITY OF APPLICANTS

15. The Commission shall consider an applicant suitable to hold an interactive gaming or interactive wagering licence, if the applicant can satisfy the Commission of the following:
 - (a) the applicant’s good character, honesty and integrity;
 - (b) the applicant’s good business reputation, sound current financial position and financial background;
 - (c) the applicant has arranged, or is arranging, a satisfactory ownership, corporate or other business structure;
 - (d) the applicant has, or is able to obtain, appropriate resources and is able to maintain minimum required reserves as established

by the Commission in order to ensure that players shall have winnings paid and deposits returned;

- (e) the applicant has the appropriate technical ability to conduct interactive gaming or interactive wagering;
- (f) the applicant has the appropriate business ability to conduct interactive games under an interactive gaming or interactive wagering licence;
- (g) the applicant is committed to maintaining a physical presence in Antigua and Barbuda;
- (h) the applicant shall follow appropriate policies and procedures to restrict underage gaming or wagering;
- (i) the applicant shall follow appropriate policies and procedures to minimize behaviour associated with problem gaming or wagering;
- (j) the applicant shall take appropriate measures to restrict and eliminate any pornography from a licenced site;
- (k) the applicant shall take measures to discourage a compulsive or pathological gambler from utilizing a licenced site;
- (l) the applicant is in the Commission's opinion untainted with illegality;
- (m) the applicant shall follow policies and take affirmative steps to prevent money laundering and other suspicious transactions including but not limited to the financing of terrorism; and
- (n) the applicant shall comply with the policies and directives which the Commission deems appropriate.

- 16.** The Commission shall consider each director, partner and chief executive officer of the applicant and each shareholder with five percent (5%) or more ownership of a

controlling interest in the applicant suitable, if the Commission is satisfied of each person's:

- (a) good character, honesty and integrity;
- (b) good business reputation, sound current financial position and financial background; and
- (c) general suitability to be associated with a licence holder.

17. The Commission, or such person as the Commission may appoint, shall conduct a thorough investigation into the matters referred to in these Regulations to determine the applicant's suitability to hold an interactive gaming licence or interactive wagering licence and the suitability of each director, partner and chief executive officer of the applicant, and each shareholder with five percent (5%) or more ownership of or controlling interest in the applicant, to be associated with a licence holder. Any reports submitted to the Commission shall become the sole property of the Commission.

18. The Commission may consider evidence that an applicant has been licenced to conduct gaming in another jurisdiction toward a finding of the applicant's suitability to conduct interactive gaming and interactive wagering activities. The other licencing jurisdiction must have Regulations comparable to those of Antigua and Barbuda to ensure the integrity of the interactive gaming and interactive wagering and the suitability of the operations. The Commission shall satisfy itself that the applicant is committed to, and can demonstrate its commitment to:

- (a) prevent money laundering, financing of terrorism and detect suspicious transactions;
- (b) prohibit underage gaming and protect the vulnerable;
- (c) restrict and discourage compulsive gaming in interactive gaming and interactive wagering and encourage responsible gaming practices and programs; and
- (d) game fairness and transparency.

19. Capital Adequacy.

Each applicant shall provide the Commission with proof of capital adequacy, including a reserve requirement and payment of the annual fee set forth in Regulation 13 of these Regulations.

20. Reserve Requirement.

- (a) A reserve requirement, or other similar security acceptable to the Commission, in an amount of not less than One Hundred Thousand United States Dollars (\$100,000.00 US) must be submitted before commencement of gaming or wagering operations.
- (b) Notwithstanding subsection (a), the Commission, may adjust the amount of the reserve required to be paid by a licence holder based upon a change in the financial position or risk of a licence holder.
- (c) A reserve must be in a form satisfactory to the Commission, and paid into an account established by the Commission, for the benefit of any claimant against the licence holder to secure the faithful performance of the obligations of the licence holder with respect to payment of prizes and monies held on account for players.
- (d) The Commission may maintain an action on behalf of a claimant or any person injured by a wrongful act, omission, default, fraud or misrepresentation of a licence holder or employee of the licence holder in the conduct of its business as a licence holder. Only one reserve is required of a licence holder, irrespective of the number of executive officers, directors, principal employees or other employees of the licence holder.
- (e) A reserve requirement must remain in effect until cancellation of the interactive gaming or interactive wagering licence, which may occur only after 30 days' written notice to the Commission of the intended cancellation of the licence.

- (f) A reserve requirement must remain in effect for as long as the Commission specifies but at least five (5) years after the licence holder ceases to be an approved interactive gaming or interactive wagering business in Antigua and Barbuda. However, the Commission may permit the amount of reserve to be reduced or eliminated before that time to the extent that the amount of the licence holder's prizes outstanding are reduced. The Commission may permit a licence holder to substitute another form of reserve acceptable to the Commission for the reserve effective at the time the licence holder ceases to be an approved interactive gaming or interactive wagering operation in Antigua and Barbuda.
- (g) In lieu of the reserve prescribed in this Section, an applicant for a licence or a licence holder may provide the reserve in a form prescribed by the Commission.
- (h) The Commission may use the reserve to defray the administration costs associated with settling legitimate claims pursuant to these Regulations.

INTERACTIVE GAMING OR INTERACTIVE WAGERING LICENCE AUTHORIZATION

- 21.** Interactive gaming or interactive wagering licences shall be in the form prescribed by the Commission and shall, in addition to any other matter which the Commission deems to be appropriate, specify:
- (a) the name, address, telephone number, facsimile ("fax") number and email address of the licence holder;
 - (b) the date and issue of licence and the date of expiration;
 - (c) the address of the certified premises from which the licence holder shall conduct interactive gaming or interactive wagering, betting and interactive gaming or interactive wagering related activities;

- (d) a statement that the licence is not transferable and that sublicensing is prohibited;
- (e) the licence number as designated by the Commission; and
- (f) any conditions or terms attached to the licence.

CHANGE OF CONTROL

22. Transferee to a Third Party or Substitute of New Party in Operation.

1. A proposed transferee of an interest who desires to participate in any manner, whether financially or otherwise, in the operation of the licenced establishment or games prior to actual completion of the transfer of interest in accordance with the foregoing Regulations shall make written application to the Commission for permission to so participate, setting forth, under oath, facts showing the necessity of such participation, together with the following information to be given under oath.
2. The request for a proposed transfer of interest affecting a licence holder shall include:
 - (a) The extent to which and the manner in which the proposed transferee desires to participate pending completion of the proposed transfer.
 - (b) A complete financial statement and a statement showing sources of all funds to be used in connection with the proposed transfer of interest and in the participation prior to transfer.
 - (c) A full and complete statement of the proposed plan for affecting the proposed transfer of interest including:
 - (i) the extent of the interest to be transferred;

- (ii) the date on which it is desired to complete the transfer;
 - (iii) the total consideration to be paid and the time and manner of payment thereof;
 - (iv) details of any other financial arrangements between all parties involved; as well as
 - (v) details of all other pertinent arrangements between the parties.
 - (d) Full, true and correct copies of all documents pertaining to the proposed transaction or transactions, including all agreements between the parties, leases, notes, mortgages or deeds of trusts, and pertinent agreements or other documents with or involving third parties.
 - (e) The names and addresses of all persons with whom the proposed transferee expects to be associated in connection with the operation of the licenced games or establishment, or both, both as to the period pending completion of the transfer and thereafter,
 - (f) A full and complete statement of any proposed changes in manner or method of operation of the licenced establishment and any proposed changes of or additions to supervisory personnel, both as to the period pending completion of the transfer and thereafter.
3. If two or more individuals desire to participate in the operation of licence holder as a group, whether as individuals or as stockholders, officers or directors of a corporation or other business entity, a joint application may be made in accordance with Subsection 1 of this Regulation.
4. Whatever steps the parties shall take to allow the transferor's players to close their accounts or make an informed decision remain with the transferee.

MATERIAL CHANGE REPORTING

- 23.** Every licence holder and every applicant for a licence must receive the approval of the Commission to continue offering wagering and betting services before any material change from the facts previously approved by the Commission are made. The licence holder must file the appropriate application of a material change as determined by the Commission for the Commission's approval. Examples of material changes that must be reported to the Commission include:
- (a) a change in, or addition to, the licence holder's key person(s) or close associates;
 - (b) a change in, or addition to, the directors or executive officers of the licence holder;
 - (c) any act or default (whether by the licence holder or by another person) that might reasonably give rise to a negative implication in respect of the character, reputation or financial background of the licence holder;
 - (d) a material reduction in the licence holder's financial resources; or a material change in ownership of the licence holder, with "material reduction" being a sale, assignment, or purchase of 5% or more of the shares of the licence holder; or a change in control of the licence holder; or a change in the licence holder's corporate structure; or operation; or any merger or acquisition of a licence holder; or acquisition by a licence holder;
 - (e) any act or default (whether by licence holder or a person engaged by the licence holder) that might reasonably give rise to a negative implication in respect of the ability of the licence holder, or a person engaged by the licence holder for that purpose, to manage a part of the licence holder's licenced operations;
 - (f) a change in ownership of the licence holder;
 - (g) a change in control of the licence holder;

- (h) a change in respect of the scope of the licence holder's corporate business structure or operating structure;
- (i) any merger or acquisition of a licence holder;
- (j) any merger or acquisition by a licence holder; or
- (k) The termination or suspension of a licence holder's licence in another gaming jurisdiction.

- 24.**
- (a) A person or group of persons who proposes to acquire control of a licence holder shall give written notice to the Commission and request approval of the acquisition and also submit a non refundable fee of Ten Thousand United States Dollars (\$10,000.00 US) to the Commission or the cost of the investigation, due diligence review and assessment, whichever is greater. This request must be made at least forty-five (45) days prior to the intended acquisition date.
 - (b) After review of the request for approval under Subsection (a), of this section, the Commission may require the licence holder to provide additional information concerning the proposed controlling person. The additional information must be limited to the same types required of the licence holder or controlling person as part of its original licence or renewal application.
 - (c) The Commission shall approve a request or change of control under subsection (a) if, after investigation, the Commission determines that the person or group of persons requesting approval has the competence, experience, character, and general fitness to operate the licence holder or controlling person in a lawful and proper manner of control.
 - (d) The following persons or transactions are exempt from the requirements of subsection (a) but must still notify the Commission of the change of control:
 - (i) A person who acts as a proxy for the sole purpose of voting at a designated meeting of the security holders or holders of voting

interests of a licence holder or controlling person of a licence holder;

- (ii) A person who acquires control of a licence holder or controlling person of a licence holder by devise or descent;
 - (iii) A person who acquires control as a personal representative, custodian, guardian, conservator, or trustee, or as an officer appointed by a court of competent jurisdiction or by operation of law; and
 - (iv) A person or transaction that the Commission by rule or order exempts in the public interest.
- (e) Subsection (a), of this section, does not apply to public offerings of securities.
- (f) Before filing a request for approval to acquire control, a person may request in writing a determination from the Commission as to whether the person would be considered a controlling person upon consummation of a proposed transaction. If the Commission determines that the person would not be a controlling person, the Commission shall enter an order to that effect and the proposed person and transaction is not subject to the requirements of subsections (a) through (c) of this section.

25. A material change report must be in writing as suggested by the Commission, must clearly identify the material change in question and must be received by the Commission prior to any material change becoming effective.

26. Failure to report a material change to the Commission as required by Regulation 23 may result in the immediate amendment, suspension or revocation of the interactive gaming or interactive wagering licence. In the case of an application, failure to report a material change is a sufficient ground for denial of the application or revocation of the issued licence.

RENEWAL APPLICATIONS

- 27.** An application to renew an interactive gaming or interactive wagering licence must be submitted to the Commission in the form set out in Schedule “D” (a “renewal application”).
- 28.** To be considered by the Commission, a renewal application shall contain all of the information requested in the form and be accompanied by a non-refundable fee in the amount of Five Thousand United States Dollars (\$5,000.00 US).
- 29.** A renewal application must be received by the Commission not less than three (3) months prior to the expiration date of the interactive gaming or interactive wagering licence.
- 30.** The applicant is responsible to the Commission for all costs incurred by the Commission related to the processing of the renewal application. In the event these costs exceed the amount of the original fee, the Commission shall notify the applicant in writing to require a further non-refundable fee or fees in such amounts as the Commission may determine. In the event the Commission does not receive payment of a further deposit within ten (10) days of the date of the Commission’s notice to the applicant, processing of the renewal application shall be suspended until the further deposit is received.
- 31.** Subject to the foregoing Regulation, the Commission shall promptly consider the renewal application and shall:
 - (a) grant the renewal application and renew the interactive gaming or interactive wagering licence for one year;
 - (b) deny the renewal application, or
 - (c) return the renewal application with a request for additional information or supplemental information or clarification(s), as deemed appropriate by the Commission.
- 32.** In the event an application is denied, the Commission shall give its reasons for the refusal in writing to the applicant.
- 33.** In deciding whether to grant a renewal application, the Commission shall consider any complaints, concerns or problems that may have arisen in the previous licencing period related to the licence holder and shall deny the

renewal application if, in the Commission's sole discretion, the complaints, concerns or problems are sufficiently serious or numerous. The Commission shall require that measures be taken by the licence holder to determine suspicious transactions that might reveal money laundering or illegal activity of a player.

34. An interactive gaming or interactive wagering licence that is renewed under this Part is subject to all the provisions of these Regulations concerning interactive gaming or interactive wagering licence, adapted as required.
35. Where the licence holder is in possession of an existing licence for either interactive gaming or interactive wagering or betting in Antigua and Barbuda (formerly known as the Virtual Casino Wagering or Sports Book Wagering Licence) that licence shall remain in effect until the date of expiration, and if no date has been stated, until twelve (12) months after the date of the issuance of the licence.
36. An interactive gaming or interactive wagering licence holder with an existing licence from Antigua and Barbuda is subject to all regulations issued by the Commission and must satisfy the Commission that it is in compliance with all regulations in its renewal application. The Commission in effect, shall conduct the same suitability investigation of an applicant who is an existing licence holder as if the licence holder were any other applicant.
37. An unfavorable decision by the Commission may be appealed to the Minister and then the High Court.

AMENDMENTS TO LICENCE

38. The Commission may amend a condition or conditions of an interactive gaming or interactive wagering licence if the Commission considers that it is necessary or desirable to make the amendment for the proper conduct of authorized games by the licence holder or that the amendment is otherwise in the public interest.
39. If the Commission decides to amend a condition or conditions of an interactive gaming or interactive wagering licence, the Commission shall promptly give the licence holder written notice (the "condition notice") of the change and the reasons for the change.

- 40.** The power of the Commission under this Part includes the power to add such new conditions as the Commission, in its sole discretion, deems appropriate.
- 41.** On receiving the interactive gaming or interactive wagering licence, for purposes of possible amendment, the Commission may:
- (a) amend the licence in an appropriate way and return the amended licence or authorization to the licence holder; or
 - (b) if the Commission does not consider that it is practicable to amend the licence, issue a replacement licence, incorporating the amended conditions, to the licence holder.
- 42.** An amendment of conditions takes effect on the date appointed by the Commission.

SUSPENDING OR REVOKING A LICENCE

- 43.** The Commission may suspend or revoke an interactive gaming or interactive wagering licence or the Commission may assess a civil penalty against a licence holder who violates a Regulation or an order of the Commission in an amount not to exceed Five Thousand United States Dollars (\$5,000.00 US) per day for each day the violation is outstanding, plus the Commission's costs and expenses for the investigation and prosecution of the matter, including reasonable attorney's fees and expenses incurred by the Commission upon a finding that:
- (a) the licence holder is no longer suitable to hold an interactive gaming or interactive wagering licence;
 - (b) the licence holder has been convicted of an indictable offence or other crime, especially one involving moral turpitude, which the Commission, in its sole discretion, deems to affect the suitability of a licence holder;
 - (c) the licence holder has contravened a material term or condition of the interactive gaming or interactive wagering licence;

- (d) the licence holder has failed to discharge financial commitments for the licence holder's operations or the Commission has reason to believe that such failure is imminent;
- (e) the licence holder is insolvent, has been petitioned into bankruptcy or has applied to take advantage of any bankruptcy law;
- (f) the licence holder has a trustee, receiver, manager, liquidator or administrator appointed for it under the provisions of the laws of any jurisdiction; or the licence holder has mortgaged or otherwise encumbered either the licence or business assets associated with the licence holder's operation without the approval of the Commission;
- (g) the licence holder applies for, or is compelled by any means or for any reason, to apply for an order to either discontinue or to wind up its operations;
- (h) the interactive gaming or interactive wagering licence was obtained by a materially false or misleading representation or in some other improper way;
- (i) the licence holder has taken insufficient steps to report suspicious transactions that could indicate money laundering; or has failed to verify the identity of a potential player, or has accepted cash payments to player's accounts, or is involved in any transaction which, in the opinion of the Commission, is either illegal or improper;
- (j) the licence holder has sublicenced or assigned its licence to a third party without Commission approval;
- (k) the licence holder has failed to maintain a physical presence in Antigua and Barbuda;
- (l) the licence holder has failed to meet commitments to players;

- (m) the licence holder has failed to pay timely the required One Hundred Thousand United States Dollars (\$100,000.00 US) annual interactive gaming licence fee or the Seventy-Five Thousand United States Dollars (\$75,000.00 US) annual interactive wagering licence fee or any other taxes;
- (n) the applicant has failed to comply with the requirements of the Commission;
- (o) the Commission, in its sole discretion, has determined that there is material and sufficient reason for suspending or revoking the licence; and
- (p) the suspension, revocation or expiration of the licence shall not affect any liability of the licence holder for act or omission before the date of suspension, revocation or expiration.
- (q) Penalties. The Commission may assess a civil penalty against a licence holder that violates a regulation or order of the Commission in an amount not to exceed Five Thousand United States Dollars (\$5,000.00 US) per day for each day the violation is outstanding, plus the Commission's costs and expenses for the investigation and prosecution of the matter, including reasonable attorney's fees and expenses incurred by the Commission.

SHOW CAUSE PROCEDURE

- 44.** Before amending, suspending or revoking an interactive gaming or interactive wagering licence the Commission must give the licence holder a written notice (a "show cause notice"), at least ten (10) business days prior to taking action to amend, suspend or revoke a licence, which:
- (a) states the action the Commission proposes to take;
 - (b) states the grounds for the proposed action;

- (c) outlines the facts and circumstances forming the basis for the grounds;
 - (d) if the proposed action is suspension of the interactive gaming or interactive wagering licence, states the proposed suspension period; and
 - (e) permits the licence holder to show within a stated period (the “show cause period”) why the proposed action should not be taken.
- 45.** The show cause period shall be established by the Commission and shall be specified in the show cause notice.
- 46.** The Commission must promptly serve a copy of the show cause notice on each person (an “interested person”) that the Commission believes has an interest in the interactive gaming or interactive wagering licence if the Commission considers that:
 - (a) the person’s interest may be affected adversely by the amendment, suspension or revocation of the licence; and
 - (b) it is otherwise appropriate in the circumstances to give a copy of the show cause notice to the person.
- 47.** A person upon whom a copy of the show cause notice is served may make written representations about the matters raised in the notice to the Commission within the show cause period.
- 48.** The Commission shall consider all written representations (the “accepted representations”) made during the show cause period by:
 - (a) the licence holder; or
 - (b) any interested person upon whom a copy of the show cause notice is served.
- 49.** Notwithstanding any other provision of these Regulations, the Commission may amend, suspend or revoke an interactive gaming or interactive wagering licence immediately if the Commission believes:

- (a) a sufficient ground exists to amend, suspend or revoke the licence; and
- (b) the circumstances are so extraordinary that it is imperative to amend, suspend or revoke the licence immediately to ensure:
 - (i) the public interest is not affected in an adverse and material way;
 - (ii) the integrity of the conduct of interactive games by the licence holder is not jeopardized in a material way; or
 - (iii) the elimination of potential money laundering, fraudulent or other suspicious activities.

50. An immediate amendment, suspension or revocation:

- (a) must be effected by written notice served on the licence holder;
- (b) is effective from the moment the notice is served; and
- (c) continues in effect until the matters set out in the show cause notice are decided by the Commission.

HEARING

- 51.** A licence holder who has received a show cause notice, may, within the show cause period, request a hearing before the Commission to respond to the matters raised in the show cause notice.
- 52.** Upon receiving a request for a hearing, the Commission shall set a date for the hearing (the “hearing date”) within a reasonable amount of time and shall immediately notify the licence holder in writing of the hearing date.
- 53.** At the hearing, the licence holder shall have the opportunity to bring written and oral evidence to respond to the matters raised in the show cause notice. The Commission shall appoint one or more individuals to serve as the hearing officer presiding over the hearing and the introduction of

evidence. The hearing officer may be the Director of Gaming, another individual employed by the Commission, or be another qualified individual appointed by the Commission in its sole discretion.

DECISION

- 54.** If, after considering the accepted representations, or in the case of a hearing, all the evidence adduced before it, the Commission finds that:
- (a) a ground or grounds exist to amend, suspend or revoke the interactive gaming or interactive wagering licence and/or;
 - (b) the act, omission or other item constituting the grounds is of a serious and fundamental nature and either:
 - (i) the integrity of the conduct of interactive games by the licence holder may be jeopardized in a material way; or
 - (ii) the public interest may be affected in an adverse or material way, then the Commission may proceed as set out below.
- 55.** The Commission may amend, suspend or revoke the interactive gaming or interactive wagering licence or suspend the licence for such period of time and on such conditions of re-instatement as the Commission deems appropriate.
- 56.** If the Commission directs the licence holder to rectify a matter and the licence holder fails to comply with the direction within the time specified in the direction for compliance, the Commission may revoke the interactive gaming or interactive wagering licence or suspend the licence for such period of time and on such conditions for re-instatement as the Commission deems appropriate.
- 57.** The Commission must promptly serve written notice of the decision to amend, suspend or revoke a licence on the licence holder.

- 58. A decision to amend, suspend or revoke a licence takes effect on the date specified by the Commission.
- 59. If an interactive gaming or interactive wagering licence is under suspension, the Commission may, at the request of the licence holder, reconsider the duration of the suspension.
- 60. The Commission shall promptly serve written notice of its decision on the licence holder.
- 61. A final decision by the Commission may be appealed to the Minister and then the High Court.

Part III

KEY PERSONS

- 62. A person must not accept employment as a key person, or agree to carry out as an employee the duties of a key person, unless the person has received a key person licence from the Commission.
- 63. A licence holder must not employ a person to carry out the functions of a key person, unless the person is a key person licence holder.
- 64. If the Commission reasonably believes a person, other than a key person licence holder, is a key person, the Commission may, by written notice to the person, with copies to the licence holder with whom a perceived key relationship exists, require the person either to apply for a key person licence or to terminate the perceived key person relationship, within seven (7) days of receiving the notice.
- 65. The perceived key person must comply with the requirement within seven (7) days of receiving the notice or such other period of time that the Commission may specify in the notice.
- 66. If the Commission does not approve an application for a key person licence made by a person of whom a requirement has been made under the foregoing section, the Commission may, by written notice to the person, with copies to the licence holder with whom the key relationship exists, require the person to terminate the relevant key

relationship within the time stated in the notice and the person must comply with the requirement within the time stated in the notice.

- 67. If a requirement is made of a person under the foregoing sections and the person fails to comply with the requirement, the Commission may, by written notice to the licence holder with whom the key relationship exists, require the licence holder to take any necessary action to terminate the key relationship within the time specified in the notice and the licence holder must comply with the requirement.
- 68. A licence holder or any other person does not incur any liability because of any action taken to comply with a notice under this section.
- 69. A key person must, at the licence holder's expense, be available for interview or presentation at the request of the Commission.

APPLICATION FOR KEY PERSON LICENCE

- 70. An application for a key person licence must be made to the Commission in the form set out in Schedule "E".
- 71. An application for a key person licence must be accompanied by:
 - (a) a letter from the licence holder addressed to the Commission confirming the existence or proposed existence of the key relationship;
 - (b) a personal information form as set out in Schedule "C" and completed by the proposed key person; and
 - (c) a non-refundable application fee deposit in the amount of One thousand United States Dollars (US\$1,000).
- 72. The key person applicant is responsible to the Commission for all costs incurred by the Commission in relation to the processing of the application for a key person licence. In the event the costs exceed the amount of the original deposit, the Commission shall notify the applicant in writing to require a further non-refundable deposit or deposits in such amounts as the Commission may

determine. In the event the Commission does not receive payment of a further deposit within ten (10) days of the date of the Commission's notice to the applicant, processing of the application shall be suspended until the further deposit is received.

- 73.** The Commission may, by written notice to an applicant for a key person licence, require the applicant to provide the Commission with further information or documentation that is necessary and reasonable to assist the Commission in considering the application for approval.
- 74.** Subject to receiving the required non-refundable deposit(s), the Commission may consider an application for a key person licence and either grant or deny the application.
- 75.** The Commission shall consider an application for approval only if the applicant agrees to have the applicant's photograph and fingerprints taken.
- 76.** The Commission shall consider an applicant suitable to hold a key person licence if the applicant satisfies the Commission of the following:

 - (a) the applicant's good character, honesty and integrity;
 - (b) the applicant's good business reputation, sound current financial position and financial background; and
 - (c) the applicant's general suitability to carry out the functions of a licence holder as a key person.
- 77.** The Commission shall investigate an applicant for a key person licence to assist the Commission in deciding whether the applicant is suitable to hold a key person licence.
- 78.** The Commission shall notify the applicant and the licence holder of the grant or denial of the application for a key person licence.
- 79.** If the Commission denies an application for a key person licence, the written notice shall include reasons for the decision. The decision of the Commission is final.

KEY PERSON LICENCE

- 80.** A key person licence shall be in the form prescribed by the Commission and shall include the following:
- (a) the key person licence holder's name;
 - (b) a recent photograph of the key person licence holder;
 - (c) the date of issue of the licence;
 - (d) the conditions of the licence;
 - (e) the licence holder number as designated by the Commission; and
 - (f) such other conditions or particulars as the Commission deems to be appropriate.
- 81.** The key person licence fee shall be One Thousand United States Dollars (US\$1,000) for the first year and Two Hundred and Fifty United States Dollars (US\$250) for each subsequent year thereafter.
- 82.** A key person licence may be renewed by the Commission in accordance with the procedures for renewing an interactive gaming or interactive wagering licence as provided in these Regulations. A key person licence lapses if the key relationship between the key person and the licence holder ceases for a continuous period of one (1) year.
- 83.** The Commission may issue a key person licence:
- (a) on such conditions as the Commission considers necessary or desirable for the proper conduct of interactive games; and
 - (b) on such other conditions as the Commission considers necessary or desirable in the public interest.
- 84.** Amendments to the conditions of a key person licence shall be governed by the principles and procedures provided in these Regulations for amending the conditions of an interactive licence, adapted as required, provided that:

- (a) a key person licence remains in force unless it is cancelled, surrendered, suspended or revoked; and
- (b) a key person licence shall be renewed within a period of one year of the date of commencement of these Regulations.

SUSPENDING OR REVOKING A KEY PERSON LICENCE

85. A key person licence may be suspended or revoked on any of the following grounds -

- (a) the licence holder is not, or is no longer, suitable to hold a key person licence;
- (b) the licence holder has been convicted of an indictable offence, or an offence involving moral turpitude;
- (c) the licence holder has contravened a condition of the licence;
- (d) the licence holder has contravened a provision of the Act, these Regulations or the gaming laws of any other jurisdiction;
- (e) the licence was obtained by a materially false or misleading representation or declaration or in some other improper way; or
- (f) any act, omission or conduct of the licence holder which in the Commission's opinion adversely affects the integrity of the interactive gaming or interactive wagering or affects the public interest in an adverse and material manner.

86. If the Commission believes a ground exists for suspension or revocation of a key person licence, the Commission shall apply the principles and procedures provided in these Regulations for suspending or revoking an interactive licence, adapted as required.

Part IV

SUPPLIERS

- 87.** A supplier or other entity that has a contract with an interactive gaming or interactive wagering licence holder must provide the particulars required in the form set out in Schedules “B” and/or “C” if, the supplier receives a percentage of the winnings, turnover or game play of either an interactive gaming licence holder or an interactive wagering licence holder. In the event the Commission is not satisfied with the particulars provided, the Commission may prohibit the licence holder from contracting with the supplier.
- 88.** A supplier or other entity that has a contract with an interactive gaming or interactive licence holder who does not receive a percentage of the winnings, turnover or game play of an interactive gaming licence holder or an interactive wagering licence holder may be required by the Commission to complete the form set out in Schedule “B” and/or “C”. The Commission may direct a Licence holder to have an organization identified as a supplier.
- 89.** All payment processors must be identified by, the licence holder, to the Commission prior to utilisation. No licence holder may utilize an unidentified payment processing system.

Part V

PLACE OF OPERATION / PHYSICAL PRESENCE **URL STOREFRONT**

- 90.** A licence holder shall not conduct authorized gaming from a premises outside Antigua and Barbuda, unless it is also operating outside of Antigua and Barbuda pursuant to laws of that other jurisdiction then that jurisdiction must be disclosed to the Commission and the Commission must be satisfied with the business conducted from that jurisdiction.
- 91.** A licence holder must have its primary server(s) located in Antigua and Barbuda. The primary server(s) shall, as a minimum, contain all information relating to all players,

including game history, financial history and current liabilities. The Commission may define any other information, which shall be held by the primary server.

92. The Commission must be kept informed of all interactive gaming and interactive wagering licences held by the licence holder outside Antigua and Barbuda and any change in the status of the licence.
93. The premises of the licence holder must be secure with controlled access and emergency power arrangements in place. The computer system, used for the conduct of gaming activities permitted under the licence, must physically reside in a secure data centre.
94. Every licence holder shall be required to maintain a physical presence in Antigua and Barbuda. The following criteria shall be taken into consideration in determining a licenced company's physical presence the:
 - (a) presence of the primary servers of the licenced company in Antigua and Barbuda;
 - (b) residence of at least one director in Antigua and Barbuda; and
 - (c) residence of a majority of key persons – in management roles - in Antigua and Barbuda, as determined by the Commission.
95. Sublicencing is prohibited.

Part VI

CONTROL SYSTEMS

96. The Commission shall establish specific rules and procedures to enable licence holders to recognise and prevent suspicious transactions in connection with the deposit of monies illegally obtained and the withdrawal of such monies from players' accounts; such rules and procedures include:
 - (a) provisions for the licence holder to know its players, customers and business associates.

- (b) protocols for licence holders to recognize, address and question suspicious or possible fraudulent transactions that might lead to illegal activities concerning players' accounts;
- (c) requirements for licence holders to monitor and report suspicious transactions concerning players' accounts to the Commission; licence holders must also report any suspicious transactions to the Supervisory Commission of the Office of National Drugs and Money Laundering Control Policy ("ONDCP"), pursuant to the Money Laundering (Prevention) Act of 1996 (as amended) (the "Money Laundering Act").
- (d) Provisions of the Money Laundering Act shall take precedence over any other Regulations and the licence holder shall be required to follow the procedures pursuant to the Money Laundering Act concerning suspicious transactions.

97. A licence holder may conduct an authorized game of chance only if:

- (a) the licence holder has an approved control system; and
- (b) the game is conducted under the system.

98. A licence holder may change the approved control system only:

- (a) if directed by, or with the approval of, the Commission; and
- (b) in the manner directed or approved by the Commission.

99. (1) The Commission shall also establish specific rules and procedures for the purpose of supervising interactive gaming and interactive wagering and for tracking the behavior of an interactive gaming or interactive wagering site to ensure compliance with standards prescribed by the Commission.

(2) The rules and procedures established in Subregulation (1) shall:

- (a) provide the capability for independent financial reporting on gaming sites;
- (b) ensure by monitoring on continuous basis, fair game play in accordance with game design objectives and game rules;
- (c) provide the ability for independent analysis of gaming transactions; and
- (d) provide a secure environment where data integrity, confidentiality and authorized availability can be ensured for the Commission, the licence holder and the player.

100. The Commission recognizes that the potential for money laundering presents a risk to all forms of gaming, including interactive gaming and interactive wagering and therefore requires the use of a computerized monitoring system approved by the Commission. The system should be capable of detecting potential money laundering activity by analyzing the realtime transactions and user profiles and associating those with known and emerging risk profiles. These activities include, but are not limited to, detecting a high volume of, or high dollar amount transactions from a narrow range of Internet Protocol (“IP”) addresses; detecting a high volume of, or high dollar amount transactions from a narrow range of Bank Identification Numbers (“BIN”) where available; detecting unusual betting patterns associated with money laundering; and detecting attempts to evade thresholds. The system must detect and alert the licence holder, who in turn shall notify the Commission immediately, and in real time if possible of such activities so as to facilitate a timely response, and must maintain an independent history of such gaming activities to allow forensic investigation of potential money laundering. These provisions do not absolve the licence holder of the statutory obligation as set forth in the Money Laundering Act.

101. The requirement for public disclosure are as follows:

- (a) a licenced interactive gaming or wagering site must display on its entry screen a link to all additional sites or a list of all of the

URLs with which there exists a storefront arrangement;

- (b) the relationship between the storefront URL and that of the main licence holder must be clearly displayed on the storefront's entry screen; and
- (c) a licenced gaming or interactive wagering company that has been acquired by another company (whether licenced to conduct gaming business in Antigua or not) shall be deemed to be a storefront URL and shall disclose its relationship to the acquiring company on its entry screen. The annual fee for storefronts shall apply.

CONTROL SYSTEM SUBMISSION

- 102.** A licence holder shall make a submission (a "control system submission") to the Commission for approval of the licence holder's proposed control system.
- 103.** The proposed control system includes all systems, whether under the control of the applicant or an associate, whether physically in Antigua and Barbuda or not.
- 104.** A control system submission must be made in writing:
 - (a) at least ninety (90) days, or as soon as practicable, before the licence holder proposes to start conducting interactive gaming; or
 - (b) if the Commission in its sole discretion deems it appropriate, at a later date to be determined by the Commission.
- 105.** A control system submission must be in a form approved by the Commission and describe and explain the licence holder's proposed control system and in particular must include:
 - (a) accounting systems, chart of accounts;
 - (b) all accounts held at financial institutions (bank accounts, payment provider accounts, etc);

- (c) financial reconciliation and controls to ensure financial adequacy;
- (d) organizational chart including roles, responsibilities and delegations;
- (e) administrative systems, policies and procedures;
- (f) information systems including logical access control;
- (g) change and configuration management systems;
- (h) business continuity and disaster recovery systems;
- (i) operational systems including terms and conditions and rules of games;
- (j) physical and environmental security and physical access control;
- (k) systems relating to the secure processing, recording and maintenance of all gaming, wagering, and financial transactions (including but not limited to gaming equipment);
- (l) responsible gaming and wagering policies and procedures;
- (m) the restriction of underage gaming and wagering policies and procedures;
- (n) anti-money laundering policies and procedures; and
- (o) all Uniform Resource Locators (URLs) or domain names associated with the licence holder.

CONTROL SYSTEM CHANGE SUBMISSION

- 106.** A licence holder may make a submission (a “control system change submission”), in the approved form, to the

Commission for approval to change the licence holder's approved control system.

- 107.** A licence holder shall make a submission (a “control system change submission”), in the approved form, to the Commission for approval to change, append to, or do away with, any item subject to Regulation 105.
- 108.** A control system change submission must be made in writing:
- (a) at least ninety (90) days before the licence holder proposes to start conducting interactive games under the approved control system as proposed to be changed; or
 - (b) if the Commission, in its sole discretion, deems it appropriate, at a later date to be determined by the Commission.
- 109.** The Commission, in considering approval pursuant to Regulation 106 may recover, from the licence holder, reasonable evaluation and administrative costs associated with determining whether or not to approve the change to the control system.
- 110.** A control system change submission must contain particulars of the proposed changes of the licence holder's approved control system.

CONSIDERATION OF CONTROL SYSTEM SUBMISSIONS

- 111.** The following sections apply to a control system submission or control system change submission made to the Commission by a licence holder.
- 112.** The Commission shall consider the submission and, within a reasonable period of time:
- (a) approve the proposed control system or proposed change of the approved control system;
 - (b) refuse to approve the proposed control system or proposed change of the approved control system; or

- (c) request such additional information as the Commission may require to either approve or refuse the submission.

113. In considering the submission, the Commission may submit the proposed control system, or the approved control system as proposed to be changed, to evaluation, assessment or testing by an appropriate service provider approved by the Commission. The Commission may determine the service provider of its choice. The licence holder will meet any costs associated with the Commission considering the submission, including but not limited to the use of an appropriate service provider.

114. In considering whether to give an approval, the Commission shall consider:

- (a) whether the submission satisfies the requirements under this Part for the submission;
- (b) whether the licence holder's proposed control system, or approved control system as proposed to be changed, is capable of providing satisfactory and effective control over the conduct of interactive games; and
- (c) whether the licence holder's proposed control system or approved control system is capable of providing satisfactory and effective control as to ensure compliance with Regulation 188 (1) of these Regulations.

115. The Commission shall within twelve (12) months of the receipt of the control system submission or submission to change the control system, notify the licence holder in writing of its decision to approve or to refuse to approve a control system submission or submission to change a control system.

116. If the Commission refuses to approve a submission under this section, the written notice must state the reasons for the decision and, if the Commission believes the submission can easily be rectified to enable the Commission to give an approval, the notice must also:

- (a) explain how the submission may be amended; and

- (b) invite the licence holder to resubmit the submission after making the appropriate amendments.
- 117.** The Commission may, by written notice, direct the licence holder to change its approved control system within the time, and in the manner stated in the notice and the licence holder must comply with the direction within thirty (30) days of the date on which the notice is received or such other period of time as the Commission may specify.
- 118.** If the licence holder does not comply with the Commission's direction, the approval of the licence holder's control system shall be terminated.

Part VII

APPROVED EQUIPMENT AND SYSTEMS

- 119.** The Commission may establish standards, specifications and guidelines in relation to gaming equipment and systems.
- 120.** Gaming equipment and systems, whether under the direct control of the licence holder or an associate, form part of the control systems and are subject to Regulations relating to control systems.
- 121.** A licence holder shall provide to the Commission a certification that:
 - (a) the interactive gaming system proposed to be used in the conduct of an authorized game of chance by the licence holder, has been satisfactorily tested by one of the testing agencies approved by the Commission; or
 - (b) any modification of interactive gaming equipment or systems used in the conduct of authorized game of chance by the licence holder is performed strictly in accordance with the approved control system has been satisfactorily tested by one of the testing agencies approved by the Commission.

122. The certification must provide the Commission with the following information:

- (a) the name attributed to the owner of the software or system;
- (b) the name of the company or individual who did the testing;
- (c) all companies involved in the process must submit their company credentials;
- (d) all individuals involved in the process must submit their professional credentials;
- (e) the gaming programme(s) present on the software;
- (f) the server protocols, communication protocols and other specifications which are part of the gaming programme (e.g. game control, recording);
- (g) whether the system is fully secured and guaranteed;
- (h) whether the software can be changed without having to rewrite the entire software programme;
- (i) any other material information regarding the specific software;
- (j) a declaration that the gaming programmes in the software are fair and reliable;
- (k) a declaration that the equipment includes functionality to restrict problem gamblers, restrict underage gamblers and detect money laundering; and
- (l) a declaration that the gaming equipment complies with applicable specifications, standards or guidelines issued by the Commission.

123. The Commission shall approve organizations considered suitable for performing certification described in Regulation 122. Only certifications from organizations so

promulgated shall be deemed to meet the requirements of Regulation 122.

- 124.** The Commission may make a direction to a licence holder citing a specific organization which is to provide certification in relation to equipment or systems.
- 125.** Subject to the foregoing sections, the Commission shall review the application and certification and either approve or refuse to approve the application and promptly notify the licence holder with its written decision.
- 126.** A licence holder must not use any interactive gaming equipment in conducting an authorized game unless the equipment is approved interactive gaming equipment.
- 127.** An agent of a licence holder must not use any interactive gaming equipment for the conduct of an authorized game by the licence holder unless the equipment is approved interactive gaming equipment.
- 128.** A licence holder must not modify approved interactive gaming equipment unless the modification is approved by the Commission in writing and is in accordance with the approved control systems.
- 129.** The Commission has the right, at the expense of the licence holder, to reject, test, check and verify the software of the licence holder at any time. Every licence holder shall, within one (1) year of the coming into force of these Regulations, obtain approval of the interactive gaming equipment in use by the licence holder.

LOCATION OF APPROVED EQUIPMENT

- 130.** A licence holder must ensure that all approved interactive gaming equipment used by the licence holder for the conduct of authorized games is situated at:
 - (a) the approved premises of the licence holder;
 - (b) a place approved by the Commission; and
 - (c) that such premises is secured from unauthorized access.

131. Every licenced company shall, by notice in writing to the Commission, inform the Commission of the location of its back up servers.
132. The Commission may make direction to licence holders to change the location or locations or the nature of the location or locations of the premises notified in Regulation 131.

Part VIII

AGE VERIFICATION

133. A licence holder must not allow a person under the age of eighteen (18) years to participate in operations related to the conduct of authorized games.
134. A person involved in the conduct of an authorized game must not allow a person under the age of eighteen (18) years to participate as a player in an authorized game.
135. A prize or prizes won by a player under the age of eighteen (18) years by participation in an authorized game contrary to the foregoing Regulations is forfeited to the Commission. The Commission shall pay any such forfeited prizes to an account established by the Commission.
136. Where the Commission is satisfied an underage person has deposited funds into an account with an interactive gaming or interactive wagering licence holder and that those monies have not been used for gaming or wagering then the funds shall be returned to the person.

RESPONSIBLE GAMING

137. A licence holder must display on an entry or screen displayed from its internet site during the player login process, a warning of the addiction possibilities of gambling, and provide information to players to assist compulsive or pathological gamblers. The display format and functionality of this warning must be approved by the Commission.

- 138.** A player may request to be self excluded from a licenced interactive gaming or interactive wagering site by means of a telecommunication device. Players that are self excluded may not be reinstated for a period of six (6) months from the date of self-exclusion. Revocation of a self-exclusion must be requested in writing to the Commission after the six (6) month self-exclusion period has expired.
- 139.**
- (a) A player may, by notice to the licence holder, set a limit on the amount the player may wager.
 - (b) A player who has set a limit with regard to this section may amend or revoke the limit on wagers by written notice given to the licence holder.
 - (c) A notice increasing or revoking the limit shall not take effect unless:
 - (i) Seven (7) calendar days have passed since the licence holder received the notice;
 - (ii) Seven (7) calendar days have passed since the person or player gave the notice; and
 - (iii) The player has not withdrawn the notice.
 - (d) A licence holder shall not accept a wager from a person or player who has given notice pursuant to subsection (a) of this section.

PLAYER REGISTRATION

- 140.** A licence holder shall only register a person as a player following receipt of an application for registration in a form approved by the Commission. A licence holder must not permit a person to play an authorised game or wager unless the person is registered as a player. For registration to take place, the player must confirm his or her identity, date of birth and place of residence.
- 141.** A licence holder must not allow a registered player to participate in an authorized game until the player's identity has been authenticated under the licence holder's approved control system. The licence holder must also inform the player that it is the player's responsibility to be cognizant with the interactive gaming or interactive wagering law in his place of jurisdiction and to comply with such laws.

- 142.** The licence holder shall make available to the player all game rules.
- 143.** The licence holder shall make available to the player the cost to the player, if anything, of any processing fee.

PLAYER ACCOUNTS

- 144.** A player's account must be established in a manner that allows player only to:
- (a) have direct access to funds in the account;
 - (b) play an interactive game or interactive wager with the licence holder;
 - (c) obtain the balance of funds in the account and close the account;
 - (d) obtain the whole or part of the amount paid into the account as a prize in an authorized game or as authorized by the licence holder or the Commission; or
 - (e) transfer an account to another account in the name of the player so long as it is not a suspicious transaction.
- 145.** A licence holder must not accept a wager from a player in an authorized game unless a player's account has been established in the name of the player and there are adequate funds in the account to cover the amount of the wager.
- 146.** A licence holder shall not accept cash or currency from a player. A licence holder may accept payments from a player by any of the following methods:
- (a) credit cards;
 - (b) debit cards;
 - (c) electronic transfer;
 - (d) wire transfer;
 - (e) cheques; or
 - (f) any other payment method approved by the Commission.

147. A licence holder shall not accept deposits from any source unless:

- (a) the corresponding player is appropriately identified as required by these Regulations and the approved control systems;
- (b) the financial source or payment processor is identified in accordance with Regulation 89; and
- (c) the account into which funds are received is compliant with Regulation 182.

148. An individual player is limited to one player account per system and in accordance with the control systems:

- (a) no payment in excess of Five Thousand United States Dollars (\$5,000.00 US) may be made to a player from that player's account unless satisfactory evidence of the player's age, place of residence and identity has been provided to the licence holder;
- (b) winnings or payments from the player's account must, if possible, be made to the account from which the funds paid into the player's account originated;
- (c) if it is not possible to credit the account referred to in subsection (b) above with the winnings or payments the winnings and payments shall be mailed to the player at the player's account address, once satisfactory evidence of the correctness of that address has been provided and in accordance with the control systems;
- (d) a report on payments exceeding Twenty Five Thousand United States Dollars (\$25,000.00 US) made to a player from the player's account must be provided to the Supervisory Authority under the Money Laundering Act within 48 hours of being made; and
- (e) reports made pursuant to (d) must be made on the forms approved by the Supervisory Authority under the Money Laundering Act.

- 149.** A player who participates in an authorized game must comply with the rules of the game as notified to the player under the conditions on which the game is authorized.
- 150.** A licence holder must, at the request of the registered player in whose name a player's account is established, remit funds standing to the credit of the account as directed by the player no later than five (5) business days, if practicable, after the request is received. Should the licence holder, at the request of the player, remit funds to the player, it must be remitted in the name of the player whose identity has been provided to the player's physical address, which is the verified location of the player. The licence holder shall be permitted to delay the payment of funds to the player if the licence holder reports fraudulent activity to the Commission or reasonably suspects suspicious activity.
- 151.** A licence holder must not provide credit to a player or a player's account or act as agent for a credit provider to facilitate the provision of credit to a player or a player's account.
- 152.** A licence holder must only access funds in a player's account in the following circumstances:
- (a) to debit the account with a gaming amount or a wager made by the player or an amount requested by the player to play a game or wager in the course of participating in an authorized game in progress or to participate in a game about to commence;
 - (b) to remit funds standing to the credit of the account to the player at the player's request;
 - (c) as otherwise authorized under these Regulations and any other financial transactions resulting from verifiable player activity; or
 - (d) to remit abandoned balances to the Commission.
- 153.** If no material transaction has been recorded on a player's account for more than twelve (12) months the account shall be determined to be "dormant" and the licence holder shall lock access to the account, which requires two persons to

unlock. One of the two persons shall be an approved Key Person.

- 154.** If no material transaction has been recorded on a player's account for more than five (5) years the account shall be determined to be “abandoned” and the licence holder must remit a balance, as determined by the Commission, in the account to:
- (a) the player; and
 - (b) if the player cannot be located by the Commission, and no claim by a player with an abandoned account shall lie or arise against a licence holder in respect of a payment made to the Commission in accordance with this sub-paragraph (b).
- 155.** The Commission will appropriate all forfeited funds, under Regulation 154, for the benefit of responsible gaming, training and industry enhancements.
- 156.** The Commission may specify an allowable administrative cost to be deducted by Licence holders in regard to administering Regulation 154.

CONFIDENTIALITY OF PLAYER INFORMATION

- 157.** A licence holder or an employee or other person engaged in duties related to the conduct of an authorized game must not, without authorization under the following section:
- (a) disclose information about the name, or other identifying particulars, of a player; or
 - (b) use information about a player for a purpose other than the purpose for which the information was given.
- 158.** The disclosure of information, or its use for a purpose other than the purpose for which it was given, is authorized if the disclosure or use is:
- (a) approved in writing by the player;
 - (b) reasonably necessary for the conduct of authorized games; or

- (c) required for the administration or enforcement of the Act or these Regulations or if it is related to an official investigation.

Part IX

INVESTIGATIONS

- 159.** The Commission shall investigate any licence holder and any key person to determine whether the licence holder is suitable to hold, or to continue to hold, an interactive gaming or interactive wagering licence.
- 160.** The Commission may at any time investigate a licence holder or a key person only if the Commission reasonably suspects that the licence holder or key person is not, or is no longer, suitable to hold a licence issued by the Commission.
- 161.** In investigating a licence holder or a key person the Commission may, by writing, request the licence holder or the key person to provide the Commission with information or documentation that the Commission considers relevant to the investigation and the licence holder or the key person must comply with the request.

MONITORING

- 162.** The Commission may approve a programme for the continuous monitoring of licence holders and key persons.
- 163.** The Commission is responsible for ensuring that investigations under an approved monitoring programme are conducted in accordance with the programme.
- 164.** A licence holder or a key person must, at the request of the Commission, do anything reasonably necessary to allow an investigation of the licence holder's or key person's operations.
- 165.** The Commission may take whatever action it considers necessary under this Regulation to ensure the integrity of the conduct of an authorized game or the integrity of a licence holder.

- 166.** The Commission may, by written notice to a licence holder, restrict the licence holder from conducting an authorized game without the presence of an inspector and the licence holder must comply with the direction.
- 167.** The Commission shall approve an appropriate monitoring system and mandate monthly reports and/or data.
- 168.** The Commission may recoup reasonable costs associated with the monitoring and analysis of the monthly reports or data from the licence holder.

Part X

COMPLIANCE REQUIREMENTS

- 169.** The Commission shall establish rules concerning:
 - (a) the conduct of authorized games by licence holders;
 - (b) prizes in authorized games conducted by licence holders; and
 - (c) such other matters for which it is appropriate to make rules for the purposes of the Act and these Regulations.
- 170.** The Commission shall provide copies of all rules and guidelines made by it to licence holders.
- 171.** A licence holder shall ensure that key persons and employees have a good working knowledge of all rules and guidelines made by the Commission.
- 172.** A licence holder may make submissions to the Commission in respect of a rule, proposed rule or guideline.
- 173.** A licence holder must comply with the rules made by the Commission, in a reasonably timely manner.
- 174.** A licence holder must ensure that:
 - (a) its agents and all persons with whom the licence holder has a key relationship are

aware of the rules made by the Commission;
and

- (b) the agents and the persons with whom the licence holder has a key relationship, comply with the rules and any relevant directions of the Commission.

Part XI

GAMING RECORDS

175. The Commission may, by written notice to a licence holder:

- (a) approve a place (the “approved place”) nominated by the licence holder as a place for keeping the licence holder’s gaming records;
- (b) specify a gaming record of the licence holder (an “exempt gaming record”) that is not required to be kept at the approved place;
- (c) specify a gaming or betting record of the licence holder that may be kept temporarily at a place other than the approved place, and the period for which, or the circumstances in which, the record may be kept at such other place;
- (d) approve the keeping of information contained in a gaming or betting record in a manner different from the manner in which the information was kept when the record was being used by the licence holder or the authorized Client Service Provider;
- (e) require the licence holder to keep records for a longer period than specified in other Acts;
or
- (f) specify gaming, gaming related, and betting reports, records or data to be provided to the Commission for the purposes of the monitoring cited in the Regulations.

- 176.** A licence holder must keep a gaming record for the period referred to in section 12 of the Money Laundering Act.
- 177.** A licence holder must keep records of all complaints and disputes for six (6) years.
- 178.** On the winding up, or cease of operation of a business of a licence holder, the Commission shall approve the means by which records shall be kept for the purpose of compliance with these Regulations. All costs associated with the keeping of those records shall be funded by the licence holder.

ACCOUNTING RECORDS

- 179.** A licence holder must:
 - (a) keep accounting records that correctly record and explain the transactions and financial position for the licence holder's operations conducted under the Interactive gaming or interactive licence; and
 - (b) keep the accounting records in a manner that allows:
 - (i) true and fair financial statements and accounts to be prepared from time to time; and
 - (ii) the financial statements and accounts to be conveniently and properly audited.
- 180.** A licence holder must prepare financial statements and accounts as required by this section, providing a true and fair view of the licence holder's or authorized Client Service Provider's financial operations conducted under the interactive licence.
- 181.** A licence holder must not use a financial institution account approved by the Commission, other than, for a purpose for which it is approved.

FINANCIAL INSTITUTION ACCOUNTS

- 182.** A licence holder must keep a financial institution account, or financial institution accounts, approved by the Commission for use for all banking or similar transactions for the operations conducted under the interactive gaming or interactive wagering licence. Every licence holder must obtain approval of such financial account within six months of the commencement of these Regulations.
- 183.** A licence holder must not use a financial institution account approved by the Commission other than for a purpose for which it is approved.

PERMISSIBLE INVESTMENTS

- 184.** (a) A licence holder shall maintain at all times permissible investments that have a market value computed in accordance with generally accepted accounting principles of not less than the aggregate amount of all of its outstanding prizes and monies held on account for players by the licence holder.
- (b) The Commission with respect to any licence holders, may limit the extent to which a type of investment within a class of permissible investments may be considered a permissible investment, except for money and certificates of deposit issued by a bank. The Commission by rule or by order may allow types of investments that the Commission determines are substantially equivalent in terms of safety and security to other permissible investments.
- (c) Permissible investments, even if commingled with other assets of the licence holder, are held in trust for the benefit of the players and their personal representatives in the event of bankruptcy or receivership of the licence holder.
- 185.** Types of permissible investments:
- (a) Except to the extent otherwise limited by the Commission, the following investments are permissible:

- (i) a certificate of deposit, or senior debt obligation of an insured depository institution;
- (ii) an investment bearing a rating of one of the three highest grades as defined by an internationally recognized organization that rates securities;
- (iii) an investment security approved by the Commission;
- (iv) receivables that are payable to a licence holder from its authorized delegates, in the ordinary course of business, pursuant to contracts which are not past due or doubtful of collection if the aggregate amount of investments in receivables under this paragraph does not exceed twenty percent (20%) of the total permissible investments of a licence holder and the licence holder does not have at one time investments in receivables under this paragraph in any one person aggregating more than ten percent (10%) of the licence holder's total permissible investments; and
- (v) interest bearing bank account(s) or Government of Antigua and Barbuda Securities as approved by the Commission.

186. Investments are permissible only to the extent specified by the Commission.

ANNUAL REVIEW

187. (1) The Commission shall at least once every year cause the books, accounts and financial statements of each licence holder for the financial year to be examined by an appropriate official or an examiner appointed by the Board; and

- (2) The cost of any examination carried out pursuant to Subregulation (1) shall be borne by the licence holder.

188. (1) In reviewing the operations conducted by the licence holder, the examiner appointed under Regulation 187 shall have regard for the following:

- (a) the suitability of the licence holder to continue to hold a licence to conduct interactive gaming or interactive wagering licence;
- (b) the compliance requirements established by the Commission;
- (c) the proper keeping of gaming and accounting records in accordance with Part XI;
- (d) the proper training of staff and the appointment of a qualified compliance officer;
- (e) the licence holder's compliance with the provisions of:
 - (i) The Money Laundering Act and any regulations made thereunder;
 - (ii) The Prevention of Terrorism Act and any regulations made thereunder; and
 - (iii) any guidelines and directions issued by the Board;
- (f) the solvency of the licence holder;
- (g) the manner in which the licence holder manages the player funds;
- (h) the safety and soundness of the operations of the licence holder;
- (i) the capital adequacy requirements of these Regulations; and
- (j) the reserve requirements of these Regulations.

- (2) In the exercise of the duties conferred upon the examiner by these Regulations, the examiner may:
 - (a) call upon any officer of the licence holder for any explanation and information which the examiner may require in order to enable him to discharge his duties; and
 - (b) require production to the appointed examiner of any books, accounts, vouchers or papers under the control of any officer of the licence holder relating to the operation of the licence holder's business.
- (3) If in the course of the performance of the examiners duties an examiner is satisfied that there has been a serious breach of non-compliance with the provisions of this Act or any Regulations, notice, order, guidelines or directions issued under the Act, the examiner shall report the matter forthwith to the licence holder and the Board.

189. (1) The Commission shall at least once every year cause the control systems of each licence holder to be examined by an appropriate official or an examiner appointed by the Commission; and

- (2) The cost of any examination carried out pursuant to Subregulation (1) shall be borne by the licence holder.

190. In reviewing the operations conducted by the licence holder, the examiner appointed under Regulation 189 shall have regard to the following:

- (a) any changes to the control system and operating environment since the previous review;
- (b) the effectiveness of the licence holder's control systems to ensure compliance with all statutory and Commission requirements; and
- (c) the licence holder's compliance with its control systems.

REPORTING

- 191.** (1) The accounts maintained by a gaming corporation must, as a condition of its licence under these Regulations and the Act be submitted to the appropriate official the gaming corporation as follows:
- (a) A semi-annual statement of assets and liabilities, calculated in United States Dollars shall be submitted no later than thirty (30) days after the end of the semi-annual date to which it relates. The Statement is to provide an analysis of the corporation's liabilities, including customer deposits and withdrawals, amounts and bonuses due to customers, amounts advertised in jackpots and jackpots paid, loans; analysis or explanatory notes of the corporation's assets, cash on hand, bank deposits, receivables, cash in clearing, intellectual property, investments and fixed assets. All accounts, including monies held in escrow with payment processors, are to be reported in the foregoing.
 - (b) An annual audited return in the English language and calculated in United States Dollars, prepared by an auditor approved by the Board, after consultation with the appropriate official, and providing an analysis of customer liabilities to the corporation in respect of assets of the corporation, a profit and loss statement, balance sheet, and a statement of assets and liabilities, which return shall be submitted no later than ninety (90) days after the end of the financial year to which it relates;
 - (c) annual certification attesting to the ownership, directors and officers of the institution; and
 - (d) such other returns as the appropriate official requires, which shall be submitted within such period and in such manner as directed.
- (2) In the exercise of the duties conferred upon the examiner by these Regulations, the examiner may:

- (a) call upon any officer of the licence holder for an explanation and information which the examiner may require in order to enable him to discharge his duties; and
 - (b) require production to appointed examiner of any books, accounts, vouchers, or papers under the control of any officer of the licence holder related to the operation of the licence holder's business.
- (3) If in the course of the performance of the examiner's duties the examiner is satisfied that there has been a serious breach of non-compliance with the provisions of the Act or any regulations, notices, orders, guidelines, or directions issued under the Act the examiner shall report the matter forthwith to the licence holder and the Commission.
- (4) At the conclusion of the examiner duties, the examiner shall complete the check list prescribed in the schedule and submit his report, which shall include any recommendations as the examiner considers necessary to the licence holder and the Commission.

192. The licence holder must report all complaints or disputes, concerning:

- (a) underage gaming or wagering;
- (b) compulsive, problem or pathological gaming or wagering; or
- (c) fairness

to the Commission on monthly basis.

Part XII

PRIZES

193. If a player in an authorized game conducted by a licence holder wins a monetary prize, the licence holder must immediately credit the amount of the prize to the account of the player.

194. If a player in an authorized game conducted by a licence holder wins a non-monetary prize the licence holder must:

- (a) have the prize delivered personally or by certified mail to an address provided by the player; or
- (b) give the player written notice of an address at which the prize may be collected; or
- (c) with the approval of the player, allow the prize to be potentially leveraged into a larger prize.

195. (1) In the event a non-monetary prize in an authorized game conducted by a licence holder is not collected within three (3) months after notification of the place at which it may be collected, the licence holder may dispose of the prize by public auction or tender or in some other manner approved by the Commission.

(2) The licence holder shall pay the expenses of the disposal from the proceeds of sale and pay the remainder of the proceeds into the relevant player's account.

(3) If there is no current player's account, the licence holder must remit the remainder of the proceeds to the former player's account.

(4) Where the licence holder is unaware of the whereabouts of the former player, the licence holder shall pay the remainder of the proceeds into an account established by the Commission and designated as the account to which payments are to be made under this subparagraph.

196. If a claim for a prize in an authorized game is made to a licence holder within five (5) years after the end of the game, the licence holder must immediately try to resolve the claim. Where the licence holder is not able to resolve the claim, the licence holder shall, by written notice, (a "claim result notice") promptly inform the claimant of the licence holder's decision on the claim. The claimant may, within ten (10) days of receiving the notice, request the Commission to review the decision.

- 197.** If the claim is not resolved or if the claimant has not received a claim result notice, the claimant may ask the Commission to review the licence holder's decision on the claim, or resolve the claim.
- 198.** A request to the Commission under the foregoing section:
- (a) must be in a manner approved by the Commission; and
 - (b) if the claimant received a claim result notice, must be made within ten (10) days after receiving the notice.
- 199.** If a request is made to the Commission, the Commission or an alternate dispute resolution agency approved by the Commission, must carry out investigations that the Commission considers necessary to resolve matters in dispute and render a decision in writing to the claimant and the affected licence holder.
- 200.** Any decision made by the Commission, or agency approved by the Commission pursuant Regulation 199 shall be binding.
- 201.** If a prize is not claimed within five (5) years after the end of the authorized game in which the prize was won, the entitlement to the prize is extinguished and the prize is forfeited to the Commission. The Commission shall disburse any such forfeited prizes at its discretion.

Part XIII

ABORTED GAMES FOR INTERACTIVE GAMING

- 202.** If, after making a wager in an authorized game conducted by a licence holder, a player's participation in the game is interrupted by a failure of an operating telecommunication system that prevents the player from continuing with the game, the licence holder must refund the amount of the wager to the player as soon as practicable, or if possible ensure that the game is resumed as soon as practicable, if this may be done without detriment to the player.
- 203.** If an authorized game conducted by a licence holder is started but is not successfully completed because of human

error or failure of an operating or telecommunication system, the licence holder:

- (a) must immediately inform the Commission of the circumstances of such error or failure, if any detriment is caused to the player or if there is a suspicious circumstance; and
- (b) must not conduct a further game if the game is likely to be affected by the same error or failure.

204. After investigating the error or failure, the Commission may, by written notice to the licence holder, direct the licence holder to:

- (a) refund the amounts wagered in the game to the players; and
- (b) if a player has an accrued credit at the time the game miscarries, pay to the player the monetary value of the credit; or
- (c) give the licence holder such other directions as the Commission considers appropriate in the circumstances and the licence holder must comply with the directions.

205. If a licence holder has reason to believe that the result of an authorized game has been affected by an illegal activity or malfunction of equipment, the licence holder may withhold a prize in the game.

206. If a licence holder withholds a prize under Regulation 205, the licence holder shall,

- (a) immediately inform the Commission of the circumstances of the illegal activity or malfunction of equipment; and
- (b) cease to conduct a further game if a recurrence of the illegality or malfunction is likely.

207. After investigating the illegal activity or malfunction of equipment, the Commission may, by written notice to the licence holder:

- (a) direct the licence holder to pay the prize; or

- (b) confirm the licence holder's decision to withhold the prize, but direct the licence holder to refund amounts wagered in the game and the licence holder shall comply with the direction.

208. Contingency Plans

- (a) Licence holders must have in place contingency and business contingency plans to ensure their ability to operate on an ongoing basis and limit losses of severe business disruption. Such plans must be in place for all critical business processes and must take into account different types of plausible scenarios. Particular attention must be paid to the ability to restore electronic or physical records that are necessary for business resumption.
- (b) Licence holders must periodically review their disaster recovery and business continuity plans so that they are consistent with the licence holders current operations and business strategies. These plans must be tested periodically to ensure that the licence holder would be able to execute the plans in the event of a severe business disruption.

Part XIV

ADVERTISING

- 209.** A licence holder must not advertise an interactive game, or authorize the advertising of an interactive game, unless the game is an authorized game.
- 210.** A licence holder is responsible for the advertising of all authorized games
- 211.** A licence holder who advertises or approves the advertising of an authorized game must ensure that the advertisement is not-
 - (a) indecent, pornographic or offensive;

- (b) false, deceptive or misleading; or
 - (c) intended to appeal specifically to minors.
- 212.** The Commission may direct the licence holder responsible for authorizing an advertisement to take appropriate steps:
 - (a) to stop the advertisement being shown; or
 - (b) to change the advertisement, if such advertisement contravenes the provisions of Regulation 211.
- 213.** (1) The direction from the Commission shall:
 - (a) be in writing;
 - (b) state the grounds for the direction; and
 - (c) if it is a direction to change the advertisement, state how the advertisement is to be changed.
- (2) The licence holder shall comply with any direction given by the Commission.
- (3) Any licence holder who fails to comply with a direction given under this Regulation within the stated time shall, for each day that the advertisement is shown pay a penalty determined by the Commission.
- (4) Failure to pay the penalty may lead to the revocation of the licence.

Part XV

COMPLAINTS/DISPUTE RESOLUTION

- 214.** A licence holder must inquire into:
 - (a) a complaint made to the licence holder by a player respecting:
 - (i) the conduct of an authorized game by the licence holder;

- (ii) the conduct of an agent of the licence holder in operations related to an authorized game; or
 - (b) a complaint referred to the licence holder by the Commission.
- 215.** In performing its duties under Regulation 199 or this Part the Commission may direct a licence holder to utilize an arbitrator approved by the Commission.
- 216.** Within twenty-one (21) days after the complaint is received by, or referred to the licence holder, the licence holder must give notice, which would include written notice or by electronic communication such as e-mail, of the result of the inquiry to:
- (a) the complainant; and
 - (b) if the complaint was referred to the licence holder by the Commission, to the Commission.
- 217.** If a complaint is made to the Commission about the conduct of an authorized game, or the conduct of an agent in operations related to an authorized game, the Commission must promptly:
- (a) inquire into the complaint; or
 - (b) if the Commission considers it appropriate, refer the complaint to the licence holder who conducted the game.
- 218.** The Commission must promptly advise the complainant of:
- (a) the result of the Commission's inquiry; or
 - (b) the Commission's decision to refer the complaint to the licence holder.
- 219.** A complaint must:
- (a) be in writing or by e-mail and;
 - (b) state the complainant's name, address, telephone number and e-mail address; and
 - (c) give appropriate details of the complaint.

- 220.** The licence holder must have procedures for resolution of player disputes, such as bonus payments. The licence holder is encouraged to utilize arbitration procedures offered by organizations approved by the Commission. The decision of the arbitrator shall ordinarily be binding on the licence holder. If such decision is unacceptable to the player, the player may appeal to the Commission and the decision may form part of the record to the Commission.

Part XVI

DUTY TO REPORT DISHONEST OR UNLAWFUL ACTS

- 221.** In the event a licence holder, or an agent of a licence holder, becomes aware, or reasonably suspects, that:
- (a) a person has obtained a benefit for himself or another person, by a dishonest or unlawful act affecting the conduct or playing of an unauthorised game;
 - (b) there has been an unlawful act which has affected the conduct or playing of an authorized game, then the licence holder or the agent, as the case may be, immediately comply with Regulation 222.
- 222.** Within twenty-four (24) hours, or as soon as practicable, of becoming aware of, or suspecting, the dishonest or unlawful act, the licence holder, or agent must give the Commission a written notice advising the Commission of all facts known about the matter.

DUTY TO REPORT SUSPICIOUS ACTIVITIES

- 223.** In the event a licence holder, or an agent of a licence holder, becomes aware or reasonably suspects, that there is a fraudulent or suspicious transaction which may involve money laundering, or an activity similar to money laundering, the licence holder or its agent shall within twenty-four (24) hours or as soon as practicable, report in writing the suspicious activity to the Supervisory Authority, or other appropriate officer, as designated under the Money

Laundrying Act. The licence holder or its agent shall also report the fraudulent or suspicious transaction to the Commission within twenty-four (24) hours or as soon as practicable. The Commission may suspend or revoke the licence of any person who fails to comply with this Regulation.

GAMING OFFENCES

- 224.** No person shall, in relation to an authorized game, dishonestly obtain a benefit by any act, practice or scheme or otherwise dishonestly obtain a benefit through the use of any device or item.
- 225.** For the purposes of the foregoing section, a person obtains a benefit if the person obtains for himself or another person, or induces a person to deliver, give or credit to the person or another person, any money, benefit, advantage, valuable consideration or security.
- 226.** No person shall, directly or indirectly:
- (a) forge or alter a gaming record; or
 - (b) knowingly use or attempt to use a forged or altered gaming record.
- 227.** No person shall impersonate a licence holder, an agent, a key person, a member of the Commission or anyone acting in an official capacity under the law in force in Antigua and Barbuda or these Regulations.
- 228.** No member of the Commission or anyone acting in an official capacity under any law in force in Antigua and Barbuda shall ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any kind for himself or another person for an improper purpose.
- 229.** No person shall give, or promise or offer to give, any money, property or benefit of any kind to, any member of the Commission or a member of the Commission or to anyone acting in an official capacity under any law in force in Antigua and Barbuda for an improper purpose.
- 230.** For the purposes of the foregoing sections, “improper purpose” includes:

- (a) for the official to forego or neglect the official's duties under any law in force in Antigua and Barbuda;
 - (b) the use of, or taking advantage of, one's office to gain a benefit or advantage for, or facilitate the commission of an offence against any law in force in Antigua and Barbuda, or
 - (c) influencing an official in the performance of his functions under any law in force in Antigua and Barbuda.
- 231.** No employee, whether a key person or not, of a licence holder shall take part in an authorized game if directly involved in functions related to the conduct of the game.
- 232.** (1) Any person who contravenes any offence under Regulations 208, 224, 226, 227, 228, 229, or 231 commits an offence and is liable on conviction to a fine not exceeding fifty thousand dollars (\$50,000.00 US) or to imprisonment not exceeding five (5) years. In addition, any prize won by a person participating in an authorized game in contravention to the foregoing section forfeits the right to that prize. The Commission may disburse any such forfeited prizes to an account established by the Commission.
- (2) Any person who contravenes any offence under Regulation 4 commits an offence and is liable on conviction to a fine not exceeding fifty thousand dollars (\$50,000.00 US). In addition, any prize won by a person participating in an authorized game in contravention to the foregoing section forfeits the right to that prize. The Commission may disburse any such forfeited prizes to an account established by the Commission.

INDEPENDENCE OF THE COMMISSION AND ITS OFFICIALS

- 233.** Members of the Commission or anyone acting in an official capacity under the Act or these Regulations shall not take part in any authorized game.

234. Members of the Commission or the Commission or anyone acting in an official capacity under the Act or these Regulations shall not:

- (a) accept or solicit employment from a licence holder;
- (b) be an employee in any capacity of a licence holder;
- (c) knowingly have, directly or indirectly, a business or financial association with a licence holder;
- (d) accept or receive any money, property, or anything of value from a licence holder, except as otherwise permitted under the Regulations.

235. A person must not, for a period of one (1) year after ceasing to be a Member of the Commission or the Commission or acting in an official capacity under the Act or these Regulations, without the Commission's or the Commission's approval:

- (a) accept or solicit employment from a licence holder;
- (b) be an employee in any capacity of a licence holder; or
- (c) knowingly have, directly or indirectly, a business or financial association with a licence holder.

236. (1) Any member of the Commission or the Commission or any person acting in an official capacity under the Act or these Regulations who:

- (a) is a business associate of a licence holder;
- (b) has financial interest, directly or indirectly, in the interactive gaming or interactive wagering activities of a licence holder; shall disclose the nature of his business, association or financial interest to the Commission; or
- (c) On receipt of the disclosure the Commission may, by notice in writing, direct the member

or the person acting in official capacity to terminate his association or interest within the time stated in the notice.

- (2) The Commission may recommend the removal of a member who fails to comply with this Regulation.

Part XVII

THE COMMISSION

- 237.** For the purpose of these Regulations, the basic function of the Commission is to ensure the integrity of interactive gaming and interactive wagering, the suitability of the licence holder and the protection of the player, and the identification, investigation and elimination of suspicious, fraudulent or money laundering activities. The function of the Commission does not include enhancement of interactive gaming or interactive wagering and shall not act or purport to act as agent of a licence holder.

INSPECTORS / STAFF

- 238.** The Director of Gaming with the approval of the Commission shall appoint such qualified and suitable persons to carry out the functions and duties of these Regulations.
- 239.** An inspector may, without the consent of the occupier of premises, enter:
- (a) a public place; or
 - (b) a place where an authorized game is being, or is about to be conducted; or
 - (c) a place where a licence holder carries on business, at any time when the place is open for carrying on business or otherwise open for entry.
- 240.** For the purpose of monitoring or enforcing compliance with the Act or these Regulations an inspector may, pursuant to a warrant issued by a magistrate:

- (a) search any part of the place of the licence holder's business;
- (b) inspect, measure, test, photograph or film any part of the licence holder's place or anything at that place;
- (c) take an item, or a sample of or from an item at the licence holder's place for analysis or testing;
- (d) copy a document from the licence holder's place;
- (e) access, electronically or by some other means, a system used at the licence holder's place for conducting an authorized game or other interactive gaming or interactive wagering or for administrative purposes related to the conduct of an authorized interactive gaming or interactive wagering;
- (f) take into or onto the licence holder's place any person, equipment and materials which the inspector requires for exercising a power under this Part;
- (g) require the occupier of the licence holder's place, or a person at the place, to give the inspector reasonable assistance to exercise the inspector's powers under paragraphs (a) to (f); or
- (h) require the occupier of the place, or a person at the licence holder's place, to give the inspector information to assist the inspector to ascertain whether the Act or these Regulations or any other law applicable within Antigua and Barbuda are being complied with.

PART XVIII

FREE TRADE AND PROCESSING ZONE **REQUIREMENT FOR LOCATION OF** **INTERACTIVE SITE**

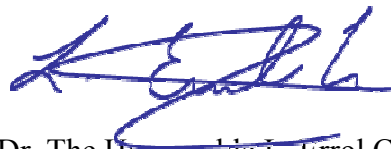
- 241.** The licence holder shall obtain an approval certificate from the Commission to carry on the business of interactive gaming or interactive wagering at a site either in a location within the Free Trade and Processing Zone or in a location within Antigua and Barbuda approved by the Commission.
- 242.** The Commission shall approve any change in the location of the interactive gaming or interactive wagering location by the licence holder.

PART XIX

REVOCATION

- 243.** The Interactive Gaming and Interactive Wagering Regulations No. 16 of 2001 is revoked.

Made this 30th day of March, 2007.

A handwritten signature in blue ink, appearing to read 'L. Errol Cort', is positioned above the printed name of the Minister.

Dr. The Honourable L. Errol Cort
Minister responsible for Finance



THE DIRECTORATE OF OFFSHORE GAMING

Schedule “A”:

**APPLICATION FOR AN INTERACTIVE GAMING
OR INTERACTIVE WAGERING LICENCE**

This is **Schedule "A"** to the Regulations Concerning Interactive Gaming and Interactive Wagering

All information provided by the Applicant to Directorate of Offshore Gaming will be held in the strictest confidence and will not be used by the Directorate for any purpose other than matters pertaining to this application, unless it is required for the administration or enforcement of the Law or these Regulations or if it is related to an official investigation.

1. Name of Applicant: _____
(Note: If the applicant is a corporation, partnership or other business entity, provides full registered name and the nature of the entity.)

2. Mailing Address:

3. Registered Address (If different from the mailing address):

4. Address of Business Premises (Address at which gaming activities are to be conducted):

5. Telephone Number: _____

6. Fax Number: _____

7. E-mail: _____

8. Tax Number: _____

9. Name of Authorized Representative(s): _____

Telephone Number for Authorized Representative(s): _____

Fax Number for Authorized Representative(s): _____

E-mail for Authorized Representative(s): _____

10. Proposed Corporate Name of Interactive Gaming or Interactive Wagering Company:

11. Estimated amount and type of proposed investment to support this Company

Over the first three months: US\$ _____
Type: _____

Over the first year: US\$ _____
Type: _____

Over the first three years: US\$ _____
Type: _____

12. Is the proposed company a wholly owned subsidiary of another company?

Yes ☐ No ☐

If yes, please give details on an attachment page. If so, list all investors or shareholders who own five (5%) or more of the parent company.

13. List all investors or proposed investors or stockholders (corporate or individual) who hold or will hold five (5%) or more interest in the proposed company.

14. List the names of the members of the Board of Directors and principal corporate officers of the proposed Company, or proposed Board members and officers, including the General Manager or other person who will be in charge of the day-to-day operations of the Company.

This application is accompanied by:

- A. A completed Business Entity Identification Form in respect of the applicant;
- B. A completed Personal Information Form in respect of each director, partner and chief executive officer of the applicant, and shareholder with five (5%) percent or more ownership of or controlling interest in the applicant and;

C. A non-refundable deposit in the amount of Fifteen Thousand United States Dollars **(\$15,000.00 US)**.

Upon successful completion of due diligence, the Directorate will then inform the Administrator of the Financial Services Regulatory Commission and the Commissioner of the Free Trade and Processing Zone.

DECLARATION

By signing below, I declare that:

1. The information contained in this application is complete and accurate:
2. In the case of a corporation, partnership or other business entity, that I am duly authorized to make the application on behalf of the corporation, partnership or other business entity named as applicant:
3. I have been provided with a copy of the Interactive Gaming and Interactive Wagering Regulations. The applicant agrees to abide by the provisions of the Regulations which will be the law governing the applicant's relationship with the Directorate of Offshore Gaming of Antigua and Barbuda.

Signature: _____

Name: _____
(Please Print)

Date: _____

End of Schedule "A". Please go on to Schedule "B".



THE DIRECTORATE OF OFFSHORE GAMING

APPLICATION FOR AN INTERACTIVE GAMING OR INTERACTIVE WAGERING LICENCE

Schedule "B":

"BUSINESS ENTITY INFORMATION PACKAGE"

BUSINESS ENTITY INFORMATION

This is **Schedule "B"** to the Regulations concerning Interactive Gaming and Interactive Wagering

All information provided by the Applicant to the Directorate of Offshore Gaming will be held in the strictest confidence and will not be used by the Directorate for any purpose other than matters pertaining to this application unless it is required for the administration or enforcement of the Law or these Regulations or if it is related to an official investigation.

**THIS BUSINESS ENTITY INFORMATION PACKAGE CONTAINS THE
FOLLOWING DOCUMENTS.
PLEASE ENSURE YOUR PACKAGE IS COMPLETE**

1. Instructions for completion.
2. Oath or Solemn Affirmation.
3. Directorate for release of information.
4. Business Entity Information Form.
5. Declaration
6. Attachment page.

INSTRUCTIONS FOR COMPLETION

1. This Business Entity Information Package must be completed by the controlling Business Entity seeking to obtain an interactive gaming or interactive wagering license for its Antigua and Barbuda Corporation.
 2. Type or print in BLOCK LETTERS an answer to every question.
 3. If a question does not apply, state "N/A" in response to that question.
 4. If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
 5. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an attachment page, a form for which is attached.
 6. When required to use an attachment page, precede each answer thereon with the title applicable to that question.
 7. All dates should be completed in the form: Day/Month/Year.
 8. This form is to be completed in the English language. Any documents required to be provided are to have a certified English translation appended.
 9. Failure to give true and correct answers to any questions in this form will be grounds for the Directorate to refuse an application or revoke a license that has been granted on the basis of untrue or incorrect information.
 10. The completed form should be forwarded by registered mail or courier to:

The Directorate of Offshore Gaming
The First Caribbean Financial Centre
Old Parham Road
St. John's
Antigua
 11. The Business Entity Information package should be sealed in an envelope and marked "Private and confidential".
 12. Any further enquiries should be directed to the Directorate.
-

OATH OR SOLEMN AFFIRMATION BY THE APPLICANT BEFORE AN AUTHORIZED PERSON

I, _____ OF _____
SWEAR OF SOLEMNLY AFFIRM THAT:

1. I am the _____ of _____
(Relationship of declarant to the applicant) *(Name of applicant)*
2. I have personally completed (or I am personally responsible for providing the information contained in) the Business Entity Information Form to which this Declaration is appended.
3. I certify that the particulars contained in the Business Entity Information Forms are true and correct in every detail and fully disclose the information to complete the Business Entity Information Form.

(Signature of applicant)

() Sworn before me, _____

() Solemnly affirmed before me, _____

at _____ this _____

(Signature) _____

(Given name and name in block letters) _____

(Specify in which capacity this declaration is taken: as commissioner for oaths, justice of the peace, lawyer, notary, mayor, clerk or secretary-treasurer of a municipality, registrar or clerk of a court of competent jurisdiction)

AUTHORITY FOR RELEASE OF INFORMATION

(Name of Business Entity)

of

(Address)

(Hereinafter referred to as the "Business Entity"):

Acknowledges that the Interactive Gaming and Interactive Wagering Regulations authorize the Directorate to cause to be made investigations about the business entity for the purposes of determining the Business Entity's suitability for the purposes of the Laws and by signing this:

1. Authorizes the Directorate and any person conducting any investigations or enquiries on behalf of the Directorate to obtain any information and make any investigations or enquiries which relates to the Business Entity that may be relevant to any of the purposes of the Laws, in any jurisdiction;
2. Authorizes the manager or other principal officer of any branch or office of a bank or financial institution in any jurisdiction to whom a copy of this release is presented to allow any Authorized Person to inspect and obtain copies of, or to release to any Authorized Person, any record, document or other information of any kind in written, electronic or any other form, which relates to the Business Entity and is held by the bank or financial institution;
3. Authorizes any officer of any police service, law enforcement agency or regulatory body in any jurisdiction to whom a copy of this Directorate is presented to release to any Authorized Person any information or official record of any kind in written, electronic or any other form, which relates to the Business Entity and is held by the police service, agency or body, including any information relating to the criminal history of the Business Entity, and
4. Undertakes that it will at all times sufficiently indemnify the Directorate and Authorized Persons and keep them indemnified against all liability in respect of the supply or publication of the information and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken against the Authorized Persons or incurred or become payable by the Authorized Persons in respect thereof.

By signing below, I confirm that my authority is given with the full knowledge and consent of the Business Entity and that I have the necessary permission to provide this authority on behalf of the Business Entity.

Signed at _____

This Day of _____,

(Name of Business Entity)

Per:

(Name of Business Entity Representative)

(Position of Business Entity Representative)

BUSINESS ENTITY INFORMATION FORM

1. Full Registered Name of Business Entity:

2. Legal Nature of Business Entity (*e.g. Corporation, Partnership, Limited Liability Company, etc.*):

3. Laws under which Business Entity was established (*Provide name of jurisdiction and cite relevant legislation*):

Attach copies of constating documents of the Business Entity, e.g. Charter, Letters Patent, Certificate of Incorporation. Also attach certified copies of internal management documents such as: By-laws, Operating Agreements, Partnership Agreements.

4. Date on which Business Entity was established: _____
5. List any other jurisdictions in which Business Entity is registered or seeking interactive gaming or betting registration: _____
6. Has the Business Entity ever applied for and been refused registration in any matter or a license, or a certificate, including a gaming and betting license, in any jurisdiction?

Yes ☐No ☐

If yes, please give details on an attachment page.

7. Has the Business Entity ever had any license revoked, including a gaming or interactive wagering license? If so, give details.

Yes ☐

No ☐

If yes, please give details on an attachment page.

8. License Certificate or Registration Number(s) or other documentation for jurisdiction(s) in which Business Entity is registered: _____
9. Address of Registered Office: _____

10. Address of principal place of business (*if different from registered address*):

11. Mailing Address (*if different from registered address*):

12. Telephone: _____
13. Fax: _____
14. E-mail: _____
15. URL of Home Page: _____
16. Name of Authorized Representative: _____
Address: _____

Telephone: _____

Fax: _____

E-mail: _____

17. Describe the primary objectives and business activities of the Business Entity:

18. Is the Business Entity a member of the Interactive Gaming Council or any other Internet Gaming or Betting association, or any other gaming associations such as the International Association of Gaming Attorneys?

Yes ☐

No ☐

If yes, how long has the Business Entity been a member? _____

19. On attachment page, provide full details of all parent, holding subsidiary and related business entities (attach flowchart) including details as to the nature of the relationships with the applicant Business Entity, the names of key persons, directors, shareholders, partners and chief executive officers of the related business entities and the business conducted by each related business entity.

20. On attachment page, list those business entities in which the business entities identified in paragraph 16, have a controlling or ownership interest in excess of five (5%) percent. The Directorate in its discretion may require disclosure of all beneficial owners.

LITIGATION

21. Provide full details of any criminal, regulatory or civil actions taken by or against the Business Entity in the past ten (10) years, including name of jurisdiction(s) in which action(s) were brought, court file number(s) and the outcome of each action:

22. Provide full details of any pending criminal, regulatory or civil litigation, by or against Business Entity, including the name of the jurisdiction(s) in which the action(s) are proceeding and court file number(s):

ADDRESSES

23. Commencing with the current address and working backwards, list all addresses at which the Business Entity has been registered or has conducted business over the last ten (10) years.

PERSONNEL

24. On an attachment page, list the names, addresses (including the dates at each address) and places of birth for each key person, director, shareholder with more than five (5%) percent voting or ownership interest in the Business Entity, partner and chief executive officer of the Business Entity *as of the date on which this form is completed* and describe the nature of each person's interest and role in the Business Entity.
25. On an attachment page, list the names, addresses (including the dates at each address) and places of birth for each key person, director, shareholder with more than five (5%) percent voting or ownership interest in the Business Entity, partner and chief executive officer who have ceased to hold an interest in the Business Entity during the last five (5) years.
26. On an attachment page, list the names, addresses and telephone numbers of the Business Entity's auditors, both presently and over the last five (5) years.
27. On an attachment page, list the names, addresses and telephone numbers of any legal advisors, solicitors or other consultants engaged by the Business Entity over the last five (5) years.

CONFIDENTIAL FINANCIAL DETAILS

28. Attach certified copies of the audited and, if applicable, published financial statements of the Business Entity for the last five (5) years.
29. Attach certified copies of the audited and, if applicable, published financial statements of any parent or holding business entity for the last five (5) years.
30. Attach certified copies of the annual return or equivalent annual filing for all jurisdictions in which the Business Entity is registered, for the last five (5) years.
31. Furnish full details of any persons, companies or institutions from which the Business Entity has current loans or has obtained funds on loan during the last five (5) years.
32. Advise if there has been any substantial change to the financial situation of the Business Entity since the last audited accounts. If so, provide full details.

33. Supply details (name, branch and account number) of all bank accounts held or operated by the Business Entity.

34. Supply details of all investments of the Business Entity.

35. Confirm that if requested:

- i. The Business Entity will produce certified copies of its income tax returns;
- ii. The Business Entity will produce copies of minutes of shareholder and directors meetings;
- iii. The Business Entity will produce any information relevant to the published financial statements;
- iv. The Business Entity will authorize the release of any other information required by the Directorate.
- v. The Business Entity will provide full details of any other directorships, partnerships or other business interests or affiliations with which the key person, directors, partners
- vi. and chief executive officers of the Business Entity or shareholders with more than five (5%) voting or ownership interest in the Business Entity are currently or previously associated.

36. If investment in the Interactive Gaming or Interactive Wagering License will be used as collateral against any indebtedness, please provide details on an attachment page.

37. Prior to this date has the Business Entity or any key person, director, partner or chief executive officer of the Business Entity, or shareholder with more than five (5%) percent voting or ownership interest in the Business Entity been associated with the ownership, administration or management of:

- | | | | |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| (i) | A casino; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (ii) | Keno or lottery operations; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (iii) | Interactive gaming or interactive betting; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (iv) | Race wagering or wagering operations; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (v) | The manufacture, assembling, selling, distributing, importing, supplying or repairing of gaming or gaming related machines, on-line machines | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

If you have answered yes to any of the foregoing, please give details on an attachment page.

38. Does the Business Entity have any interest, financial or otherwise, in any other business entity or with any person, or has the Business Entity ever provided any financial assistance or other support to any other business entity or person involved with the ownership, administration or management of:

- | | | | |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| (i) | A casino; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (ii) | Keno or lottery operations; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (iii) | Interactive gaming or interactive betting; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (iv) | Race wagering or wagering operations; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (v) | The manufacture, assembling, selling, distributing, importing, supplying or repairing of gaming or gaming related machines, on-line machines? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

If you have answered yes to any of the foregoing, please give details on an attachment page.

Has the Business Entity ever changed its name?

Yes ☐ No ☐

If yes, please give details on an attachment page

40. Does the Business Entity have, or does it use, or has it previously used, any other business name?

Yes ☐ No ☐

If yes, please give details on an attachment page.

41. Will the business entity agree to promote on its web site, a hotlink for utilization by problem or addicted gamblers?

Yes ☐ No ☐

If the Business Entity has a programme or system in place to deter and/or limit problem or pathological gambling, please describe it on an attachment page.

42. Will the Business Entity agree to prohibit any pornography on its Internet gaming or betting site?

Yes ☐ No ☐

43. Will the Business Entity agree to whenever applicable, file a suspicious activity report (**SAR**) in the format illustrated below?

(a) Date

(b) Dollar amount

(c) Type of suspicious activity

- Counterfeit/Fraudulent Check
- Counterfeit/Fraudulent credit/debit card
- Large transactions with minimal gambling
- Gambling on both sides of an even bet
- Money laundering
- No apparent business or lawful purpose
- Use of different monetary instruments
- Use of multiple credit or deposit accounts
- Unusual use of wire transfers
- Other suspicious or illegal activity (specify)

44. Will the Business Entity agree to take affirmative and effective steps to prohibit underage gaming?

Yes ☐ No ☐

If the Business Entity has a programme or system in place to deter and/or limit minors from gambling, please describe it on an attachment page.

45. Has the Business Entity assessed whether all its key persons have obtained a "key person license" Required by the Regulations?

Yes ☐ No ☐

46. Do you have, or intend to have, any suppliers or vendors who receive a percentage of the winnings, turnover or games play of either an interactive gaming or an interactive wagering activity?

Yes ☐ No ☐

If yes, please list the names, address and telephone number of the suppliers, and identify a contact person for the supplier on an attachment page. In addition, include in your list whether the supplier has completed a Schedule "B" and "C".

47. Does the Business Entity meet the "Reserve Requirement" of at least One Hundred Thousand United States Dollars **(\$100,000.00 US)**?

Yes ☐

No ☐

48. Does the Business Entity have a programme or system to confirm identity, residence and the age of potential customers?

Yes ☐

No ☐

If yes, please briefly describe the programme or system, including a description of the use of any Third party services to assist the Business Entity in the verifying the identity, residence, and age of potential customers.

ATTACHMENT PAGE – SECTION B

Question Number:

Signature: _____

DECLARATION

By signing below, I declare that:

1. The information contained in this application is complete and accurate;
2. In the case of a corporation, partnership or other business entity, that I am duly authorized to make the application on behalf of the corporation, partnership or other business entity named as applicant;
3. I have been provided with a copy of the Interactive Gaming and Interactive Wagering Regulations. The applicant agrees to abide by the provisions of the Regulations which will be the law governing the applicant's relationship with the Directorate of Offshore Gaming of Antigua and Barbuda.

Signature: _____

Name: _____
(Please Print)

Date: _____

End of Schedule "B". Please go on to Schedule "C".



THE DIRECTORATE OF OFFSHORE GAMING

APPLICATION FOR AN INTERACTIVE GAMING OR INTERACTIVE WAGERING LICENCE

Schedule "C":

"PERSONAL INFORMATION PACKAGE"

PERSONAL INFORMATION

This is **Schedule "C"** to the regulations concerning Interactive Gaming and Interactive Wagering

All information provided by the Applicant to the Directorate of Offshore Gaming will be held in the strictest confidence and will not be used by the Directorate for any purpose other than matters pertaining to this application, unless it is required for the administration or enforcement of the Regulations or if it is related to an official investigation.

THIS PERSONAL INFORMATION PACKAGE CONTAINS THE FOLLOWING DOCUMENTS. PLEASE ENSURE YOUR PACKAGE IS COMPLETE

1. Instructions for completion.
2. Oath or Solemn Affirmation.
3. Authority for release of information.
4. Personal Information Form.
5. Attachment page.

INSTRUCTIONS FOR COMPLETION

1. This Personal Information package must be completed by each director, partner and chief executive officer of the applicant Business Entity, duly authorized key person, and shareholder with five (5%) percent or more ownership of or controlling interest in the applicant Business Entity.
2. Type or print in BLOCK LETTERS an answer to every question.
3. If a question does not apply, state "N/A" in response to that question.
4. If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
5. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an attachment page, a form for which is attached.
6. When required to use an attachment page, precede each answer thereon with the title applicable to that question.
7. All dates should be completed in the form: Day/Month/Year.
8. This form is to be completed in the English language. Any documents required to be provided are to have a certified English translation appended.
9. Failure to give true and correct answers to any questions in this form will be grounds for the Directorate to refuse an application or revoke a licence that has been granted on the basis of untrue or incorrect information.
10. The completed form should be forwarded by registered mail or courier to:

The Directorate of Offshore Gaming
The First Caribbean Financial Centre
Old Parham Road
St. John's
Antigua
11. The Personal Information package should be sealed in an envelope and marked "Private and Confidential".
12. Any further enquiries should be directed to the Directorate.

OATH OR SOLEMN AFFIRMATION BY THE APPLICANT BEFORE AN AUTHORIZED PERSON

I, _____ OF _____
SWEAR OF SOLEMNLY AFFIRM THAT:

1. I am the _____ of _____
(Relationship of declarant to the applicant) *(Name of applicant)*
2. I have personally completed (or I am personally responsible for providing the information contained in) the Business Entity Information Form to which this Declaration is appended.
3. I certify that the particulars contained in the Business Entity Information Forms are true and correct in every detail and fully disclose the information to complete the Business Entity Information Form.

(Signature of applicant)

() Sworn before me, _____

() Solemnly affirmed before me, _____

at _____

this _____

(Signature)

(Given name and name in block letters)

(Specify in which capacity this declaration is taken: as commissioner for oaths, justice of the peace, lawyer, notary, mayor, clerk or secretary-treasurer of a municipality, registrar or clerk of a court of competent jurisdiction)

AUTHORITY FOR RELEASE OF INFORMATION

I, _____ of _____
(Full Name) (Address)

grant an authority on the following terms:

1. I authorize the Directorate of Offshore Gaming (the "Directorate"), and any person conducting any investigations or enquiries on behalf of the Directorate, to cause to be made investigations about me for the purposes of determining my suitability for the purposes of an Interactive Gaming or Interactive Wagering License under the Regulations concerning Interactive Gaming and Interactive Wagering (the "Regulations")
2. I authorize the Directorate and any person conducting any investigations or enquiries on behalf of the Directorate for the purpose of the Regulations (collectively referred to herein as the "Authorized Persons"), to obtain any information and make any investigations or enquiries which relate to me and may be relevant to any of the purposes of the Regulations, in any jurisdiction.
3. I authorize the manager or other principal officer of any branch or office of a bank or financial institution in any jurisdiction to whom a copy of this release is presented to allow any Authorized Person to inspect and obtain copies of, or to release to any authorized person, any record, document or other information of any kind in written, electronic or any other form, which relates to me and is held by the bank or financial institution.
4. I authorize any officer of any police service, law enforcement agency or regulatory body in any jurisdiction to whom a copy of this release is presented to release to any Authorized Person any information or official record of any kind in written, electronic or any other form, which relates to me and is held by the police service, agency or body, including any information relating to my personal and criminal history.
5. I will at all times sufficiently indemnify the Authorized Persons and keep the Authorized Persons indemnified against all liability in respect of the supply or publication of the information and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken against the Authorized Persons or incurred or become payable by the Authorized Persons in respect thereof.

Signed at: _____ this _____ day of _____, _____.

Signature: _____ Signature of Witness: _____

Print name of Witness: _____

PERSONAL INFORMATION FORM

1. _____
Surname *First* *Middle*

2. Alias (es), nicknames, maiden name, other name changes, legal or otherwise, you have used or by which you have been known: _____

3. Present residential address (es): _____
No. & Street

_____ *City* *Province/State*

_____ *Postal Zip Code* *Country*

4. Occupation: _____

Telephones: _____

Business: _____

Home: _____

Fax: _____

E-mail: _____

5. Date of birth: _____ / _____ / _____ Sex: _____
(Day/Month/Year)

Place of birth: _____
City *Province/State* *Country*

6. Social Insurance Number, Social Security Number or the equivalent for your jurisdiction:

7. Physical description:

Height: _____ cms / ft.in.

Weight: _____ kgs / lbs.

Colour of eyes: _____

Colour of hair: _____

Complexion: _____

Scars, tattoos or other distinguishing marks: _____

8. Are you enrolled in an Electoral Roll?

Yes ☐No ☐

If yes, state the name and address under which enrolled: _____

Electoral District, Division, Country: _____

9. Are you the holder of a current Driver's License?

Yes ☐No ☐

If yes, please attach a certified copy of your driver's license which should include date and place of issue:

License No.: _____

(Note: You may be required to produce your Driver's License if an interview is to be conducted)

MARITAL INFORMATION

10. What is your marital status, including any common-law relationship? (If applicable, complete the following):

Date of Marriage: _____ / _____ / _____
(Day/Month/Year)Palace Of Marriage: _____
(City) (Province/State) (Country)

Full name of Spouse: _____

Maiden name of Spouse (where applicable): _____

Date of birth of Spouse: _____
(Day/Month/Year)

Place of birth of Spouse: _____

11. Residential address of Spouse:

_____		No. & Street
_____	_____	Province/State
_____	_____	Country
_____	_____	

Spouse's Employer:

Spouse's Occupation: _____

12. List of current names (including maiden surname) and current addresses of previous spouses.
If

Deceased, indicate accordingly.

(a) Current Name (in full): _____

Maiden Surname: _____

Current Address: _____

_____		No. & Street
_____	_____	Province/State
_____	_____	Country
_____	_____	

FAMILY PARTICULARS

(Note: Details of deceased persons are also required)

13. Father: _____

Surname	First	Middle
---------	-------	--------

Date of Birth: _____ / _____ / _____
(Day/Month/Year)

Occupation: _____

14. Mother: _____
Surname First Middle

Date of Birth: _____ / _____ / _____
Day/Month/Year)

Occupation: _____

15. List all brothers and sisters. Show relationship of each.

Relationship	Full Name	Address	Occupation

16. Children: List all, including steps or adopted children. Show relation of each.

Relationship	Full Name	Address	Occupation

EDUCATION / QUALIFICATIONS

17. What level of education did you attain?

18. Name of last educational institution attended:

19. List any memberships in professional bodies (past and present):

MILITARY SERVICE

20. Have you ever served in the military of any country? Yes ☐ No ☐

If yes, complete the following

Country: _____

Arm of Service: _____

Branch and Unit Number: _____

Date of Entry: _____ / _____ / _____
(Day/Month/Year)

Date of Discharge: _____ / _____ / _____
(Day/Month/Year)

Type of Discharge: _____

Rank at discharge: _____

While in the armed forces were you ever arrested for an offence which resulted in summary action, a trial or court martial? Yes ☐ No ☐

PASSPORT AND TRAVEL INFORMATION (if applicable)

21. For each passport that you hold please attach a certified copy of your passport (if insufficient space use an attachment page). Passport information should include:

Passport Number: _____

Country: _____

Place of issue: _____

Date of issue: _____ / _____ / _____
(Day/Month/Year)

Date of expiration: _____ / _____ / _____

Passport photograph: _____

22. Have you ever traveled outside your country of residence for a period of time exceeding one (1) month during the past five (5) years? Yes ☐ No ☐

ARRESTS, DETENTIONS AND LITIGATION

23. Have you ever been charged, arrested or summoned for an offence, regardless of the disposition, in any jurisdiction excluding juvenile offences and traffic offences?

Yes ☐

No ☐

If yes, give detail in the space provided below. List all cases without exception.

Nature of offence	Age at time of offence	City, Province/State, Country of offence	Date of offence	Result of Hearing or other disposition

24. Have you ever been a party in a civil lawsuit in which an amount exceeding Ten Thousand (\$10,000.00) dollars was claimed, or are you aware of any such action that may be pending?

Yes ☐

No ☐

If yes, please provide details on an attachment page including:

- Name of parties
- City, Province/State and Country in which action commenced
- Level of Court
- Date action commenced
- Nature of action (give brief description)
- Status of action
- Disposition of action
- If a judgement has been entered, has it been satisfied? Give details

25. Have you ever had a judgement entered against you?

Yes ☐

No ☐

If yes, please give details on an attachment page. (Unless already provided).

26. Has your salary, wage, earnings or other income been subject to a garnishee order, attachment or other judicial proceeding?

Yes ☐

No ☐

If yes, please give details on an attachment page.

27. Have you ever had an article repossessed by a finance company or other institution?

Yes ☐ No ☐

If yes, please give details on an attachment page.

28. If requested, will you provide addresses at which you have been permanently resident over the last ten (10) years beginning with your current address and working backwards, and show the time period at each residence? _____

EMPLOYMENT

29. Beginning with your current employment and working backwards, list your work history on an attachment page. Particulars to be provided are:

- Duration of employment
- Name, business address and telephone number of employer
- Job title and description of duties
- Reason for leaving
- Name of person to whom you reported

30. Have you ever been dismissed, discharged or asked to resign from any employment? If yes, complete the following: Yes / No

Date	Name and address of employer	Supervisor's name	Reason for dismissal, discharge or resignation

31. Directorships and business affiliations:

- On an attachment page, provide full details of any other directorships, partnerships or other business interests or affiliations with which you are currently associated or previously associated.
Yes ☐ No ☐
- Are you or have you been associated with the ownership, administration or management of, or held any financial interest in:
Yes ☐ No ☐
- A casino; Yes ☐ No ☐
- Keno or lottery operations; Yes ☐ No ☐
- Interactive gambling or betting operation; Yes ☐ No ☐
- Race wagering or wagering operations; Yes ☐ No ☐
- Club, hotel or tavern; Yes ☐ No ☐
- The manufacture, assembling, selling, distributing, importing, supplying or repairing of gaming machines on-line machines or other amusement devices; Yes ☐ No ☐

- Any other gaming or gambling operation

If yes, please provide details on an attachment page.

32. Other than as indicated above, please provide details on an attachment page if you have at any time been engaged in bookmaking or sports book operations in any capacity or otherwise involved in the racing industry.

33. Have you ever been involved in any company that has been in liquidation or receivership or been placed under administration? Yes ☐ No ☐

If yes, please provide details on an attachment page.

CHARACTER REFERENCES

Nominate three (3) persons who are not related to you and who have known you for a period of not less than five (5) years. Persons giving references may be contacted for additional information.

34. Name: _____

Address: _____

Occupation: _____

Telephone: _____ Years known: _____

Name: _____

Address: _____

Occupation: _____

Telephone: _____ Years known: _____

Name: _____

Address: _____

Occupation: _____

FINANCIAL DETAILS

14 of 20

_____ \$ _____

_____ \$ _____

Investments:

Shares, bonds, mutual funds, debentures, notes, etc.

Company	Type	No. Held	Year of Acquisition	Total	Estimated Acquisition Cost	Market Value

Investments, other than those listed above:

Description _____

Total Acquisition Cost _____ Estimated Market Value _____

Fixed Assets: _____

Real estate (own residence and other properties):

Location and description _____ Year of _____

Acquisition _____ Estimated Market Value _____

Acquisition _____ Price _____

Other Assets (over \$5,000 per item):

(Motor vehicles, airplanes, recreation vehicles, boat, furniture, jewelry, etc.)

Description	Acquisition cost	Market value

TOTAL ASSETS: \$ _____

38. STATEMENT OF LIABILITIES

As of the _____ day of _____, _____

(Date of this Statement or whatever date that is convenient in the last 12 months)

Describe fully. Indicate secured and unsecured liabilities. If additional space is required, use attachment pages.

Long Term liabilities (including mortgages) Loan value: \$ _____

Loans etc. \$ _____

Borrower's name

Financial Institution

Branch

Due date _____ / _____ / _____ Monthly repayment: _____
(Day/Month/Year)Loans etc. \$ _____

Borrower's name

Financial Institution

Branch

Due date _____ / _____ / _____ Monthly repayment: _____

Other long-term liabilities:

Name	Address	Lender / Creditor	Repayment Details

Current liabilities (indicate name and address of creditor)

_____ \$ _____

_____ \$ _____

Other liabilities

(Include Contingent liabilities i.e. Liabilities of an indefinite nature or unspecified amount for which you may become liable in the future)

_____ \$ _____

_____ \$ _____

TOTAL LIABILITIES \$ _____

NET WORTH (Total Assets-Total Liabilities) \$ _____

39. SOURCE OF FUNDS

Indicate hereunder the sources over the past five (5) years of all income and other benefits received for your use or disposal (whether received in money or in kind) whether as a result of your employment or association with any corporation, partnership, trust, joint venture or business or otherwise. List the amount and source of each item received by yourself (and your spouse / common law spouse, if received jointly) and list each year separately.

Year ended:

Source	Amount

TOTAL \$ _____

Year ended: _____

Source	Amount

TOTAL \$ _____

Year ended: _____

Source	Amount

TOTAL \$ _____

Year ended: _____

ATTACHMENT PAGE – Schedule C

Question Number:

Signature: _____

DECLARATION

By signing below, I declare that:

1. The information contained in this application is complete and accurate;
2. In the case of a corporation, partnership or other business entity, that I am duly authorized to make the application on behalf of the corporation, partnership or other business entity named as applicant;
3. I have been provided with a copy of the Interactive Gaming and Interactive Wagering Regulations. The applicant agrees to abide by the provisions of the Regulations which will be the law governing the applicant's relationship with the Directorate of Offshore Gaming of Antigua and Barbuda.

Signature: _____

Name: _____
(Please Print)

Date: _____

End of Schedule "C". Please go on to Schedule "D".



The Directorate of Offshore Gaming

APPLICATION FOR AN INTERACTIVE GAMING OR INTERACTIVE WAGERING LICENCE

Schedule "D":

"RENEWAL APPLICATION INFORMATION PACKAGE"

This is **Schedule "D1"** to the Regulations concerning Interactive Gaming and Interactive Wagering

All information provided by the Applicant to the Directorate of Offshore Gaming will be held in the strictest confidence and will not be used by the Directorate for any purpose other than matters pertaining to this application unless it is required for the administration or enforcement of the Regulations or if it is related to an official investigation.

**THIS RENEWAL APPLICATION INFORMATION
PACKAGE CONTAINS THE FOLLOWING DOCUMENTS.
PLEASE ENSURE YOUR PACKAGE IS COMPLETE**

1. Instructions for completion.
2. Oath or Solemn Affirmation.
3. Authority for release of information.
4. Renewal Application Form.
5. Attachment page.

INSTRUCTIONS FOR COMPLETION

1. This Renewal Application package must be completed by each director, partner and chief executive officer of the applicant Business Entity, duly authorized key person, and shareholder with five (5%) percent or more ownership of or controlling interest in the applicant Business Entity.
2. Type or print in BLOCK LETTERS an answer to every question.
3. If a question does not apply, state "N/A" in response to that question.
4. If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
5. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an attachment page, a form for which is attached.
6. When required to use an attachment page, precede each answer thereon with the title applicable to that question.
7. All dates should be completed in the form: Day/Month/Year.
8. This form is to be completed in the English language. Any documents required to be provided are to have a certified English translation appended.
9. Failure to give true and correct answers to any questions in this form will be grounds for the Directorate to refuse an application or revoke a license that has been granted on the basis of untrue or incorrect information.
10. The completed form should be forwarded by registered mail or courier to:

The Directorate of Offshore Gaming
The First Caribbean Financial Centre
Old Parham Road
St. John's
Antigua
11. The Renewal Application package should be sealed in an envelope and marked "Private and confidential".
12. The applicant should make sure the application is accompanied by a Certificate of Good Standing from the International Financial Services Regulatory Commission.
13. The applicant is expected to fill out Schedule "D-1" for the Business Entity and Schedule "D-2" for any Director, Partner, Chief Executive Officer of the applicant seeking renewal.
14. Any further enquiries should be directed to the Directorate.

AUTHORITY FOR RELEASE OF INFORMATION

I, _____ of _____
(Full Name) (Address)

grant an authority on the following terms:

1. I authorize the Directorate of Offshore Gaming (the "Directorate") and any person conducting any investigations or enquiries on behalf of the Directorate, to cause to be made investigations about me for the purposes of determining my suitability for the purposes of an Interactive Gaming or Interactive Wagering License under the Interactive Gaming and Wagering Regulations concerning Interactive Gaming and Interactive Wagering (the "Regulations").
2. I authorize the Directorate and any person conducting any investigations or enquiries on behalf of the Directorate for the purpose of the Law and the Regulations (Collectively referred to herein as the "Authorized Persons"), to obtain any information and make any investigations or enquiries which relate to me and may be relevant to any of the purposes of the Law and Regulations, in any jurisdiction.
3. I authorize the manager or other principal officer of any branch or office of a bank or financial institution in any jurisdiction to whom a copy of this release is presented to allow any Authorized Person to inspect and obtain copies of, or to release to any authorized person, any record, document or other information of any kind in written, electronic or any other form, which relates to me and is held by the bank or financial institution.
4. I authorize any officer of any police service, law enforcement agency or regulatory body in any jurisdiction to whom a copy of this release is presented to release to any Authorized Person any information or official record of any kind in written, electronic or any other form, which relates to me and is held by the police service, agency or body, including any information relating to my personal and criminal history.
5. I will at all times sufficiently indemnify the Authorized Persons and keep the Authorized Persons indemnified against all liability in respect of the supply or publication of the information and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken against the Authorized Persons or incurred or become payable by the Authorized Persons in respect thereof.

Signed at: _____ this _____ day of _____, _____.

Signature: _____ Signature of Witness _____

Print name of Witness _____

APPLICATION FOR RENEWAL OF AN INTERACTIVE GAMING OR INTERACTIVE WAGERING LICENCE

Please state:

1. Full Registered name of Business Entity: _____
2. Full Name of Antiguan and Barbudan Corporation holding an interactive license:

3. Is the license for interactive gaming or interactive wagering or both? _____
4. Explain what steps you have taken to prevent money laundering:

5. Explain whether you have taken steps to report fraud or suspicious transactions or other illegal activity? Include also, any number of suspicious activity reports that you have forwarded to the Directorate.

6. Explain what steps you have taken to discourage compulsive gambling.

7. Explain what steps you have taken to prohibit underage gambling.

8. List any changes in the status of gaming or wagering licenses in those jurisdictions outside of Antigua and Barbuda where business entity has a license or has sought a license.

9. Has there been any change in the address of the registered office, address of principle place of business, mailing address, telephone, FAX, E-mail, URL of homepage, name of authorized representative since the time of business entity having filled Schedule "A" when applying for an interactive gaming or interactive wagering license?

Yes ☐ No ☐

If yes, please give details on an attachment page.

10. How many player complaints have you received since commencing interactive operations in Antigua and Barbuda? What was the result of each complaint? If the matter went to arbitration, list the arbitration entity and the result.

11. Were you ever fined or reprimanded by the Directorate?

Yes ☐ No ☐

If yes, please give details on an attachment page.

12. Were you ever fined or reprimanded by the Free Trade and Processing Zone?

Yes ☐ No ☐

If yes, please give details on an attachment page.

13. Were you ever fined or reprimanded by the International Financial Services Regulatory Commission? If so, please explain.

Yes ☐ No ☐

If yes, please give details on an attachment page.

14. Were you ever unable to pay a winning or prizes due to a customer? If so, please explain.

Yes ☐ No ☐

If yes, please give details on an attachment page.

15. Has there been any change in your primary objectives and business activities?

Yes ☐ No ☐

If yes, please give details on an attachment page.

16. Is the Business Entity a member of the Interactive Gaming Council or any other Internet gaming or betting associations, or any other gaming associations such as the International Association of Gaming Attorneys?

Yes ☐ No ☐

If so, how long has the Business Entity been a member?

17. On attachment page, provide full details of changes in all parent, holding subsidiary and related business entities (attach flowchart) including details as to the nature of the relationships with the applicant Business Entity, the names of key persons, directors, shareholders, partners and chief executive officers of the related business entities and the business conducted by each related business entity.

18. Has there been any change in those business entities in which the Business Entity identified in Schedule "A" having controlling or ownership interest in excess of five (5%) percent?

Yes ☐ No ☐

If yes, please give details on an attachment page.

19. Since the submission of Schedule "A" has there been any new litigation, criminal, regulatory or civil, taken by or against the Business Entity?

Yes ☐ No ☐

If yes, please include the name of the jurisdiction(s) in which the action(s) were brought, court file number(s) and the outcome of each action.

20. Since the submission of Schedule "A" has there been any pending criminal, regulatory or civil litigation, by or against Business Entity, including the name of the jurisdiction(s) in which the action(s) are proceeding and court file number(s).

Yes ☐ No ☐

21. Since the submission of Schedule "A" has there been any change for any director, partner, chief executive officer of the Business Entity or any shareholder with more than five (5%) percent voting or ownership interest in the Business Entity as to address, telephone numbers and any other relevant matter.

Yes ☐ No ☐

22. Please attach certified copies of the audited and, if applicable, published financial statements of the Business Entity since the filing of Schedule "A".

23. Please attach certified copies of the audited and, if applicable, published financial statements of any parent or holding business entity since the filing of Schedule "A".

24. Furnish full details of any persons, companies or institutions from which the Business Entity has current loans or has obtained funds on loan since the filing of Schedule "A".

25. Advise if there has been any substantial change to the financial situation of the Business Entity since filing of Schedule "A". If so, provide full details.

26. Supply details (name, branch and account number) of all bank accounts presently operated by the Business Entity.

27. Confirm that if requested:

- (i) The Business Entity will produce certified copies of its income tax returns;

Yes ☐ No ☐

- (ii) The Business Entity will produce copies of minutes of shareholder and directors Meetings;

Yes ☐ No ☐

- (iii) The Business Entity will produce any information relevant to the published financial statements;

Yes ☐ No ☐

(iv) The Business Entity will authorize the release of any other information required by the Directorate; Yes ☐ No ☐

(v) The Business Entity will provide full details of any other directorships, partnerships or other business interests or affiliations with which the key person, directors, associated shareholders with more than five (5%) voting or ownership interest in the Business Entity, partners and chief executive officers of the Business Entity are currently or previously associated.

Yes ☐ No ☐

28. Since time of filing Schedule "A" has the interactive gaming or interactive wagering license been used as collateral against any indebtedness?

Yes ☐ No ☐

If yes, please give details on an attachment page.

29. Since time of filing Schedule "A" has there been any change in the status of Business Entity, key person, director, partner, chief executive officer or any shareholder with more than five (5%) percent voting or ownership in the Business Entity's association with the ownership, administration or management of:

- | | | | |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| (i) | A casino; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (ii) | Keno or lottery operations; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (iii) | Interactive gaming or interactive betting; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (iv) | Race wagering or wagering operations; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (v) | The manufacture, assembling, selling, distributing, importing, supplying or repairing of gaming or gaming related machines, on-line machines | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

If yes, please provide details on an attachment page.

30. Since the filing of Schedule "A" has there been any change in the status of the Business Entity in any interest, financial or otherwise, in any business entity or with any person, or has the Business Entity provided any financial assistance or other support to any other business entity or person involved with the ownership, administration or management of:

- | | | | |
|-------|--------------------------------------------|------------------------------|-----------------------------|
| (i) | A casino; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (ii) | Keno or lottery operations; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (iii) | Interactive gaming or interactive betting; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (iv) | Race wagering or wagering operations; | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

- (v) The manufacture, assembling, selling, distributing, importing, supplying or repairing of gaming or gaming related machines, on-line machines?

Yes ☐ No ☐

If yes, please provide details on an attachment page.

31. Since the filing of Schedule "A" has the Business Entity changed its name?

Yes ☐ No ☐

If yes, please give details on an attachment page.

This application is accompanied by:

- A. A completed Personal Information Form (**D-2**) in respect of each director, partner and chief executive officer of the applicant, and shareholder with five (5%) percent or more ownership of or controlling interest in the applicant and;
- B. A non-refundable deposit in the amount of Five (**\$5,000**) Thousand United States Dollars.
- C. Certificate of Good Standing from the Financial Services Regulatory Commission.

Attachment Page – SCHEDULE D1

Question Number:

Signature: _____

RENEWAL APPLICATION

This is **Schedule “D2”** to the regulations concerning Interactive Gaming and Interactive Wagering
*This is to be completed by each director, partner and chief executive officer of the renewal applicant
 Business Entity, duly authorized key person, and shareholder with five (5%) percent or more
 ownership of or controlling interest in the applicant Business Entity.*

1. _____
Surname First Middle

2. Have you filed a Personal Information Form (Schedule")? If not, please complete Schedule "C"

Yes ☐ No ☐

3. If you have filed a Personal Information Form (Schedule "C"), have there been any changes in your:

(a)	Name	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(b)	Occupation	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(c)	Marital Status	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(d)	Family Particulars	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If yes, please provide details on an attachment page.

4. Since filing Schedule "C" have you been arrested, charged or summoned for any offence?

Yes ☐ No ☐

If yes, please give details on an attachment page.

5. Since filing Schedule "C" have you been a party in any lawsuit in which an amount exceeding Ten Thousand **(\$10,000)** United States Dollars was claimed, or are you impending any such action?

Yes ☐ No ☐

If yes, please give details on an attachment page.

6. Since filing Schedule "C" have you had:

- | | | | |
|-----|--------------------------------------------------------|------------------------------|-----------------------------|
| (a) | A judgment entered against you | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (b) | Your wages garnisheed, or subject to a garnishee order | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (c) | Had any article repossessed | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

If yes, please provide details on an attachment page.

7. Since filing Schedule "C" has there been any change in your current employment?

Yes ☐ No ☐

If yes, please give details on an attachment page.

8. Since filing Schedule "C" has there been any change in your association with any business interests or affiliation where you are director, partner, or where you have any other significant involvement?

Yes ☐ No ☐

If yes, please give details on an attachment page.

9. Since filing Schedule "C" have you filed bankruptcy, or availed yourself of the laws relating to bankruptcy or insolvency.

Yes ☐ No ☐

If yes, please give details on an attachment page.

10. If requested to produce copies of your income Tax Returns, will you do so?

Yes ☐ No ☐

STATEMENT OF ASSETS

11. As of the _____ day of _____, _____,

(Date of this Statement or whatever date that is convenient in the last 12 months)

Describe fully, if additional space is required use attachment pages:

12. Cash in: \$ _____

_____	_____	_____
Financial Institution	Branch	Account Number

Cash in: \$ _____

_____	_____	_____
Financial Institution	Branch	Account Number

Cash in: \$ _____

Financial Institution	Branch	Account Number
-----------------------	--------	----------------

Debts owing to you by other persons (give details and dates due):

\$ _____ / _____ / _____
(Day/Month/Year)

\$ _____ / _____ / _____
(Day/Month/Year)

\$ _____ / _____ / _____
(Day/Month/Year)

Other current assets (give details)

_____ \$ _____

_____ \$ _____

Investments:

Shares, bonds, Mutual Funds, debentures, notes, etc.

Company	Type	No. Held	Year of Acquisition	Total	Estimated Acquisition Cost	Market Value

Investments, other than those listed above:

Description	Total Acquisition Cost	Estimated Market Value

Fixed Assets:

Real estate (own residence and other properties):

Description	Location	Year of	Acquisition Cost	Estimated Market Value

Other Assets (over \$5,000 per item):

Motor vehicles, airplanes, recreation vehicles, boat, furniture, jewelry, etc.

Description	Acquisition cost	Market value

TOTAL ASSETS

\$ _____

STATEMENT OF LIABILITIES

12. As of the _____ day of _____, _____.

(Date of this Statement or whatever date that is convenient in the last 12 months)

Describe fully. Indicate secured and unsecured liabilities. If additional space is required, use attachment pages.

Long Term liabilities (including mortgages)

Loan value:

Loans etc.: \$ _____

_____	_____	_____
<i>Borrower's name</i>	<i>Financial Institution</i>	<i>Branch</i>

Due date _____ / _____ / _____

Monthly repayment: \$ _____

Loans etc.: \$ _____

<i>Borrower's name</i>	<i>Financial Institution</i>	<i>Branch</i>
------------------------	------------------------------	---------------

Due date ____ / ____ / ____ Monthly repayment: \$ _____

Other long-term liabilities (indicate name and address of lender or creditor) and repayment details:

<i>Name</i>	<i>Address</i>	<i>\$</i>	<i>Repayment Details</i>
-------------	----------------	-----------	--------------------------

<i>Name</i>	<i>Address</i>	<i>\$</i>	<i>Repayment Details</i>
-------------	----------------	-----------	--------------------------

<i>Name</i>	<i>Address</i>	<i>\$</i>	<i>Repayment Details</i>
-------------	----------------	-----------	--------------------------

Current liabilities (indicate name and address of creditor)

<i>Name</i>	<i>Address</i>	<i>\$</i>	<i>Repayment Details</i>
-------------	----------------	-----------	--------------------------

<i>Name</i>	<i>Address</i>	<i>\$</i>	<i>Repayment Details</i>
-------------	----------------	-----------	--------------------------

<i>Name</i>	<i>Address</i>	<i>\$</i>	<i>Repayment Details</i>
-------------	----------------	-----------	--------------------------

Other liabilities

(Include Contingent liabilities i.e. Liabilities of an indefinite nature or unspecified amount for which you may become liable in the future)

_____ \$ _____

_____ \$ _____

TOTAL LIABILITIES \$ _____

NET WORTH (Total Assets-Total Liabilities) \$ _____

SOURCE OF FUNDS

13. Indicate hereunder the sources over the past five (5) years of all income and other benefits received for your use of disposal (whether received in money or in kind) whether as a result of your employment or association with any corporation, partnership, trust, joint venture or business or otherwise. List the amount and source of each item received by yourself (and your spouse / common law spouse, if received jointly) and list each year separately.

Year ended:

Source	Amount

TOTAL \$ _____

Year ended:

Source	Amount

TOTAL \$ _____

Source	Amount

TOTAL \$ _____

Year ended:

Source	Amount

TOTAL

\$ _____

Year ended:

Source	Amount

TOTAL

\$ _____

DECLARATION

By signing below, I declare that:

1. The information contained in this application is complete and accurate:
2. In the case of a corporation, partnership or other business entity, that I am duly authorized to make the application on behalf of the corporation, partnership or other business entity named as applicant:
3. I have been provided with a copy of the Interactive Gaming and Interactive Wagering Regulations. The applicant agrees to abide by the provisions of the Regulations which will be the law governing the applicant's relationship with the Directorate of Offshore of Antigua and Barbuda.

Signature: _____

Name: _____
(Please Print)

Date: _____

OATH OR SOLEMN AFFIRMATION BY THE APPLICANT BEFORE AN AUTHORIZED PERSON

I, _____ OF _____
SWEAR OF SOLEMNLY AFFIRM THAT:

1. I am the _____ of _____
(Relationship of declarant to the applicant) *(Name of applicant)*
2. I have personally completed (or I am personally responsible for providing the information contained in) the Business Entity Information Form to which this Declaration is appended.
3. I certify that the particulars contained in the Business Entity Information Forms are true and correct in every detail and fully disclose the information to complete the Business Entity Information Form.

(Signature of applicant)

() Sworn before me, _____

() Solemnly affirmed before me, _____

at _____

this _____ day of _____, _____.

(Signature)

(Given name and name in block letters)

(Specify in which capacity this declaration is taken: as commissioner for oaths, justice of the peace, lawyer, notary, mayor, clerk or secretary-treasurer of a municipality, registrar or clerk of a court of competent jurisdiction)

ATTACHMENT PAGE – Schedule D2

Question Number:

Signature: _____

End of Schedule "D". Please go on to Schedule "E".



The Directorate of Offshore Gaming

Schedule “E”: APPLICATION FOR A KEY PERSON LICENCE

APPLICATION FOR A KEY PERSON LICENCE

This is **Schedule "E"** to the Regulations concerning Interactive Gaming and Interactive Wagering

All information provided by the Applicant to the Directorate will be held in the strictest confidence and will not be used by the Directorate for any purpose other than matters pertaining to this application, unless it is required for the administration or enforcement of the Law or these Regulations or if it is related to an official investigation.

1. Name of Applicant: _____

2. Mailing Address: _____

3. Telephone Number: _____

4. Fax Number: _____

5. E-mail: _____

6. Name of Employer: _____

Telephone Number for Employer: _____

Fax Number for Employer: _____

E-mail for Employer: _____

This application is accompanied by:

- (a) A completed Personal Information Form in respect of the applicant;
- (b) A letter from the license holder that is to be the applicant's employer confirming the existence or proposed existence of a key relationship as defined by the Regulations, and
- (c) A non-refundable deposit in the amount of One Thousand **(\$1,000)** United States Dollars.
- (d) A completed Schedule "C".

DECLARATION

By signing below, I declare that:

1. The information contained in this application is complete and accurate;
2. In the case of a corporation, partnership or other business entity, that I am duly authorized to make the application on behalf of the corporation, partnership or other business entity named as applicant;
3. I have been provided with a copy of the Interactive Gaming and Interactive Wagering Regulations. The applicant agrees to abide by the provisions of the Regulations which will be the law governing the applicant's relationship with the Directorate of Offshore Gaming of Antigua and Barbuda.

Signature: _____

Name: _____
(Please Print)

Date: _____