

ANTIGUA AND BARBUDA

GAMBLING (GAMING MACHINE) REGULATIONS

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS 2017 NO.

Gambling (Gaming Machine) Regulations (the “Regulations”), made by the Minister pursuant to section 252 of the Gambling Act 2016.

PART 1 – Licensing of Repairers, Service Contractors and Machine Managers

1. Licensing of repairers, service contractors and machine managers

- (1) In accordance with section 199 of the Act, gaming machine repairers, service contractors and machine managers are required to be licensed.
- (2) The provisions of the Act as applicable to “key employees” apply to the licensing of gaming machine repairers, service contractors and machine managers.

2. Repairers

- (1) Except as provided in subsection (2), a person must not install, alter, adjust, maintain or repair gaming equipment unless the person:
 - (a) is authorised under a repairer's licence to install, alter, adjust, maintain or repair the equipment; and
 - (b) installs, alters, adjusts, maintains or repairs the equipment on behalf of:
 - (i) a licensed service contractor who is the service contractor under a service contract with the licensee in respect of the equipment; or
 - (ii) if monitoring services are provided by a monitoring provider, the monitoring provider under an agreement with the licensee to provide a basic monitoring service and the agreement includes the installation, alteration, adjustment, maintenance or repair of the equipment.
- (3) Subsection (1) does not apply in relation to installations, alterations, adjustments, maintenance or repairs if the activity is:-
 - (a) the installation of a gaming machine if the gaming machine is to be examined by an inspector before play is allowed on the gaming machine;
 - (b) the installation, alteration, adjustment, maintenance or repair of those fuses, electric light globes, fluorescent tubes and fluoro starters of a gaming machine that are easily accessible;
 - (c) the installation, alteration, adjustment, maintenance or repair of hinges of gaming machine drop box doors;
 - (d) the adjustment of the device regulating the level of the contents of the hopper;
 - (e) the installation, alteration, adjustment, maintenance or repair of external switch covers or glass or perspex panels of a gaming machine;
 - (f) the repair by clearing coins jammed in a gaming machine;

(g) the repair by resetting minor fault conditions of a gaming machine.

3. Service contractors

- (1) A person must not enter into a service contract with a licensee in respect of gaming equipment on the licensee's licensed premises unless the person is licensed as a service contractor.
- (2) A licensed service contractor must not subcontract any of the obligations of the licensed service contractor under a service contract to another person unless the other person is licensed either as a service contractor or a repairer to undertake those obligations.
- (3) A licensed service contractor or licensed repairer to whom any of the obligations of a licensed service contractor under a service contract have been subcontracted must not further subcontract those obligations.
- (4) A licensed service contractor must not employ a person to install, alter, adjust, maintain or repair gaming equipment unless the person is authorised under a repairer's licence to install, alter, adjust, maintain or repair the equipment.
- (5) Where:
 - (a) a licensed service contractor proposes to carry out work under a service contract on gaming equipment on a licensee's licensed premises; and
 - (b) the proposed work may affect the operation of electronic monitoring equipment used to provide a monitoring service in respect of the gaming equipment,
the licensed service contractor:
 - (c) must notify the monitoring provider of the proposed work; and
 - (d) must not carry out the proposed work without the approval of the monitoring provider.

4. Machine managers

- (1) Subject to subsections (4) and (6), the following duties and functions shall be carried out only by a licensed machine manager employed under subsection (3) to carry out the duties in respect of the licensee's licensed premises:-
 - (a) the management of employees of a licensee who are responsible for the conduct of gaming;
 - (b) the management of the access to the internal parts of gaming machines;
 - (c) the management and supervision of money clearances;
 - (d) the issuing of keys for the security of gaming machines to employees of a licensee;
 - (e) the supervision of entries in accounting records required to be kept and maintained under the Act; or
 - (f) the arranging of remedial repairs to gaming equipment.
- (2) Subject to subsections (4) and (6), a person shall not:
 - (a) employ or allow; or
 - (b) cause another person to employ or allow,
a person who is not a licensed machine manager employed under subsection (3) in respect of the particular licensed premises to carry out the duties specified in subsection (1).

- (3) Subject to subsection (4), a licensee shall ensure at all times in respect of each of the licensee's licensed premises that there is at least one licensed machine manager employed by the licensee to carry out the duties prescribed for the purposes of subsection (1).
- (4) If a licensee is unable to comply with subsection (3), the licensee, with the approval of the Authority, may employ a sufficient number of persons (who are applicants for a machine manager's licence) so that there is at least one person who is a licensed machine manager or an applicant for a machine manager's licence to carry out the duties specified in subsection (1) in respect of each of the licensee's licensed premises.
- (5) Subject to subsection (6), a licensee shall ensure that at all times when gaming is being conducted on the licensee's licensed premises there is in attendance on the premises at least one licensed machine manager employed by the licensee under subsection (3) or an applicant for a machine manager's licence employed by the licensee under subsection (4) in respect of the premises.
- (6) If a licensee is unable to comply with subsection (5), the licensee may, with the written approval of the Authority, employ a person to carry out the duties specified in subsection (1) for a period of not more than 7 days.
- (7) Until a licensee is able to comply with subsection (5) or obtains the Authority's approval under subsection (6), the licensee shall cease the conduct of gaming on the licensee's licensed premises.

5. Notification of employment and agreements

- (1) A licensed service contractor shall:
 - (a) not later than 7 days after being granted a licence; and
 - (b) each time an application for renewal of a licence is made, notify the Authority in the form determined by the Authority of the name, and licence number of each person employed by the licensed service contractor as a licensed repairer at the time of the notification.
- (2) A licensed service contractor shall, not later than 7 days:
 - (a) after employing a person as a licensed repairer; or
 - (b) after a person ceases to be employed by the licensed service contractor as a licensed repairer, notify the Authority in the form determined by the Authority of the name, and licence number of the person together with the name, and licence number of each person employed by the licensed service contractor as a licensed repairer at the time of the notification.
- (4) A licensed service contractor shall:
 - (a) not later than 7 days after being granted a licence; and
 - (b) each time an application for renewal of a licence is made, notify the Authority in the form determined by the Authority of the name, and licence number of each person with whom the licensed service contractor has a service contract at the time of the notification.
- (5) A licensed service contractor shall, not later than 7 days after making or terminating a service contract, notify the Authority in the form determined by the Authority of the name, and licence number of the other party to the service contract together with the name and licence number of each person with whom the licensed service contractor has a service contract at the time of the notification.

- (6) A licensee shall:
- (a) not later than 7 days after being granted a licence; and
 - (b) each time an application for renewal of a licence is made, notify the Authority in the form determined by the Authority of:
 - (c) the name and licence number of each licensed machine manager employed in respect of the licensed premises to which the licence relates at the time of the notification; and
 - (d) the name of each person who is an applicant for a machine manager's licence, employed in respect of the licensed premises to which the licence relates at the time of making the notification.
- (7) A licensee shall not later than 7 days after:
- (a) employing a licensed machine manager; or
 - (b) a person ceasing to be employed as a machine manager by the licensee;
- notify the Authority in the form determined by the Authority of the name of the licensed machine manager or person and the licence number of the licensed machine manager.
- (8) If it becomes known to a licensed service contractor that a person employed by the licensed service contractor as a licensed repairer is not a licensed repairer, the licensed service contractor shall immediately terminate the employment of the person as a licensed repairer.
- (9) If it becomes known to a licensee that a person with whom the licensee has made a service contract is not a licensed service contractor, the licensee shall immediately terminate the service contract.
- (10) If it becomes known to a licensed service contractor that:
- (a) a person with whom the service contractor has made a service contract is not a licensee; or
 - (b) a person to whom the licensed service contractor has subcontracted any of the licensed service contractor's obligations under a service contract is not a licensed service contractor or licensed repairer,
- the licensed service contractor must immediately terminate the service contract or subcontract, as the case may be.
- (11) If it becomes known to a licensee that:
- (a) a person employed by the licensee is not a licensed machine manager; or
 - (b) the application of a person employed by the licensee has been refused,
- the licensee shall immediately terminate the employment of the person.
- (12) Subclause (8), (9), (10) or (11) of this Regulation is sufficient authority to terminate the employment or service contract referred to in the subsection, notwithstanding any other Act or law.
- (13) No right of action arises against any person because of the termination.

6. Surrender of repairer or service contractor's licence

- (1) If a repairer's or service contractor's licence is being surrendered, as soon as practicable after forwarding to or lodging with the Authority the licence, the holder of the licence must dispose of all gaming equipment and restricted components in the holder's possession in the manner approved by the Authority.
- (2) If a service contractor's licence is being surrendered the obligations of a licensee to the holder of the licence under a service contract cease on the day on which the licence and notification are forwarded to or lodged with the Authority.

7. Display of repairer's licence

A licensed repairer shall, at all times whilst installing, altering, adjusting, maintaining or repairing gaming equipment on licensed premises, display the licensed repairer's licence on his or her person in such way as to be visible to other persons unless the licence at any material time is in the possession of the Authority.

8. Machine managers to produce licence or identification

- (1) A machine manager shall produce his or her machine manager's licence that is in force, or his or her identification card provided under subregulation (2), to a person:
 - (a) who is affected by a decision of the machine manager; and
 - (b) who requests the production.
- (2) A licensee shall provide to a machine manager employed on the licensee's premises, an identification card showing in bold face print:
 - (a) the person's name;
 - (b) the name of the licensed premises; and
 - (c) the words "Machine Manager".
- (3) The identification card shall bear the signature of the person.

PART 2 - Security of Gaming Machines

9. Gaming machines to be labelled with identification number

- (1) The Authority may issue an identification number for each gaming machine approved for use in Antigua and Barbuda.
- (2) The Authority may, at any time after the issue of an identification number for a gaming machine, issue a new identification number for that gaming machine.
- (3) The Authority may affix or cause to be affixed to each gaming machine a label showing:
 - (a) the identification number issued under subsection (1) or (2); and
 - (b) such other particulars as the Authority considers appropriate, on one internal and one external surface of the cabinet of the gaming machine.
- (4) A label affixed under this section is to be made of such material, and be affixed, as the Authority considers appropriate.
- (5) If a label has been issued for the machine, a licensee must not operate a gaming machine unless a label that complies with this section is affixed to the gaming machine in accordance with this section.
- (6) Before a gaming machine on a licensee's licensed premises is disposed of outside Antigua and Barbuda or is destroyed, the licensee must return or cause to be returned to the Authority the label affixed to the gaming machine.
- (7) A licensed service contractor must keep a label that is not affixed to a gaming machine in a secure place and must not use the label except in accordance with a procedure that is approved by the Authority.
- (8) A licensed service contractor must not hold more than the number of labels issued to or determined by the Authority, for that particular contractor.

10. Affixing of labels

- (1) A person must not affix a label referred to in Regulation 10 to a gaming machine unless the person is:
 - (a) a licensed service contractor; or
 - (b) a person approved by the Authority.
- (2) A person who affixes a label to a gaming machine must, as soon as practicable after affixing the label, notify the Authority in writing of:
 - (a) the identification number on the label;
 - (b) the serial number of the gaming machine;
 - (c) the type of the gaming machine; and
 - (d) the manufacturer of the gaming machine.
- (3) Labels that are issued by the Authority for gaming machines on a particular licensee's licensed premises are not to be affixed to gaming machines on any other licensee's licensed premises without the approval of the Authority.

11. Authority to issue or approve seals

The Authority may issue or approve seals for use in relation to the protection of the computer cabinet or other sensitive parts of gaming machines.

12. Gaming prohibited on unprotected devices

- (1) Where the Authority has instituted a system for the sealing of the computer cabinet of a gaming machine, a licensee shall not, without lawful excuse, be in possession of, or permit gaming on, a gaming machine unless the computer cabinet or other specified area of the gaming machine is securely sealed with a seal affixed by:
 - (a) an inspector;
 - (b) a licensed repairer or licensed monitoring provider; or
 - (c) a person otherwise authorised under the Act.
- (2) Subject to subsection (3), at any time when a seal on a computer cabinet has been removed, broken or damaged, the licensee shall not permit gaming on the gaming machine until the gaming machine has been examined by an inspector or person authorised by the Authority and the computer cabinet has been sealed.
- (3) Subsection (2) does not apply to a gaming machine that is not available for gaming due to the gaming machine undergoing:
 - (a) repairs by a licensed repairer under this Act; or
 - (b) an alteration to effect a change of game, gaming token denomination or betting unit approved by the Authority.

13. Game board labels

Where a person installs a game EPROM on a game board, the person shall affix to the game board a label that clearly displays in the English language:

- (a) the gaming machine type for which the game board is designed or the code number of the gaming machine type allocated by the Authority; and

- (b) the game for which the game EPROM is programmed or the code number of the game allocated by the Authority.

14. Accounting for broken and removed seals

- (1) A person who breaks or removes a seal affixed to a gaming machine:
 - (a) must keep the broken or removed seal until the seal is accounted for under paragraph (b); and
 - (b) must account for the broken or removed seal, or cause the broken or removed seal to be accounted for, to the Authority within 7 days after the end of the month in which the person broke or removed the seal.

15. Restricted components

For the purposes of the definition of *restricted component* in section 221 of the Act, the components set out in Schedule 1 are restricted components.

16. Site controllers

- (1) If a monitoring system is in place, the site controller for the monitoring system installed on a licensee's licensed premises is prescribed gaming equipment.
- (2) A person must not install, replace or otherwise interfere with the site controller for the monitoring system installed on a licensee's licensed premises.
- (3) Subregulation (2) does not apply to the licensed monitoring provider who provides a monitoring service in respect of gaming equipment on the licensee's licensed premises, or where the licensee installs or replaces the site controller in accordance with the instructions of the licensed monitoring provider.

PART 3 - Accounting Procedures

17. Functions to be carried out with monthly money reconciliations

- (1) In carrying out a monthly money reconciliation, a licensee shall:
 - (a) ensure that no gaming machine credits are registered by the gaming machine;
 - (b) ensure that no gaming tokens remain in the gaming machine, other than those gaming tokens that are in the hopper;
 - (c) ensure that a record of the monetary value of the contents of the hopper is made in the Gaming Machine Performance Record; and
 - (d) ensure a record is made in the Gaming Machine Performance Record of the amounts displayed on the following electronic RAM meters of the gaming machine:

- (i) the total of all coins to the drop box;
- (ii) the total of coins won (non-progressive);
- (iii) the total of all cancelled credits;
- (iv) the total of all coins bet;
- (v) the total of all hopper fills; and
- (vi) if an appropriate meter is provided by the gaming machine – the total of wins (progressive).

18. Daily money clearances

- (1) A licensee shall ensure that a daily money clearance is carried out, or is personally supervised, by a machine manager.
- (2) A licensee shall keep, for each of the licensee's licensed premises, a Cash Clearance Report in the form determined by the Authority.
- (3) A licensee shall ensure that a Cash Clearance Report:
 - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies;
 - (b) records for each money clearance:
 - (i) the date and time;
 - (ii) the machine identification number;
 - (iii) the licensee's identification number of the gaming machine; and
 - (iv) the amount removed; and
 - (c) records for each day:
 - (i) the total amount removed during money clearances; and
 - (ii) the signature of every person who carried out, or supervised, money clearances certifying that the records made under this section are correct.

19. Manual Payments Register and hopper fills

- (1) A licensee shall keep a Manual Payments Register for each of the licensee's licensed premises in the form determined by the Authority.
- (2) A licensee shall ensure that a Manual Payments Register:
 - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies;
 - (b) records for each short pay correction payout, hopper fill, jackpot payout and cancelled credit made on the premises, the following particulars:
 - (i) the date and time;
 - (ii) the machine identification number;
 - (iii) the licensee's identification number of the gaming machine;
 - (iv) if it is a short pay correction payout, hopper fill, jackpot payout or cancelled credit;
 - (v) if it is a jackpot payout – the winning combination of symbols;
 - (vi) if it is a cancelled credit – the number of gaming machine credits displayed on the credit meter;
 - (vii) the amount;
 - (viii) if it is a short pay correction payout, jackpot payout or cancelled credit, the name and signature of the person to whom the payment was made;
 - (ix) the name and signature (and licence number if applicable) of the person who made the payout or fill;

- (x) the name (and licence number, if applicable) of one other person, authorised in that behalf by the licensee, who, and the person's signature certifying that he or she, observed:
 - (A) if it is a cancelled credit – the number of gaming machine credits displayed on the credit meter;
 - (B) if it is a jackpot payout – the winning combination of symbols; or
 - (C) if it is a hopper fill – the hopper fill take place; and
 - (c) records after each transaction, a progressive monetary total of transactions entered in the register for each day.
- (3) A licensee shall ensure that:
- (a) a hopper fill is carried out only when a hopper is empty;
 - (b) when a hopper fill is carried out no more and no less than the number of tokens determined by the Authority, are placed in the hopper; and
 - (c) the gaming tokens are of the gaming token denomination of the gaming machine in question.
- (4) A licensee shall ensure that:
- (a) at the end of the conduct of gaming for each day – immediately below the latest entry in the Manual Payments Register in use that day a notation is made that indicates the entry is the last for the day; and
 - (b) for a payment over \$[insert] – either the person mentioned in subregulation (2)(b)(ix) or the person mentioned in subregulation (2)(b)(x) is a machine manager in relation to the licensee's licensed premises.

20. Gaming Machine Performance Record

- (1) A licensee shall keep in the form determined by the Authority a Gaming Machine Performance Record for each gaming machine provided to the licensee.
- (2) A licensee shall ensure that the period covered by a Gaming Machine Performance Record:
 - (a) starts on the day and at the time:
 - (i) the gaming machine is operated by the licensee;
 - (ii) of the completion of an alteration of the gaming machine to effect a change in the game or gaming token denomination of the gaming machine; or
 - (iii) of the completion of a monthly money clearance of the gaming machine; and
 - (b) ends on the day and at the time:
 - (i) of the removal of the gaming machine;
 - (ii) of the completion of an alteration of the gaming machine to effect a change in the game or gaming token denomination of the gaming machine; or
 - (iii) of the completion of the next monthly money clearance of the gaming machine after any act mentioned in paragraph (a).
- (3) A licensee shall ensure that each Gaming Machine Performance Record:
 - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies;
 - (b) includes a record of:
 - (i) the licensee's identification number of the gaming machine;
 - (ii) the machine identification number;

- (iii) the manufacturer's serial number allocated to the gaming machine;
 - (iv) the gaming token denomination;
 - (v) the game;
 - (vi) the day and time of the start of the period covered by the record;
 - (vii) the day and time of the end of the period covered by the record;
 - (viii) for each day, the following, expressed in monetary amounts:
 - (A) the total of gaming tokens removed during money clearances;
 - (B) the total of short pay correction payouts;
 - (C) the total of hopper fills;
 - (D) the total of jackpot payouts;
 - (E) the total of cancelled credits;
 - (ix) the money value of the contents of a hopper;
 - (x) meter readings; and
 - (xi) the performance summary; and
- (c) is entered up daily.

21. Alterations or obliterations to records

- (1) Subject to subregulation (2), a person shall not alter or obliterate an entry in a Manual Payments Register, Cash Clearance Report or Gaming Machine Performance Record.
- (2) A person may make an alteration to an entry mentioned in subregulation (1) to correct an error in the entry.
- (3) The correction shall be made by means of a marginal note or footnote, on the same page, which correction shall record:
 - (a) the identity of the person who made the correction;
 - (b) the date of the correction; and
 - (c) the correct particulars.

22. Installation, removal and alteration of gaming machines

- (1) A licensee shall ensure that a money clearance is carried out on a gaming machine provided to the licensee immediately before:
 - (a) an alteration of the gaming machine to effect a change in the game or gaming token denomination of the gaming machine;
 - (b) the gaming machine is stored; or
 - (c) the removal of the gaming machine from the licensee's licensed premises.
- (2) A licensee shall ensure that on:
 - (a) the installation of a gaming machine; or
 - (b) the alteration of a gaming machine to effect a change in the game or gaming token denomination of the gaming machine,
 a record is made in the Gaming Machine Performance Record of the amounts displayed on the meters.

23. Monthly Gaming Machine Reconciliation Report

- (1) A licensee shall ensure that a Monthly Gaming Machine Reconciliation Report:
 - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies; and

- (b) records the information mentioned in subregulations (2) and (3).
- (2) The Monthly Gaming Machine Reconciliation Report is to record information from each Gaming Machine Performance Record for the licensed premises in question that covers any period between the second last and last monthly money clearance for the licensed premises.
- (3) The information that is to be recorded in the report is:
 - (a) the day and time of the start of the period covered by the record;
 - (b) the day and time of the end of the period covered by the record;
 - (c) the licensee's identification number of the gaming machine;
 - (d) the machine identification number of the gaming machine; and
 - (e) the performance summary.

24. Supervision while gaming

- (1) A licensee shall not conduct gaming, or allow gaming to be conducted, in a part of the licensee's premises:
 - (a) when the licensee or an employee of the licensee is not in that part of the premises to supervise gaming; or
 - (c) during a period directed by the Authority for the purposes of this clause.

25. Payments in connection with gaming

- (1) A licensee shall make a payment in connection with:
 - (a) the payment of winnings or gaming machine credits (other than payments made by a gaming machine); or
 - (b) the redemption of gaming tokens,
with the currency of Antigua or Barbuda or USD, unless the payment:
 - (c) is required to be made in another way in accordance with the rules ancillary to gaming for the premises; or
 - (d) is to be made under subsection (2).
- (2) A licensee may, if requested by a person entitled to a payment referred to in subclause (1) (other than a payment to which subclause (1)(c) applies) and if the licensee thinks fit to do so, make the payment by:
 - (a) gaming tokens;
 - (b) a cheque;
 - (c) a combination of currency, gaming tokens and a cheque; or
 - (d) electronic transfer.

PART 4 - Penalties

26. Penalty for breach of these Regulations

A person who fails to comply with a provision of these Regulations may be liable to summary prosecution and, on conviction, to a maximum, fine of \$50,000.

Schedule 1 Restricted components

Gaming machine cabinet

Gaming machine cabinet door

Gaming machine artwork and reel tape

Gaming machine reel mechanism

Gaming token mechanism designed for use on a gaming machine or an identifiable part of such a mechanism

Hopper or an identifiable part of a hopper

Computer cabinet

Game board

Processor board

Game EPROM

Program or software for a gaming machine (irrespective of the medium or method of storage)

Identification plate

Gaming machine label

Gaming machine seal