

## **Part 1- Technical Standards for Gaming Machines**

### **1. Authority may set Technical Standards**

- (1) For the avoidance of doubt, the Authority may define technical standards and requirements for the design and operation of gaming machines and games within Antigua and Barbuda, including the requirements for the linking of machines to a monitoring system.
- (2) The Authority may define such of the core requirements as it thinks fit, and the times at which such requirements become operative.
- (3) The definition of the technical standards and requirements is to
  - (a) be undertaken for the purpose of ensuring gaming on gaming machines occurs in a manner that is fair, secure and auditable, and that gaming machines operate reliably in achieving these objectives.
  - (b) not unreasonably
    - (i) mandate a single solution or method of realising an objective;
    - (ii) limit technology application to gaming equipment;
    - (iii) limit creativity and variety of choice;
    - (iv) limit marketability;
    - (v) advantage any supplier or manufacturer of equipment; or
    - (vi) preclude research and development into new technology, equipment or innovative solutions.
- (4) The Authority may consider and approve alternative methods of achieving the objectives of the technical standards on their merits, on a case by case basis.
- (5) If the Authority adopts any new requirements, it may
  - (a) allow a grace period before new requirements come into force,
  - (b) may allow previously approved equipment to remain unaffected, or
  - (c) require revisions to previously approved equipment to be conducted under the requirements in force when the item was originally tested.

## **Part 2 - Monitoring System**

### **2. Authority authorised to establish a monitoring system**

- (1) The Authority may, at such a time as it thinks fit, —
  - (a) establish, operate and maintain a monitoring system; and
  - (b) conduct monitoring using the monitoring system and monitoring equipment for the purpose of—
    - (i) detecting significant events in relation to the electronic monitoring system, a gaming machine or communications system or device associated with the electronic monitoring system or a gaming machine; and
    - (ii) continuously recording, monitoring and controlling significant game play transactions and recording revenue generated from each gaming machine connected to the system; and
  - (c) to do all things necessarily incidental to establishing and operating such a system.

(2) The Authority may, at such time as it thinks fit, require a gaming machine to be connected to a monitoring system whereby information in respect of the gaming machine is provided to the monitoring system in accordance with arrangements approved by the Authority.

(3) The arrangements that the Authority approves for the purposes of sub-clause (2) may require involve the provision of information by any means, such as, and without limiting the generality of this subclause, by means of any of the following:

- (a) the direct provision of information by electronic data transfer,
- (b) the provision of information by means of the lodgement of reports or returns (whether or not electronically),
- (c) the provision of information by persons acting as processors for licensees.

(4) Such arrangements may make provision for or with respect to the time within which, and the person to whom, information is to be furnished.

### **3. Engaging contractors and appointing agents to assist with monitoring**

The Authority may engage a person on contract, or to appoint an agent, to assist in the establishment or conduct of a monitoring system.

### **4. Licensees required to connect gaming machines to authorised monitoring system**

(1) A licensee must ensure that each gaming machine that is kept on the premises of the licensee is included in or, if applicable, connected to, an authorised monitoring system.

Penalty for failure to comply with Section 4 (1) is a maximum fine of EC\$5,000 for each occurrence

(2) A licensee must, to the extent necessary to enable approved gaming machines kept on the premises of the licensee to be included in or connected to an authorised monitoring system:

- (a) permit the employees and agents of the Authority or a person administering the monitoring system to have access to those gaming machines, and
- (b) give assistance to the employees and agents of the Authority or a person administering the monitoring system.

Penalty for failure to comply with Section 4 (2) is a maximum fine of EC\$5,000 for each occurrence

(3) The employees and agents of the Authority or person administering the monitoring system may, if satisfied that a gaming machine kept in a licensee's premises is not included in or connected to an authorised monitoring system, request the licensee to take action to ensure that the gaming machine is included in or connected to the monitoring system.

(4) The licensee must, within 2 working days of receiving any such request under clause (3), take appropriate action to comply with the request.

Penalty for failure to comply with Section 4 (4) is a maximum fine of EC\$5,000 per day

## **5. Technicians required to connect gaming machines to authorised monitoring system**

(1) If an electronic monitoring system is established and a gaming machine is capable of being connected to such a system, a technician who carries out any work on a gaming machine on the premises of a licensee must ensure that the gaming machine is connected to an authorised monitoring system before the gaming machine is operated for the purposes of gambling.

Penalty for failure to comply with Section 5 (1) is a maximum fine of EC\$5,000 for each occurrence

(2) A technician does not commit an offence under clause (1) if:

(a) it is not practicable in the circumstances for the approved gaming machine to be connected to an authorised monitoring system, and

(b) the technician records the following details in a report that is in the form approved by the Authority:

(i) the gaming machine concerned,

(ii) the reason why it cannot be connected for the time being to a monitoring system,

(iii) the person who has the responsibility for ensuring its connection to an authorised monitoring system.

(3) If any such details are recorded in a report by a technician in relation to an approved gaming machine in the premises of a licensee, the licensee must:

(a) keep a copy of the report on the premises, and

(b) if requested to do so by an inspector, employee or agent of the Authority produce the copy for inspection by the inspector, employee or agent.

Penalty for failure to comply with Section 5 (3) is a maximum fine of EC\$5,000 for each occurrence

(4) A technician must not record any details in a report if the technician does so knowing that those details are false or misleading.

Penalty for failure to comply with Section 5 (4) is a maximum fine of EC\$10,000 for each occurrence

## **6. Monitoring fee payable by licensees to the Authority for the monitoring system**

(1) A licensee must pay a monitoring fee in respect of each approved gaming machine that:

(a) is kept on the premises of the licensee, and

(b) is included in or connected to an authorised monitoring system.

(2) The monitoring fee is payable by the licensee:

(a) in accordance with such arrangements (eg by way of electronic transfer from a nominated account) as may be made between the licensee and the Authority, or

(b) if no such arrangements are made, in accordance with such other arrangements as may be approved by the Authority.

(3) The amount of any fee payable under this Regulation is to be determined by the Authority from time to time.

(4) The Authority is entitled to recover any unpaid monitoring fee as a debt from the person (including a former licensee) who is or was liable to pay that fee.

## **7. Control of information obtained by monitoring system**

(1) The Authority, and any director, officer, employee or agent of the Authority or a person administering a monitoring system who acquires monitoring system information must not make use of that information or directly or indirectly make a record of or divulge it to another person except:

(a) in the course of and for the purposes of the operation of an authorised monitoring system;

(b) for any other purpose approved by the Authority in the public interest.

Penalty for failure to comply with Section 7 (1) is a maximum fine of EC\$50,000 for each occurrence

(2) The divulging of monitoring system information to any of the following persons or bodies is authorised:

(a) the Commissioner of Police, or

(b) a person authorised to undertake testing, but only to the extent that the monitoring system information is disclosed to the person for the purposes of exercising the authorised testing functions.

## **8. Unlawful interference with authorised monitoring system**

(1) A person must not:

- (a) possess any device or equipment made or adapted, or intended by the person to be used, for interfering with the normal operation of an authorised monitoring system, or
- (b) do anything that is calculated, or is likely, to interfere with the normal operation of an authorised monitoring system.

Penalty for failure to comply with Section 8 (1) is a maximum fine of EC\$50,000 for each occurrence

(2) Subclause (1) does not apply to or in respect of the possession of any device or equipment, or to anything done in good faith, in connection with the installation, alteration, adjustment, maintenance or repair of an authorised monitoring system by:

- (a) the Authority, its employees or agents who are operating the authorised monitoring system, or
- (b) a technician, or
- (c) any other person approved by the Authority.

(3) A person must not gain, whether personally or for another person, an advantage in the operation of a gaming machine that is connected to an authorised monitoring system as the result of knowing about any faulty or fraudulent computer programming in relation to the monitoring system.

Penalty for failure to comply with Section 8 (3) is a maximum fine of EC\$50,000 for each occurrence

(4) A person must not authorise or permit another person to act in a way that is an offence under another provision of this Regulation.

Penalty for failure to comply with Section 4 (1) is a maximum fine of EC\$50,000 for each occurrence

## **9. Illegal advantage with respect to authorised monitoring system**

(1) A person must not, during the design, manufacture, assembly, installation, maintenance or repair of an authorised monitoring system, dishonestly make provision to gain an advantage (whether or not for another person) in the operation of the monitoring system.

(2) A person who, as a result of gross negligence during the design, manufacture, assembly, installation, maintenance or repair of an authorised monitoring system, makes provision to gain an advantage (whether or not for another person) in the operation of the monitoring system is guilty of an offence.

(3) A person must not do anything to an authorised monitoring system in order to conceal anything that is an offence under subclause (1) or (2).

(4) A person must not authorise or permit another person to act in a way that is an offence under another provision of this clause.

Penalty for failure to comply with Section 9 is a maximum fine of EC\$100,000

## **10. Removal of authorised monitoring system**

A person (including a licensee) must not, without the consent of the Authority, remove, or cause to be removed, an authorised monitoring system that has been installed in premises authorised for the use of gaming machines.

Penalty for failure to comply with Section 10 is a maximum fine of EC\$50,000 for each occurrence

## **11. Disposing or failing to keep safe part of authorised monitoring system**

(1) A licensee or other person who has possession or control of any device or equipment that forms part of an authorised monitoring system:

(a) must store, and keep safe, the device or equipment in accordance with the approved directions of the Authority or the person administering the system, and

(b) must not dispose of the device or equipment otherwise than in accordance with the approved directions of the Authority or the person administering the system.

Penalty for failure to comply with Section 11 (1) is a maximum fine of EC\$10,000 for each occurrence

(2) In this clause, "**approved directions**" of the Authority or the person administering the system means directions relating to the storage, safety and disposal of devices or equipment that form part of an authorised monitoring system:

(a) to a licensee or other person who has possession or control of any such device or equipment, or

(b) to a class of licensees or other persons who have possession or control of any such device or equipment.

## **12. Protection from personal liability**

Anything done or omitted to be done by a person who is an agent or employee of the Authority or the person administering the monitoring system in exercising their functions conferred or imposed on the person by the Authority or the person, does not, if it was done or omitted to be done in good faith, subject the person to any personal action, liability, claim or demand.

### **13. Limitation of Authority's civil liability**

(1) The Authority does not incur any liability for an act or omission in the provision of monitoring services that causes a gaming machine not to operate.