



## **Code of Practice for the Gambling Industry**

### **The Generic Code - v.1.0.2012**

Issued by the

**Gambling Commissioner**

**As approved by the Minister for Gambling,  
pursuant to S.6(6)(f) of the Gambling Act  
2005.**

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## **1. INTRODUCTION**

## **1. Our Intentions**

1.1 The gambling industry is widely recognised as one of the world's most dynamic and innovative industries, especially in the field of remote services.

1.2 Gibraltar is home to the world's leading on-line gambling operators, and is the longest established host to this scale of services. As such, the Government of Gibraltar and the Gambling Commissioner are committed to ensuring that the standards under which its deliberately small number of high quality licensed gambling operators provide their services remain at the forefront of sound and effective regulatory practices, whilst maintaining a creative and competitive environment.

1.3 To this end, the Gambling Commissioner recognises that regulation should strive to achieve desirable and necessary customer protections, and wider social responsibilities, but not to a degree that commercial opportunities are inappropriately stifled. On the contrary, the Commissioner takes the view that an industry that is recognised as providing properly and proportionately licensed and regulated facilities will enjoy greater success in satisfying governments and players alike that their facilities are fair, secure and transparent, and the best place for remote gambling to take place.

1.4 The Government and the Gambling Commissioner are aware that the Gibraltar based industry is keen to develop its existing supervisory arrangements into an even more visible, risk based and effective regulatory relationship.

1.5 The purpose of this document is to make holders and prospective holders of remote and non-remote gambling licences who operate under the supervision of the Gambling Commissioner aware of the more significant and changed provisions of the Gambling Act 2005 ("the Act"), under which they are required to conduct their businesses, and outline, for development, a fair and transparent regulatory framework within which Gibraltar licence holders will be required to operate.

1.6 This Code has been approved by the Minister for Gambling pursuant to Section 6(6)(f) of the Gambling Act.

## **2. The licensing and supervision of gambling activities in Gibraltar.**

2.1 The licensing authority for Gibraltar is the Minister responsible for gambling (or such other individual or body as the Minister may appoint). As such the Minister bears the statutory responsibility for the grant, variation and renewal of licences amongst other responsibilities under the Gambling Act.

2.2 The Minister's responsibilities are administered through the Gambling Division, Licensing Section.

2.2 The gambling regulator, the Gambling Commissioner, is appointed by the Minister for Gambling. Section 6(4) of the Gambling Act requires the Gambling Commissioner to ensure that licence holders act within the terms of their licence agreements, the Gambling Act and in a way that maintains the good reputation of Gibraltar. Section 6(3) requires the Commissioner to provide general and specific advice and information to the Minister on the conduct of gambling based in Gibraltar by way of an annual report and on any other occasion required by the Minister responsible for gambling.

2.3 The Commissioner proposes that the principal method by which he will exercise his responsibilities is by:

1. Issuing approved codes of practice, guidance or other advice to the industry,
2. regular and direct liaison with key individuals in the industry,
3. risk based, programmed visits and examination of relevant equipment and information,
4. consideration of licence holders' reports as agreed or found necessary,
5. the examination of complaints from the public, including any underlying or systemic issues they identify,
6. advising the Minister, the Licensing Authority and the industry as necessary.

2.3 In exercising his responsibilities the Commissioner will also consult with the Minister, the Licensing Authority, the industry and other interested parties as necessary.

2.4 The Commissioner is empowered under the Gambling Act to take steps to initiate the revocation of a gambling licence or amendment of a licence agreement by the Licensing Authority, or where necessary initiate court proceedings against a licence holder or individual believed in breach of the Act or any regulation or code issued under the Act.

### **3. Interpretive Guidance to the gambling industry**

3.1 This document, a code of practice, is intended to be ‘interpretive guidance’ to the Gibraltar gambling industry in respect of the requirements of the Gambling Act 2005. It is the first code of practice issued under S.6(6)(f) of the Act. It is the Gambling Commissioner’s informed and considered opinion drawn from good practice within and outside Gibraltar and the gambling industry. The code is issued with the approval of the Minister for Gambling and may be taken into account in any proceedings before a court or in any matter determined by the Licensing Authority.

3.2 It is the Gambling Commissioner’s preference to keep the scale of formal requirements to a necessary minimum, and deal with as much guidance as possible by way of the more flexible and speedy codes of practice, as opposed to seeking statutory Regulations. However, it is likely that some issues will have to be dealt with in detail by way of advice notes or by Regulation due to legal or policy requirements.

3.3 The Commissioner is of the view that whilst many of the Act’s provisions are self evident and need little elaboration, and some require the level of comment possible in a document of this nature, others require separate and more detailed guidance.

3.4 At this stage the areas under consideration for more detailed guidance include: the provision of routine reports to the Gambling Commissioner (Regulatory Returns), Technical Standards, Anti Money Laundering measures, Responsible Gambling practices, and the provision of Operating Procedures/Internal Controls.

3.5 The Commissioner recognises and distinguishes between the holders of remote and non remote licences. Whilst the weight of the industry in Gibraltar is now remote, and the document reflects this balance, a new and substantial casino premises is planned to open at the end of 2008 and the Commissioner recognises that the differing and complementary needs of the remote and non remote sectors have to be met. Separate documents will address betting premises and machine gaming in premises not covered by an existing gambling licence, financial products spread betting, and lotteries.

3.5 Where appropriate, the principal section of the Act relating to the narrative headings has been included for ease of reference. These references are an indicator to the most relevant section of the Act. They are not an exhaustive reference and nothing in this document is intended to supersede the Gambling Act, the responsibilities of the Licensing Authority, other applicable legislation or the decisions of the Gibraltar courts.

#### **4. Key Definitions**

4.1 The Act makes illegal through various sections the provision of any gambling facilities in Gibraltar, i.e. betting, gaming, machine based ('slots') and lotteries, unless the provider holds an appropriate licence or the gambling is gaming excluded by way of an exemption (generally, the only exemption is non-remote gaming on private domestic/social functions).

4.2 The different forms of gambling have the widely understood and conventional definitions (S.2). 'Gambling' is a reference to both 'gaming' (games of chance for prizes) and 'betting' (wagers on events). Games of chance where superlative skill can eliminate chance, such as poker, are games of chance.

4.3 Non remote gambling is gambling typically conducted face to face, but may include telephone betting undertaken by licensed bookmakers in approved premises, and telephone orders for lottery tickets by authorised licence holders (S.23(2),(3)).

4.4 Remote Gambling is gambling in which persons do not participate face to face, but by means of remote communications, i.e. the internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication (S.2). A remote gambling licence will be required where a licence holder has at least one piece of remote gambling equipment in Gibraltar (S.24(1)).



**2. GAMBLING ACT REQUIREMENTS TO BE  
APPLIED BY**

**REMOTE**

**AND NON-REMOTE**

**LICENCE HOLDERS**

## **5. Responsible Gambling (Section 27)**

5.1 Licence holders should have defined systems in place to enable customers to request to be self excluded. Such requests should be a deliberate and considered action by the customer and should be implemented by the licence holder as soon as practicable and in compliance with the defined procedure. Implementation should include confirming receipt of the request to self exclude via an identified e-mail account or the means of correspondence/communication used by the customer. Confirmation should include specific information on the process and consequences of self exclusion, including the point at which self exclusion has commenced.

5.2 In respect of those matters under the control of the operator, self exclusion should include the prevention of the use of all known existing accounts, and the prevention of the opening of new accounts by the customer using the same or very similar registration details, and the early removal of the customer from all gambling marketing databases, and as far as is reasonably practicable, all third party databases. The Gambling Commissioner will not normally regard self exclusion to be in place until it has been confirmed by the licence holder.

5.3 Subject to the Gambling Commissioner's further advice, self exclusion systems modelled on mainstream industry bodies' advice, and recognised by the Commissioner, such as GamCare, eCogra and RGA, will be regarded as effective systems for the purposes of this requirement.

5.4 The Gambling Commissioner recognises that self excluded persons may successfully circumvent a self exclusion agreement. Where this is found to have occurred, a record should be kept and the Commissioner should be advised. As a general policy, in respect of the return of deposits or payment of winnings to the customer, each case should be judged on its merits but the Commissioner would expect any 'winnings' to be retained by the licence holder.

5.5 Licence holders are required to make information available to customers about responsible gambling practices, including self exclusion. For remote licence holders, in addition to a reference in the terms and conditions, a conspicuous link to responsible gambling information, including details of organisations dedicated to assisting problem gamblers, should be displayed on the website and on a page at the start of any gambling session, often referred to as the 'lobby' or 'entry' pages, or where username, password and other site access information is typically provided. Similarly, such a link should be provided at the end of the gambling session when the player uses the log out facility.

5.6 Responsible gambling facilities should be offered in the language(s) of the predominant users or intended users of the licence holders' site(s). In the case of non remote licence holders, pamphlets providing appropriate advice

should be available on the premises in places regularly accessed by customers.

5.7 Licence holders should designate a named individual of appropriate seniority to hold responsibility for ensuring that the licence holder's responsible gambling policies are relevant, up to date and effectively communicated to all members of the organisation associated with providing gambling facilities.

5.8 Licence holders should ensure that systems are in place to warn customers not to gamble beyond their means to pay, and should have systems in place to take into account information (such as communications and contact by the customer or advice/information from financial institutions) that indicates that the customer may be gambling beyond their means. Where this occurs the licence holder should initiate measures to assist the customer manage their gambling. This should include the generally available facility to set controlled, daily deposit, time or gambling limits, and self exclusion. The Commissioner will monitor local arrangements before considering whether specific standards for limits should be set.

5.9 Licence holders are expected co-operate with the Licensing Authority, Gambling Commissioner and other licence holders to develop techniques to identify and discourage problem gambling.

## **6. Duty to publicise rules (Section 35)**

6.1 All licence holders are required to publish their rules where they are visible and accessible to all those who visit or use their facilities for gambling. 'Rules' will be regarded as the terms and conditions of the gambling as well as the rules by which any particular game or activity has to be undertaken.

6.2 Remote licence holders: The Gambling Commissioner understands the term 'readily accessible' to mean a live link from the home page(s), 'about us' page and the customer registration pages of the relevant website(s) to a dedicated presentation of the relevant rules. Where a remote licence holder controls a series of websites or brands or operates through joint ventures, the rules should be accessible as above for each specific website.

6.3 Licence holders are required to expect that where customers may reasonably assume rules to be well established, understood or unchanged, but they are not, due emphasis will be given to those variant rules. Licence holders should monitor customer interpretation of rules and be prepared to make appropriate amendments where misunderstandings occur.

6.4 Where a licence holder moves a player into a different site with different rules, the player should be made aware of the change and of any significant variation in the rules between the original and subsequent site. 'Significant' should be given its everyday interpretation in the context of the remote gambling being provided.

6.5 Gambling presented on mobile telephones (WAP) and similar devices with limited display capabilities presents additional challenges to licence holders' meeting their responsibilities in respect of information provided to customers. In recognition that customers using mobile phones may or may not have previously registered via the internet, the Commissioner acknowledges the need to avoid requiring different processes for users, and requires licence holders to take reasonable steps to provide all mobile phone customers at the point of log in with a summary of the information required on the website, including a reference that the information provided is only a summary and that full details can be found on a nominated website. In the case of customers who register for the first time via a mobile phone, this information should be complemented by email, SMS or written advice at the time of registration, on where full versions of the information can be accessed. A record should be maintained of this advice being provided.

6.6 Non-Remote licence holders: The Gambling Commissioner understands the term "rules" in this context to mean General House Rules and/or the Terms and Conditions of the licence holder and the rules of any gambling activities provided on the premises. Such rules should be displayed in an accessible and reasonably well used public area of the licence holder's premises in a printed format. Licence holders should make pamphlets or leaflets available where there is evidence of customer demand for such information.

## **7. Operating Procedures and Internal Controls (Section 36)**

7.1 The Act creates an obligation on licence holders to establish an effective system of internal controls and operating procedures. The Commissioner regards this as a set of written or electronic documents that describe the organisation and conduct of the business and the monitoring arrangements and responses for activities conducted under the gambling licence. Such documents are sometimes referred to as 'standard operating procedures' or 'policy documents'. The Commissioner is of the view that in due course all licence holders should set out their key processes in this way, in particular, those policies and procedures the Commissioner may have occasion to review or examine. The precise content of OP/IC are likely to evolve over time and be subject to change.

7.2 Different licence holders and regulators have adopted different standards for recording operating procedures and internal controls. Whilst the content will vary from licence holder to licence holder, it is necessary for licence holders and the industry to make such information more readily and consistently available to the Commissioner, who will assess the adequacy of such arrangements, and any changes to them, against the scale and nature of the licence holder's activities.

7.3 The Commissioner will require direct access to a copy of the relevant documentation. The areas for inclusion include: corporate structure and reporting; internal and external audit arrangements; accounting and financial control standards; customer and transaction controls (including fraud and security arrangements); business continuity/disaster recovery plans; anti money laundering arrangements; age verification procedures; problem gambling and self exclusion policies; customer complaints arrangements; system testing and security arrangements; and web content and customer control measures to ensure that sites do not contain or access inappropriate material.

7.4 The Gambling Commissioner is aware that licence holders scale and breadth of services vary substantially and as a consequence their OP/IC will vary. However, the Commissioner is of a view that comprehensive published OP/IC is basic good governance, will facilitate internal audit against those systems by licence holders, and minimise the scale of examination the regulator needs to undertake, as well as remove the need for ad hoc briefings, notes and papers to be prepared when routine questions arise around such matters. As a consequence, where such OP/IC are not available, then the Commissioner will seek to agree an implementation plan for their preparation with the licence holder.

## **8. Minimum ages for gambling (Section 37)**

8.1 Licence holders are expected to take all reasonable steps to prevent persons under the minimum permitted age from using their gambling facilities. Such steps should be initiated at the time the person seeks to access the facilities, by way of generic age requirement warning notice(s). More proactive means of establishing age should be applied in the registration process or at first deposit, including the deposit of 'cash' from bonuses or other means. For online gambling, these should include a positive action by the applicant to acknowledge the age limit, as well as providing date of birth and other necessary registration details.

8.2 Licence holders are expected to take reasonable measures to self test the effectiveness of their age verification systems and remote licence holders should permit the use of parental blocking and filtering systems.

8.3 It is recognised that a credit card issuer is more likely than not to have performed an age verification check, and a credit card user is more likely than not to be a person over the age of 18. The Commissioner is of the view that this provides a level of assurance that the card holder is over the age of 18. Conversely, other payment systems are, to varying degrees, less likely to have involved age verification, and licence holders should be mindful of those differences when registering players, together with any known indicators of underage players seeking to gain access to facilities.

8.4 Where a substantive reason to believe a customer may not be above the minimum age to gamble emerges, for example due to unsatisfactory age verification results or other information, gambling should be suspended and no winnings paid out.

8.5 Where it is not possible to be satisfied within 72 hours of a first deposit being made (or within the period of time usually sufficient to carry out age verification for customers from a particular state), that the person involved is above the minimum age to gamble, the account should be suspended whilst procedures continue to establish the age of the player, or the account should be cancelled and all stakes returned.

8.6 The return of stakes to under age players arises from S.37(4) of the Act which states that where a licence holder become aware that a person under the minimum permitted age for gambling has accessed its services it must;

1. advise the Commissioner of the circumstances at the earliest opportunity (to: [gcreports@gibraltar.gov.gi](mailto:gcreports@gibraltar.gov.gi))
2. take steps to return to that person all his/her stake(s) used for the gambling;
3. forfeit any unpaid winnings to the Government Consolidated Fund;
4. not take steps to recover any paid winnings.

## **9. Transaction record keeping and the provision of accounts. (Section 38)**

9.1 Licence holders are required to advise the Gambling Commissioner in writing where customer transaction records are retained. That place will be required to meet the security standards set out in the Commissioner's Technical Standards document, which will reflect recognised good practice on the storage of personal data. The records should be kept in a manner that will allow true and fair financial statements and accounts to be prepared and audited. Transaction records should be retained for at least 5 years.

9.2 The Gambling Commissioner will require each licence holder to provide quarterly statistical/financial returns in respect of each licence in a form to be specified (S.29). This data, part of the Regulatory Return, is seen as a primary indicator of the licence holder's scale and range of activities, and will be used by the Commissioner to allow regulatory trend and activity analysis to take place. Suitable security and confidentiality measures will be applied by all parties.

9.3 Licence holders are required to prepare audited annual accounts for their licensed entities in accordance with applicable legislation. The Gambling Act requires the provision of copies of such accounts to be provided to the Licensing Authority and Gambling Commissioner within 28 days of them becoming available. These accounts are to be made available within 13 months of the end of the licence holder's accounting period.

9.4 The Gambling Commissioner is able to require licence holders to provide such transaction information as he may reasonably require. Such reasons will be given in writing and with reasonable notice. See also Section 14 of this document.

## **10. Data Protection Measures**

10.1 The Data Protection Act 2004 applies to licence holders. Licence holders are required to register with the Data Protection Commissioner. The Gambling Commissioner would remind licence holders that:

- data should be obtained and processed fairly and lawfully
- data should be kept and used only for the purposes it was obtained
- data should be kept accurate and up to date
- data must be kept safely and securely
- customers are entitled to see the personal data held about them.

10.2 The Commissioner is mindful that advice on data protection rests with the data protection commissioner and it would be inappropriate to attempt to replicate his advice in this document. However, certain gambling specific matters have been raised that are worthy of general guidance.

10.3 Where an external court or law enforcement agency seeks access to personal information about a customer on the basis it is required in connection with the investigation of a criminal offence, the licence holder should exercise considerable care before any such data is released. The requesting party is also likely to be bound by data protection or a duty of confidentiality and may not be able to disclose the full reasons for requesting the data.

10.4 As a consequence, the Commissioner advises that in these circumstances personal data should only be released in response to a formal written request. The request should be authorised by and the response directed to the headquarters or governing body of the individual seeking the request (e.g. a court, a police force headquarters, a national body). It must not be accepted from and information must not be directed to an individual officer, agent or employee.

10.5 Given the sensitivity of some customer data, and the possible misuse such information can be open to, further measures may be necessary before information is released. In these circumstances the Commissioner's staff will provide advice and access to other agencies, including the data protection commissioner, as appropriate.

10.6 Requests for information from GFIU are a matter between the operator and that agency. The Commissioner's office has liaison arrangements with GFIU and will provide advice as and when required.



## **11. Complaints (Section 40)**

11.1 All licence holders are required to promptly inquire into:

1. Any complaint about a gambling transaction made to them by a participant, or
2. any complaint referred to them by the Gambling Commissioner.

11.2 The Gambling Commissioner requires that, wherever possible, complaints should be properly investigated by the licence holder and referred to the attention of the Commissioner only if the licence holder's complaints procedure has failed to resolve the issue. Exceptions to this advice would include very serious complaints involving substantial sums or issues of public interest, which should be brought to the Commissioner's attention at an early opportunity.

11.3 The term 'gambling transaction' should be given a broad interpretation by licence holders, to include such matters as the wider administration of accounts, marketing and any matters designed to affect gambling transactions.

11.4 The Gambling Commissioner will normally refer complaints made to him by third parties to the relevant licence holder for them to examine in the first instance.

11.5 To properly manage complaints, licence holders will be expected to have in place, and set out in their operating procedures, a system for recording and examining customer or other third party complaints. This should include adequate resources to address complaints expeditiously, a means of identifying and preserving all relevant material associated with the complaint, access to any independent adjudication process for appropriate disputes, and a means of maintaining a record of all complaints that can be made available to the Commissioner as and when reasonably required.

11.6 Where a licence holder is unable to resolve a complaint then the Commissioner will appoint a member of staff to examine it. As far as practicable, such complaints will be examined within a published framework and timetable provided to licence holders and the complainant, and licence holders will be expected to support that timetable with their own resources.

11.7 From the evidence to date, the Commissioner sees no case to require a sanctions schedule in respect of founded complaints against operators. However, the ability to refer a licence holder to the Licensing Authority with a view to amending or terminating a licence is seen as an unlikely and disproportionate means of imposing a penalty other than for the most persistent and serious, blameworthy staff or system failures.

11.8 The Gambling Commissioner will, on occasions, issue general or sector specific guidance notes to licence holders on relevant matters. Guidance notes will not have the weight of a Code issued under the authority of the Minister for Gambling, but will be advisory. Such advice will not be issued without proper discussion and correspondence with the operator(s) and/or trade association affected and will be subject to a 28 day review period by the Minister for Gambling (or any shorter period he agrees) to allow for any further representations to be considered and/or the advice to be suitably amended.

11.9 Guidance Notes will only be issued by the Gambling Commissioner and may or may not be put into the public domain depending on the issue and the circumstances.

11.9 Complaints will continue to be subject to general comment in the Commissioner's annual report.

## **12. Anti Money Laundering (Section 33)**

12.1 Anti Money Laundering arrangements (including Counter Terrorist Financing) are prescribed by the European Commission by way of EC Directives. The Government of Gibraltar has transposed the Third Money Laundering Directive (the Directive) into the Crime (Money Laundering and Proceeds) Act 2007.

12.2 The Commissioner has prepared a separate code of practice in respect of these arrangements for the gambling industry.

### **3. GAMBLING ACT REQUIREMENTS TO BE APPLIED BY**

**REMOTE**

**GAMBLING LICENCE HOLDERS**

### **13. Safeguarding and integrity of equipment (Section 25/26)**

13.1 Licence holders are required to use equipment, software and services that are compliant with the Commissioner's Technical Standards document and take responsibility for any failures in these arrangements.

13.2 The Commissioner requires from licence holders' an agreed high level plan (schematic) of the technical infrastructure of its gambling operations. Any changes to this plan should be notified to the Commissioner in writing before the changes take place, or where this is not possible, as soon as practicable after.

13.3 All such computer equipment (software and hardware and associated systems) is required to meet the Commissioner's Technical Standards document in respect of system security and product reliability, including proof of software testing by an approved independent testing house or appropriate in house testing facilities.

13.4 The Commissioner requires certification of such testing to be made available in respect of all gambling related software and equipment not more than one year from the date that the licence holder is granted its licence, but before the relevant equipment or software is used commercially. Further certification may be required where there are concerns about quality failures. Such a requirement would be imposed in conjunction with the Licensing Authority.

13.5 Testing of software certified as having been satisfactorily tested in another jurisdiction will be considered on a case by case basis. Where a licence holder acquires control over a range of software products the testing arrangements shown to have been applied by the previous controller will be taken into account.

13.6 There are presently four Independent Testing Facilities approved by the Licensing Authority. These are listed on the Gambling Division website.

13.7 The Commissioner may require licence holders to provide information in respect of any software supplied to it or software supplier it uses (S.26). If the Commissioner is not satisfied with the information provided he may prohibit the use of such software by the licence holder by way of a notice in writing.

## **14. Registration of participants (Section 28/29/30)**

14.1 Licence holders should ensure that all their players are registered with them in the form specified in the Act. This is a minimum standard and requires: the players full name, residential address and age (or date of birth).

14.1 Such information should be kept in accordance with data protection principles, in particular, it must be accurate, up to date, and relevant for the purposes it was disclosed, and kept confidential subject to any other statutory provision. The data accuracy should also be subject to any further verification necessary where the player meets money laundering criteria and be subject to recorded periodic confirmation by the registered player.

14.3 The range of identity verification data available to licence holders varies from state to state. In the absence of reliable electronic verification data licence holders should continue to develop alternate means for deterring illegitimate applications and validating the bona fides of applicants, this is likely to involve direct interaction with the applicant via phone/post/email.

14.4 Licence holders are required to provide the Commissioner with such information concerning the accounts of registered participants as it is reasonable for him to require. Such requests, where they involve named accounts or accounts meeting specific criteria, will be within the parameters of data protection legislation and will be made in writing and authorised by the Head of Gambling Regulation. Random checks and dip sampling of accounts during the course of system checks and other examinations will be subject to proportionate ad hoc recording. It will not normally be necessary to advise a customer that an account has been subject to such examination unless it is agreed to the contrary.

14.5 Subject to any other legal requirement, any information provided by a licence holder to the Commissioner will not be disclosed by the Commissioner or used for any purpose other than that for which it was given or obtained. Such information may be disclosed where such use is required in order for the Commissioner to comply with a provision made by or under this or any other Act where the disclosure is related to an official investigation being conducted in Gibraltar. Any disclosure request will be subject to tests of reasonableness, necessity and proportionality and take into account the expectations of the licence holder and the customer(s).

## **15. Aborted and cancelled transactions (Section 31)**

15.1 In the event of a significant or substantial disrupted service that causes pending transactions to be aborted, licence holders are required to implement procedures to refund stakes or wagers in a way that is compliant with S.31 of the Gambling Act and fair to all the participants affected. The procedures should be readily accessible in the licence holder's rules or terms and conditions.

15.2 Where the above actions result in any detriment to any of the players affected, or the interruption arises from suspicious circumstances or illegal activities, the licence holder should not conduct any further transactions if the transaction is likely to be affected by the same failure, and should advise the Commissioner of the event at the earliest reasonable opportunity in a format to be agreed. The 'earliest reasonable opportunity' should be proportionate to the seriousness of the disruption, but always within 2 working days, by email outside office hours (gcreports@gibraltar.gov.gi), with the option of email or telephone in office hours.

15.3 Where the licence holder believes the interruption has arisen from illegal activity he may withhold winnings until any dispute has been resolved in conjunction with the Gambling Commissioner.

15.4 Where a licence holder cancels or voids transactions or withholds winnings for any other reason (e.g. suspected fraud, deception, interference with software etc) he should advise the Gambling Commissioner of the action in a timeframe and format to be agreed. Other than for incidents that trigger anti money laundering suspicious activity reports, such reports should be deferred and consolidated to allow for verification or otherwise of the suspicious activity.

15.5 Where it is necessary for the Gambling Commissioner to investigate such incidents he will determine the payment of winnings and return of stakes to registered participants.

## **16. Information to be included on website(s) (Section 32)**

16.1 The Act requires licence holders to display on their home page a link or links to a page(s) that includes:

1. the full name of the licence holder and the address in Gibraltar from which he carries on business under the licence;
2. a statement that the licence holder is licensed under the Act by the Gibraltar Licensing Authority;
3. a statement that the licence holder is regulated under the Act by the Gibraltar Gambling Commissioner;
4. and a statement in respect of the permitted age for gambling.

16.2 In respect of the use of web links, the Commissioner requires licence holders to use the Government motif as a live link to the Gambling Division website as the means of indicating to users that the licence holder is licensed and regulated under this Act.

16.3 Given the complexity of many licence holders' websites and web operating structures, and the diverse means of accessing remote gambling facilities, inclusion of the above information at the home page only is seen as unlikely to be adequate. Consequently, the Commissioner requires licence holders to ensure that the motifs/emblems, and those associated with problem gambling services and any other 'warranty' or 'assurance', or warning links, or terms and conditions, are displayed on the website and on an appropriate page at the start of any gambling session, often referred to as the 'lobby' or 'entry' pages, or where username, password and other site access information is typically provided. Similarly, such a link should be provided at the end of the gambling session when the player uses the log out facility.

16.4 Licence holders who facilitate access to their gambling sites via mobile phone (WAP) and similar devices with limited display capabilities will effectively bypass such warnings and facilities. Consequently, the Commissioner requires licence holders to take reasonable steps to provide all mobile phone customers at the point of log in with a summary of the information required on the website, including a reference that the information provided is only a summary and full details can be found on a nominated website. In the case of customers who register for the first time via a mobile phone, this information should be complemented by email, SMS or written advice issued at the time of registration on where full versions of the information can be accessed. A record should be kept of this advice being provided.



## **17. Advertising (Section 32)**

17.1 The Commissioner is not minded advise the Minister to consider prescribing any further rules concerning the advertising of their gambling facilities whilst licence holders continue to observe the requirements of the Act and their licence agreements, i.e. that they observe the law and/or guidelines on advertising in place in those jurisdictions where their facilities may be accessed. In particular, where they do advertise, they observe the requirements of Section 32(3) of the Act, i.e. advertisements must not be:

- 1 indecent, pornographic or offensive;
- 2 false, deceptive or misleading;
- 3 intended to appeal specifically to persons under the minimum permitted age; or
- 4 in breach of copyright laws.

#### **4. CONTACTS**

Any enquiries and all responses should be directed to the details below.

The Gambling Commissioner  
The Gambling Division  
Suite 771  
Europort

T: 00350 20064145

F: 00350 20064150

Email: [gamblingcommissioner@gibraltar.gov.gi](mailto:gamblingcommissioner@gibraltar.gov.gi)