

Directive 5 of 2011

Self-Barring Directive 2011

IN exercise of the powers conferred by article 76A of the Lotteries and Other Games Act, 2001, the Lotteries and Gaming Authority is hereby issuing the following Directive in order to regulate a person's right to self-bar himself from entering premises whereby gaming is being hosted and which are licensed by the Lotteries and Gaming Authority.

Part I – Preliminary

1. The Short title of this Directive is the Self-Barring Directive 2011.

Part II – Definitions

2. In this Directive, unless the context otherwise requires:

'Authority' means the Lotteries and Gaming Authority;

'Database' means the online system created by the Authority and accessible to Licensees whereby all persons requesting to be Self-Barred are inputted and saved;

'Directive' means the Self-Barring Directive;

'Form' means the Self-Barring Request Form;

'Licensee' means a person who holds a licence issued by the Authority to operate a Premises;

'Office Hours' means 9am to 4pm from Monday to Friday, excluding public holidays;

'Pathological Gambler' means a person who is certified by a medical doctor as unable to resist impulses to gamble;

'Premises' means any land-based gaming premises approved and, or licensed by the Authority whereby a bingo hall licence or a casino licence or a gaming devices licence has been issued by the Authority;

'Self-Barred Person' means any person who has applied for Self-Barring and whose Form has been processed and his relevant details inputted into the Database;

'Self-Barring' means when a person asks for a ban or restriction on his own admission; and **'Self-Bar'** and **'Self-Barred'** shall be construed accordingly.



Part III – Applicability

3. This Directive applies to the implementation of a person's right to Self-Bar himself from all Premises.
4. Every person has the right to Self-Bar himself from within all Premises.
5. The person who wishes to Self-Bar himself shall fill in the Form which shall be available in every Premises.
6. The Premises which shall make available the Form are all:
 - i. Bingo Halls;
 - ii. Casinos;
 - iii. Gaming Parlours.
7. The Form may also be obtained from the Authority's office during Office Hours or downloaded from the Authority's websites www.lga.org.mt or www.playresponsibly.org.mt
8. The Form shall only be submitted by the person applying for the Self-Barring.
9. The Licensee, immediately upon receiving the Form, shall verify the details contained in the Form to ensure that it has been completed in the correct manner and subsequently immediately enter the relevant details into the Database, always ensuring that such details have been inputted correctly.

Provided that the Licensee shall, in every instance, inform the Self-Barred Person that the Self-Barring shall no longer be applicable as from 8am of the following day after the expiry of the period that the Self-Barred Person has applied for and this unless such Self-Barred Person submits a new Form extending the Self-Barred period prior to the expiry of the current Self-Barring.

Provided further that when a Self-Barred Person applies for a new Self-Barring prior to the expiry of a current Self-Barring, the new Self-Barring shall come into effect upon the expiration of the current Self-Barring period.

10. The Licensee shall clearly explain the contents of the Form to a person who requests assistance with completing the Form.
11. The Licensee shall ensure that the complete Form is submitted, therefore ensuring that the Declaration of Applicant is also attached and submitted.
12. The Form shall have attached to it a recent photograph of the person requesting to be Self-Barred.

Provided that if such person makes the request at a Premises or at the Authority, the Licensee or the Authority shall be responsible for taking the photo.

13. The completed original Form shall be sealed within a signed envelope and subsequently deposited in the duly assigned self-barring submission box provided by



the Authority. Such original Forms shall be collected by the Authority's inspectors from time to time.

14. The self-barring submission box shall be placed in a clearly visible location behind the reception desk of the Premises.
15. The Licensee shall ensure that all data protection laws are observed as per the *Data Protection Act* (Cap. 440 of the Laws of Malta) and that all other relevant laws are also observed.

Part IV – Database

16. The Licensee shall consult the Database upon every entrance of every person into the Premises to ensure that such person has not been flagged as a Self-Barred Person in the Database.
17. A Self-Barred Person is primarily responsible for his actions and therefore it is his responsibility to abide by his request to be barred from all Premises.
18. The Database is a means of further assisting Self-Barred Persons in their initiative to curb their gaming problem or vice.
19. The Licensee shall ensure that an internet connection to connect to the Database is available at the Premises at all times.
20. Whenever the Licensee temporarily does not have an internet connection to connect to the Database, due to technical issues out of the control of the said Licensee, such Licensee shall submit a detailed report to the Authority of such incident via e-mail on barring.lga@lga.org.mt immediately upon re-connection to the internet.
21. Whenever the Database is not functioning, the Licensee shall immediately notify the Authority via e-mail on barring.lga@lga.org.mt of such malfunction.
22. In the instances provided for in paragraphs 20 and 21, the Licensee, upon the resolution of the problem, shall immediately verify on the Database all the persons who entered the Premises within either the internet downtime period or the Database malfunction period.

Provided that if a Self-Barred Person entered the Premises during such period, the Licensee shall immediately inform the Authority via e-mail on barring.lga@lga.org.mt of such occurrence.

Provided further that if a Self-Barred Person entered the Premises and is still within the Premises, the Licensee shall immediately terminate such Self-Barred Person's game, return the money originally paid by the Self-Barred Person and request such Self-Barred Person to leave the Premises without delay.

23. Whenever a Licensee receives a notification from the Courts of Malta whereby such Licensee is informed that a person has been precluded from entering a Premises, such Licensee shall immediately inform the Authority via e-mail on



barring.lga@lga.org.mt of such notification and a scanned copy of such notification is to be attached to the e-mail.

Part V – Pathological Gamblers

24. For a person to be classified as a Pathological Gambler, such person is to provide to any Licensee or to the Authority, an original certificate issued by a general practitioner, specialist, psychologist or psychiatrist confirming that the person is considered as a Pathological Gambler.

Provided that the Authority may accept that such a certificate is submitted to the Authority by a spouse, parent or a dependant, being over eighteen (18) years old, of a Pathological Gambler.

Provided further that the Authority has the right to consult the general practitioner, specialist, psychologist or psychiatrist to verify the authenticity of the certificate.

25. When a certificate as described in paragraph 24 is provided to a Licensee, the Licensee shall immediately input such person's details into the Database barring such person for a period of one (1) year.

Provided that the Licensee shall immediately notify the Authority via e-mail on barring.lga@lga.org.mt of such instance whereby a scanned copy of the certificate and any attached documents are to be attached to the e-mail.

Provided further that the Licensee shall seal such original certificate, any attached documents and a photo of the person, in a signed envelope and forward such envelope to the Authority.

26. Upon receiving the e-mail notification as described in paragraph 25, the Authority shall confirm that such person's details were correctly inputted into the Database and ensure that such person has been barred for a period of one (1) year.

Provided that the Authority shall annually automatically renew such person's barring by further periods of one (1) year.

27. A Pathological Gambler's barring shall be automatically renewed, unless such person provides the Authority with a certificate from a general practitioner, specialist, psychologist or psychiatrist confirming that such person no longer is a Pathological Gambler.

Part VI – Offence

28. If a Licensee fails to comply with the provisions of the Directive, such Licensee shall be guilty of an offence under the relevant legislation.

