

## Directive 1 of 2011

### Inactive Accounts 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 inactive accounts.

#### Part I – Preliminary

1. The Short title of this Directive is the Inactive Accounts Directive 2011.

#### Part II – Definitions

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

**‘Act’** means the Lotteries and Other Games Act;

**‘Authority’** means the Lotteries and Gaming Authority;

**‘Directive’** means the Inactive Accounts Directive;

**‘Inactive Account’** means a player’s account which has not recorded any log in and, or log out for a period exceeding twelve (12) consecutive months, without the requirement of any financial transaction;

**‘Regulations’** means the Remote Gaming Regulations (S.L. 438.04).

#### Part III – Applicability

3. This directive applies to fees which may be charged by a licensee on an inactive account.
4. This directive shall not, in any manner, prejudice and, or affect the disposition of Regulation 39 of the Regulations or any other provision of the Act and, or the Regulations.
5. Prior to the implementation of an inactive account fee system and, or procedure by a licensee, every registered player is to be notified by the licensee to a change in the licensee’s terms and conditions, as approved by the Authority.
6. At least thirty days prior to any fees being incurred by an inactive account, the registered player must be notified that an inactive account fee is to be charged to his account and should be given the option to withdraw the deposited funds in order not to incur such fees.



7. An inactive account may only be charged if the player's account is in credit.
8. A player, through any notification received from a licensee, is in no manner to be enticed to play.
9. Subsequent to the initiation of the charging procedure or mechanism, the player may request reimbursement of any inactive account fees paid and the licensee is to reimburse such fees in the following instances:
  - i. when the player could not access his account due to lack of internet connectivity;
  - ii. when the player could not access his account due to health related impediments;
  - iii. when the player could not access his account due to sincere and genuine reasons;
  - iv. when the player activates the account after having incurred inactive account fees, as long as such activation is done by not later than three (3) months from when the last fee was incurred or any longer period as may be stipulated by the licensee in its terms and conditions. In such a scenario the licensee is to pay a maximum of six (6) months inactive account fees or any higher amount as may be stipulated by the licensee in its terms and conditions;
  - v. in any other situation whereby either the Authority or the licensee deems the player's request to be justified;

and, when necessary, the player is to provide adequate proof.

10. The inactive account fee shall not exceed five euro (€5), or the currency equivalent, per month.

