



**WHITE PAPER
FOR
INDUSTRY CONSULTATION**

**PROPOSAL TO INTRODUCE INTERACTIVE GAMBLING
POLICY, RULES AND AMENDMENT REGULATION**

White Papers communicate an intended Government policy or approach on a particular issue. They are chiefly planned as statements of Government policy.

The Financial Services Authority (FSA) is proposing to introduce a rule under the Seychelles Gambling Act, 2014 for interactive gambling. The framework will guide investors in the sector and to allow the provisions towards its licensing, supervision and simultaneously taking into consideration the risk associated with this type of activity. This document will be used for consultation with stakeholders before finalization.

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1. Introduction

Interactive gambling are played on different kinds of electronic media, thus encompassing computer games, video games, games on mobile phones and games that are played on the internet. A digital game can be defined as an interactive rule-governed system based on computer processing power. “Interactivity” means that the game requires a constant exchange of messages between the game and its player.

For the purpose of the Seychelles Gambling Act, 2014 (herein after known as “the Act”) interactive gambling is defined as placing a bet or other contingency on the outcome of a game or even by means of a computer device or telecommunications device.

These provision permit the conduct of gambling through the use of communication technology that allows a person, utilizing money, electronic transfers of money, credit cards, debit cards, or any other instrumentality, to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information.

2. Background

The Act has limited provision in relation to Interactive Gambling, only a broad provision to allow licensing of such activity. Notwithstanding the provision of section 2 and section 13 of the Act, there is a lack of specific requirements for the licensing of such activity. The legislation, does not does provide further details on what type of activity falls within the ambit or to be considered as interactive gambling, management of control of such activities, financial requirements, employees, provisions to regulate players etc.

Given the limitation above, there is a necessity to put in place a framework in order to license interactive gambling, hence the introduction of the Seychelles Gambling (Interactive Gambling) Rules, 2023 (see **Annex 1**) which allows the FSA to have a developed fully-fledged licensing framework as governed under the Act with a consequential amendment in the Seychelles Gambling (Fees) Regulations (see **Annex 2**)

3. Policy intentions for the interactive gambling framework

The proposed set rules features the requirements to have an interactive licensing regime for Seychelles with the aim to expand gambling activity offerings. The FSA recognize the development of technology and communication which offer numerous possibilities for investors and to create a viable market opportunities.

Despite the numerous ethical questions, the potential risks and dangers posed by interactive gambling, the technological solutions provide new opportunities for the development and growth of the industry. Taking note of such, the proposed rules aims to mitigate the danger of risk associated with such activity by putting robust requirements based on international standards and best practices that fit the context of Seychelles.

4. Proposed interactive gambling framework

The main proposals for the Seychelles Gambling (Interactive Gambling) Rules, 2023 are as detailed below.

4.1 Restriction on interactive gambling

The propose rules will only allow person who are licensed by the Authority to conduct this form of activity. As a result, such will limit risk of reputational risk and allow effective monitoring and supervision to be conducted by the Authority on the licensee. Whilst the activity can be offered to

people in Seychelles, the licensee can offer services outside of Seychelles, but there shall be an obligation on the licensee to determine if the jurisdiction in which they offer the services permits their resident to engage in such activity.

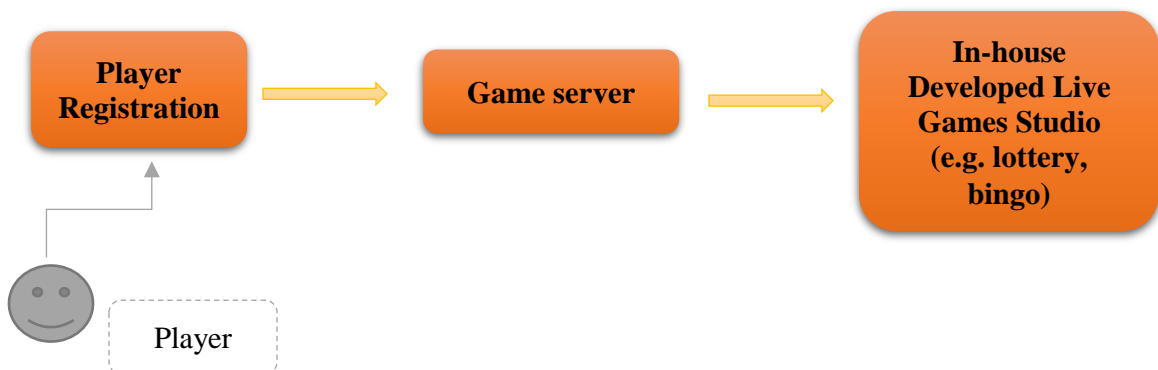
The Authority, will only provide a list of excluded jurisdiction, which will prohibit a licensee to engage in business or solicit clients.

4.2 Licence to be issued for interactive gambling

The Authority is proposing two license categories of interactive gambling, which is:

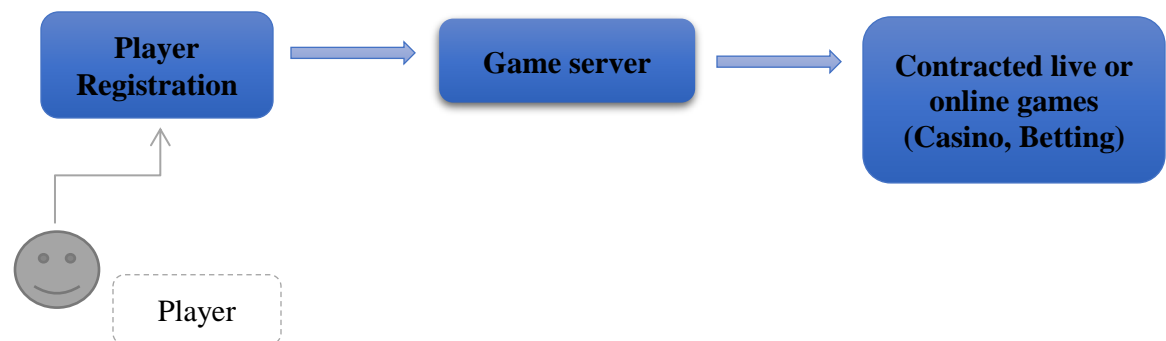
a) Interactive Gambling Operator licence – Type 1

This licence will be available for an operator who wishes to develop their own live or online game and software and to offer these products on their website.



b) Interactive Gambling Operator licence – Type 2

This licence will be available to allow an operator who, through contract agreements, to use live or online games and software from other game developers for their own website.



Licence for both Type 1 and Type 2 will be applicable for the following activities but not limited to:

- i. Lottery games (Live studio);
- ii. Casino games;

- iii. Live dealers;
- iv. Bingo games; and
- v. Betting games;

Both license will be valid unless it is surrendered in writing by the licensee to the FSA or revoked by the Authority.

4.3 License fees

Presently, license issued under interactive licence is SCR 50, 000. Considering the change in the gambling environment and the nature of this activity, the proposed revised fees will be as per the table below;

1	2
(a) (i) Interactive Gambling Operator type 1 license (ii) Interactive Gambling Operator type 2 licence	SCR 1,000,000 SCR 1,000,000

4.4 Introduction of a Designated Official

Designated Official will only be applicable for the interactive gambling licence. The individual undertaking such role shall be a resident in Seychelles and shall be both a director and key employee in senior management of the licensee or shall be a key employee in senior management of the licensee only.

The main responsibilities of the Designated Official shall be the main point of contact between the Authority or any other relevant authorities in Seychelles and the licensee. Furthermore, the individuals shall supervise the operations of the licensee being employed for, responsible to manage, direct and administer the conduct of the gambling operation conducted under an interactive gambling licence and ensure that the licensee complies with all applicable laws, regulations, rules and the conditions of the licence and any codes or guidelines issued by the Authority to the licensee.

4.5 Gaming servers

Provided the approval of the Authority, the gaming server may be hosted outside of Seychelles. Nonetheless, the licensee shall and be able ensure that it maintain at a minimum mirrored servers in Seychelles. The exception remains for the player's registration server that must be maintained in Seychelles.

4.6 Financial Soundness and capital adequacy

To provide proof of financial soundness and capital adequacy upon application and for its operations of gambling activities. These shall include

- a) Paid-up capital shall be monies to meet liabilities in the eventuality of bankruptcy.
- b) Reserve requirement shall be monies strictly for payout obligations.
- c) Revolving fund for administrative expenses.

All the above are required to be kept in a bank account in Seychelles

4.7 Internal Control System

Internal controls systems are mechanisms, rules, and procedures implemented by the licensee to ensure the integrity of interactive gambling system

4.8 Game requirements, gaming systems and gambling operations;

The above are requirements on how games should be developed for players, information that should be contained in games and what should constitute of gambling systems in terms of minimum information required in systems.

The above provision would go far to legislate game display, fairness and forced game play.

4.9 Players requirements (registration, accounts, players information's and players protection)

The various provisions above stipulate players registration process and its base requirement, including player information's, players accounts management, players data management, players identification process and verification procedures.

4.10 Complaints and consumer protection

These provisions legislate the procedures for complaints handling by the licensees from players. Second to that, players protection from malpractices or whenever an issue comes up to the disadvantage of the player.

4.11 Keeping of records, return financial statements and accounts

These are requirements for keeping records at registered office of the licensee in either electronic or physical form for not less than seven years. Also are requirements for submission of financial statements and accounts for regulatory purposes.

4.12 Advertising

The advertising obligation sets the parameters for the advertising in terms of the do's and the don'ts.

4.13 Security

The security provision ensure the operation of interactive gambling systems is functional and remains confidential and protected from theft and misuse. It also covers clients' accounts details, games parameters and transactions, including audit trails.

4.14 Prohibition

This provision prohibit the usage of virtual asset for the conduct of interactive gambling

The proposals for the Seychelles Gambling (Fess) (Amendment) Regulations, 2023 are as below:-

4.15 Fees

An increase in application fee from SCR 50,000 to SCR 100,000

Introduction of annual license fees –

- Interactive Gambling Operator licence – Type 1 - SCR 1,000,000
- Interactive Gambling Operator licence – Type 2 – SCR 1,000,000

See annex 1 and annex 2 for more information

S.I x of 2023

SEYCHELLES GAMBLING ACT, 2014

Seychelles Gambling (Interactive Gambling) Rules, 2023

In exercise of the powers conferred by Section 57 read with Section 13 (2) (b) of the Seychelles Gambling Act, 2014, the Financial Services Authority, makes the following Rules –

1. These Rules may be cited as the Seychelles Gambling Act (Interactive Gambling) Rules, 2023

Interpretation

2. In these Rules –

“Act” means the Seychelles Gambling Act, 2014;

“Authority” means the Financial Services Authority as defined under the Act;

“Designated Official” means a person appointed by an applicant or licence holder from amongst its directors to represent the licensee’s interests in the country of operation;

“Disaster Recovery Plan” means a plan for the reduction of risks through a systematic system of detection, analyzing and mitigating, which includes integrated strategies for data protection, alternative modes of operation, recovery and rapid restoration to limit the impact on the licensee and its interactive gambling system;

“Interactive gambling system” means the hardware, software, firmware, communications technology and any other equipment which allows a player to remotely bet or wager through the Internet or a similarly distributed networking environment, and the corresponding equipment related to game outcome determination, the display of the game and game outcomes and other similar information necessary to facilitate play of the game. The term does not include computer equipment or communications technology used by a player to access the Interactive Gambling System”;

“Interactive game” means as defined under the Act;

“Interactive gambling” means as defined under the Act and for the purposes of these Rules, the terms “interactive gambling” and “interactive gaming” shall be used interchangeably;

“Interactive Gambling Operator licence – Type 1” means a licence granted to allow an operator to develop their own live online games and software and to offer these products on their websites.

“Interactive Gambling Operator licence – Type 2” means a licence granted to allow an operator who, through contract agreements, to use live or online games and software from other game developers for their own website;

“Paid-up capital” means the money received from shareholders as guarantee for the license holder to meet its liabilities in the eventuality of bankruptcy or winding-down;

“Players fund” means an account that consist of player deposits and credits;

“Reserve requirement” means money strictly for discharging liability of any payout;

“Revolving fund” means a fund, which consist of money for the administrative expenses of the licensee;

“Virtual Asset” means anything that exists in binary format and comes with the right to use it and includes a digital representation of value of fiat currency issued by or on behalf of the player that can be used within an interactive game on an interactive gambling system.

Restrictions on interactive gambling

3. (1) For the purpose of these Rules, only persons who are licensed by the Authority shall conduct interactive gambling in or from within Seychelles.
 - (2) (a) Where a licensee offers its services to or solicits any person outside of Seychelles to gamble, the licensee should obtain a legal advice as to whether the licensee would legally be able to offer gambling services and solicit players from that jurisdiction.
 - (b) The Authority shall specify in the First Schedule the list of excluded jurisdictions from which a licensee would be prohibited from engaging in business or soliciting clients.
- (3) An interactive gambling licence shall not authorise any form of gambling to be conducted other than interactive gambling.

Licence to be issued

4. (1) For the purposes of these Rules, the Authority may grant the following categories of interactive gambling licences in accordance with the requirements of the Act -
 - (a) Interactive Gambling Operator licence – Type 1
 - (b) Interactive Gambling Operator licence – Type 2
- (2) An Interactive Gambling Operator licence issued under the Act shall be valid unless earlier surrendered by the licensee or revoked by the Authority.
- (3) The holder of a licence may surrender the licence by notice in writing to the Authority in accordance with section 30 of the Financial Services Authority Act, 2013.
- (4) The surrender or expiry of a licence shall not affect any liability for anything done or omitted to be done before the date on which it ceases to have effect.
- (5) An application for a license under subsection (1) shall be in such form and manner as may be specified by the Authority.

Licence fees and renewal fees

5. An applicant for a licence shall pay to the Authority such fees as may be prescribed.

Financial Soundness and Capital Adequacy

6. (1) Each applicant shall provide the Authority with proof of –

- (a) paid-up capital;
- (b) reserve requirement; and
- (c) revolving fund,

which shall be maintained in a bank account at a bank licensed under the Financial Institutions Act in Seychelles.

- (2) A licensee shall have a paid-up capital in the form of cash or bond or other similar security approved by the Authority, in an amount of not less than SCR 1,000,000 that must be maintained by the licensee at all times.
- (3) A licensee shall have a reserve requirement in the form of cash in an amount of not less than SCR 3,000,000 that must be maintained by the licensee at all times
- (4) A licensee shall have a revolving fund that must be maintained by the licensee in either Seychelles Rupee or any currency approved by the Authority.
- (5) The paid-up capital, reserve requirement and revolving fund under subsection (2), (3) and (4) respectively, must be maintained in separate bank accounts
- (6) A licensee who fails to comply with subsection (1), (2), (3), (4) and (5) shall be liable to an administrative penalty of SCR 20,000.

Designated Official

7.(1) A licensee shall employ at least one resident individual in Seychelles as its Designated Official who -

- (a) shall be both a director and key employee in senior management of the licensee.
 - (b) shall be key employee in senior management of the licensee only.
- (2) The Designated Official shall be the main point of contact between the Authority or any other authorities in Seychelles and the licensee.
- (3) A Designated Official appointed under these Rules shall:
- (a) supervise the operations of the licensee of which they are acting as a Designated Official;
 - (b) shall be responsible to manage, direct and administer the conduct of the gambling operation conducted under an interactive gambling licence;

- (c) ensure that the licensee complies with all applicable laws, regulations, rules and the conditions of the licence and any codes or guidelines issued by the Authority to the licensee.
- (4) Prior to the appointment of the Designated Official under subsection (1), the licensee shall seek the approval of the Authority in such form and manner as may be specified by the Authority.
- (5) Further to subsection (3), the Authority shall assess and approve whether the Designated Official is a fit and proper individual as a director and capable of holding a certificate of approval as a key employee for the execution of their purpose.
- (6) The Authority shall not approve an individual as fit and proper and capable of holding a certificate of approval to act as a Designated Official unless the Authority is satisfied that the individual-
 - (a) is of good character, judgement integrity and whose prior activities, reputation, habits and associations in the opinion of the Authority pose a threat to the public interest;
 - (b) possesses the necessary experience, knowledge or is able to acquire such knowledge or experience in interactive gambling business;
 - (c) is not a member of the Authority;
 - (d) is not under the age of 21;
 - (e) is not of unsound mind;
 - (f) is not an individual on the register of excluded persons under the Act;
 - (g) is not a public servant or political office bearer;
 - (h) has not been removed from an office of trust on account of misconduct relating to fraud or misappropriation of money; or
 - (i) has not been convicted during the previous 10 years in Seychelles or elsewhere, of theft, fraud, forgery or uttered forged documents, perjury or of an offence under the Act or any other Act and has been sentenced to imprisonment without the option of a fine, unless the person has received a grant of amnesty or free pardon for the offence.
- (7) The Authority shall revoke the approval of a Designated official if such an individual:
 - (a) ceases to be resident in Seychelles;
 - (b) ceases to be a director or key employee of the licensee;
 - (c) ceases to be, in the opinion of the Authority, a fit and proper person or capable of holding a certificate of approval.
- (8) Where a Designated Official resigns or an approval is suspended or revoked by the Authority, the licensee shall have 30 days to appoint a new Designated Official for approval by the Authority.

- (9) Further to subsection (8), the Designated Official shall return the original certificate of approval as a key employee to the Authority.
- (10) A licensee who fails to obtain the Authority's approval under subsection (1) shall be liable to an administrative penalty of SCR 20,000.

Internal Control System

- 8. (1) An applicant for a licence shall submit in writing to the Authority for the purposes of approval the specifications of the internal control system they intend to use during the facilitation, provision and operation of interactive gambling services and systems as part of its license application.
- (2) Notwithstanding subsection (1), the Authority, in its sole discretion as deemed it with consideration given to the circumstances of the applicant, allow the internal control system to be submitted at a later date.
- (3) The proposed control system includes all systems, whether under the control of the applicant or an associate, whether physically in Seychelles or not.
- (4) Such internal control system submissions shall include detailed information relating to:
 - (a) an overview of the interactive gambling operation, including the licensee's administrative systems, policies and procedures to be followed for the operation of interactive gambling services;
 - (b) computer software and systems, and gambling software and systems;
 - (c) procedures for recording and validating customer transactions, including but not limited to financial records, bet records, and any other credits and debits permitted by these Rules;
 - (d) accounting systems and procedures;
 - (e) all accounts held at financial institutions (bank accounts, payment provider accounts)
 - (f) policies and procedures for the set-up, maintenance, security and recovery of data, systems and premises used in the facilitation and provision of gambling services;
 - (g) business continuity and disaster recovery plan;
 - (h) Information systems including logical access control;
 - (i) Change and configuration management systems;
 - (j) Operational systems including terms and conditions and rules of games;
 - (k) Physical and environmental security and physical access control;
 - (l) Systems relating to the secure processing, recording and maintenance of all gaming, wagering and financial transactions (including but not limited to gaming equipment);
 - (m) Responsible gaming and wagering policies and procedures;

- (n) The restriction of underage gaming;
 - (o) All Uniform Resource Locaters (URLs) or domain names associated with the licence holder;
 - (p) adherence to all other applicable Acts and regulations, rules, including Anti Money Laundering and Countering Financing of Terrorism Act and Data Protection Act; and
 - (q) any such other information that the Authority may require.
- (5) The licensee shall notify the Authority, as soon as is practicable but no later than 3 business days in respect of any amendment, change or variation to an internal control system, which has previously been approved by the Authority.
- (6) The approval of the Authority must be granted prior to the implementation of any amendment, change or variation to an internal control system as previously approved.
- (7) In considering whether to grant approval under this subsection (1), the Authority shall consider the following:
- (a) whether the proposed internal control system or the proposed changes to the internal control system satisfy all the requirements of the Act and these Rules;
 - (b) whether the proposed internal control system or the proposed changes to the internal control system are sufficiently robust to ensure effective control of the facilitation, provision and operation of interactive gambling services.
- (8) The Authority shall inform the applicant or licensee in writing where approval has not been granted, providing reasons for its refusal to grant approval.
- (9) Where approval is not granted, the Authority shall have the right to direct the applicant or licensee to change or modify the internal control system in any manner whatsoever, within a prescribed period in respect of remedy.
- (10) A licensee may make a submission in the approved form, to the Authority for approval and must contain particular of the proposed changes.
- (11) A control system change submission must be made in writing:
- (a) No later than 90 days before the licensee proposes to start conducting interactive gaming services under the approved control system as proposed to be change; or
 - (b) If the Authority, in its sole discretion, deemed it appropriate, at a later date to be determined.

Terms and conditions

- 9.(1) The terms and conditions and any general information provided to players must be easily accessible and stated in a clear and intelligible manner.

(2) The terms and conditions should include but not be limited to –

- (a) The name of the party or parties with whom the customer is entering into a contractual relationship, including the licensee;
 - (b) The applicability of the various applicable Acts, Regulations, Codes and Rules on the relationship between the player and licensee;
 - (c) The licensee's privacy policy;
 - (d) Rules of the Games;
 - (e) If the licensee refers customers registered in Seychelles to business associates under circumstances not regulated by the Authority, the terms and conditions should explicitly advise the customer –
 - (i) that their transactions will be conducted outside of the jurisdiction of Seychelles which is not regulated or monitored by the Authority, nor will the Authority be obliged to act upon any complaints received;
 - (ii) under what regulatory authority the business associate is regulated; and
 - (iii) how to pursue a complaint concerning those operations.
 - (f) Payment conditions and procedures;
 - (g) Promotion and bonuses of Games;
 - (h) Indemnity and limit of liability for participation; and
 - (i) Complaint handling procedures.
- (3) For the purpose of subsection (2) (e), business associates refer to a business who contracts with an interactive gambling licensee under the Act, to effect the gambling transaction on behalf of the licensee.
- (4) The privacy policy under subsection (2) (c) must inform the player of the extent to which the licence, authorised agencies and the Authority have access to their account information.
- (5) The player registration process must include the player's agreement to the licensee's terms and conditions and players may only be permitted to gamble if the player consents to the Agreement.

Game requirements

10. (1) For each game, an explanation of the applicable rules must be easily available to the player before they start to gamble.
- (2) As applicable, the game information for players must include at a minimum –
- (a) the name of the game;

- (b) the applicable rules, including the return to player percentage;
 - (c) player current bet amount;
 - (d) the denomination of the bet;
 - (e) the amount won for the last completed game until the next game starts or betting options are modified;
 - (f) the player options selected;
 - (g) the player's current session balance;
 - (h) any restrictions on play or betting, such as any play duration limits, maximum and minimum win values;
 - (i) the number of decks or frequency of shuffles in a virtual game;
 - (j) whether there are contributions to jackpots and the way in which the jackpot operates,
 - (k) instructions on how to interact with the game; and
 - (l) any rules pertaining to transfiguration of games, such as -
 - (i) the number and type of tokens that is need to be collected in order to qualify for a feature or bonus; and
 - (ii) the behaviour of the bonus round where they differ from the main game.
- (3) Where games involve some element of skill, the published return to player must be based on the theoretical return to player percentage generated by a strategy that is reasonably achievable by a player.
- (4) All game information must be displayed in English and be both grammatically and syntactically sound.

Gambling Systems

11. (1) An applicant for a licence or a licensee shall provide evidence of appropriate and adequate certification in respect of any new, or in the event of a material modification to an existing gambling system, equipment or game, before any such system, equipment or game becomes operational or is made available.
- (2) The certification submitted to the Authority for approval must at a minimum, include the following information:
- (a) the name of the software, system or game provider;
 - (b) The name attributed to the owner of the software or the system;

- (c) the name of the approved test house or organisation which has undertaken the testing;
 - (d) the full scope of the testing – including any external integrations;
 - (e) the versions, graphics, rules, parameters, reality checks, mal-function, dis-connections and RTP of games;
 - (f) the server protocols, communication protocols and other specifications which are part of the gaming system architecture;
 - (g) whether the game system is fully secured and guaranteed;
 - (h) information about the security of the system; which modules affect processes, rules and parameters, reality checks, and transactions if the source-code is changed;
 - (i) any other information that is of material importance to the specific software;
 - (j) a description of the set-up and functionality of the application architecture and system architecture.
- (3) No changes to the gaming system shall be made without the prior approval of the Authority.
- (4) No game may become operational or be made available to users or players without appropriate test certification first being submitted to the Authority.

Gaming servers

12. (1) A licensee must maintain its player's registration servers in Seychelles.
- (2) The game play servers may be hosted outside of Seychelles with the approval of the Authority provided that the licensee ensures that it maintains at a minimum mirrored servers in Seychelles.
- (3) The licensee shall notify the Authority of any changes in the location of its game play servers where they are located outside of Seychelles.

Game operation

13. (1) A licensee shall take all reasonable steps to ensure that the licensee's approved computer system enables a player whose participation in a game where interrupted, for whatever reason, and which prevents the player from continuing the game, to resume, upon the restoration of the system or connection, at the point at which the game was interrupted.
- (2) If a licensee's system does not enable a player to continue to play from the point at which the game was interrupted upon restoration of the system or connection, the licensee shall:
- (a) in the case of a network game, ensure that the game is completed and the result logged on the players account;
 - (b) in all other cases the licensee should ensure that the game is terminated, the bet or wager made void and the amount of the bet or wager is credited back to the player's account.

(3) If a game is started but malfunctions because of a failure of the licensee's operating system, the licensee shall:

- (a) refund the amount wagered in the game to the player by crediting it to the player's account or, if the account no longer exists, by re-creating the account and crediting the same amount of credit before the failure; and if the player has an accrued credit at the time the game miscarries, credit to the player's account the monetary value of the credit or, if the account no longer exists, by re-creating the account and crediting the same amount of credit before the failure and the accrued credit;
- (b) inform the Authority, immediately and in no later than 24 hours, of the circumstances of the incident;
- (c) refrain from conducting a further game if the game is likely to be affected by the same failure:

provided that the Authority may, by written notice to the licensee, give the licensee other directions which the Authority considers appropriate in the circumstances, including but not limited to discontinuance of offering the game in question.

- (4) Where approval of the system is not granted the Authority shall inform the applicant or licensee of its decision in writing stating its reasons for refusal.
- (5) Notwithstanding that the system has been approved for operation, the Authority may at any time direct the licensee to submit at the licensee's cost, the system's software, gaming software, equipment or games for further testing, checking or verification.
- (6) The Authority shall maintain a public list of approved test houses, certification companies and organisations, which shall be accessible upon request or on the Authority's official website.

Game and balance display

- 14. (1) A player's current account balance must be displayed in the currency of the jurisdiction of the player .
- (2) The game must display the unit and total stake for players to gamble including conversions to other currencies or tokens.
- (3) The information displayed about the game result must be sufficient for the player to determine whether they have lost or won and the value of any winnings.
- (4) The result of the game must be displayed for a reasonable period of time, that is, sufficient time for the player to be able to understand the outcome of the game.

Game Fairness

- 15. (1) Games must operate and interact with the player strictly in accordance with these published game rules as approved by the Authority.
- (2) Information published or presented to the player in text or artwork must be accurate, intelligible, and unambiguous.

- (3) If a game uses tokens or tokenisation, the number of credits registered for each monetary unit for the current game should be displayed.
- (4) Where games include jackpot or progressive jackpot it shall –
 - (a) the published information must disclose whether this is included in the overall return to player percentage for the game;
 - (b) displays of jackpot amounts that change over time must be regularly updated; and
 - (c) as soon as possible after the jackpot has been reset following a win.

No Forced Game Play

- 16. (1) The player must not be forced to play a game just by selecting that game or through any link or interaction on the website.
- (2) The player should have free access to review the game features, tables, rules and help topics without being committed to place a bet or wager on the game.

Multiple Player Games

- 17. (1) The Interactive Gambling System must provide a mechanism to reasonably detect and prevent player collusion, artificial player software, unfair advantages and ability to influence the outcome of a game or tournament.
- (2) Multi-player games with outcomes that can be affected through the use of automated electronic devices or ancillary computer systems must have warnings in the game rules so that players can make an informed decision whether or not to participate.

Multiple Jackpot Winners

- 18. The licensee must address the possibility of a jackpot being won by one or more players at approximately the same time.
- 19. The rules of the game must include resolution of this possibility.

Registration of players

- 20. (1) A licensee shall not permit a person to participate as a player in an authorised game conducted by the licensee unless that person is registered as a player and holds an account with the licensee.
- (2) The licensee shall register a person as a player only if the person has provided the licensee with the following information:
 - (a) the full title and name;
 - (b) the date of birth;

- (c) place of residence;
 - (d) contact details, including email and telephone;
 - (e) some form of identification, including but not limited to passport, national identity number or the equivalent;
 - (f) Photograph for authentication.
- (3) The licensee shall at all times maintain a secure and up-to-date list of all registered players, to be held by the Designated official in Seychelles.

Player Accounts

21. (1) Players may only hold one active account with the licensee.
- (2) Where the licensee becomes aware that a player has more than one account as a result of providing either false or incorrect information, the licensee shall take appropriate steps to suspend the player account and re-administer any funds in accordance with the Terms & Conditions.
 - (3) Each active player account must have a user ID that is unique and a password to enable identification of the appropriate player and account details.
 - (4) The Interactive Gambling system must allow players to change their password.
 - (5) Where a player has forgotten their password, the interactive gambling system must provide a secure process for the re-authentication of the player and retrieval and/or resetting of the password.
 - (6) The licensee shall ensure that the following information is made available when a registered player logs into the interactive gambling system –
 - (a) Device usage instructions;
 - (b) The balance of the available funds on the player's account and any pending credits or debits;
 - (c) The player's statement showing all transactions on the account, including but not limited to deposits, refunds, game transactions, bonuses and promotional credits, and any other debits or credits permitted;
 - (d) The last time the player logged including the login history for at least one month;
 - (e) All game rules, pay-tables and return to player percentage of each game;
 - (f) A link to the Terms & Conditions;
 - (g) A link to player protection and responsible gambling tools; and
 - (h) A link to unsubscribe from marketing communications.

- (7) The licensee shall ensure that the following information is available to a registered player at all times:
- (a) the balance of available funds on the player account together with information of any pending credits or debits;
 - (b) player statement showing all transactions on the account, including but not limited to deposits, refunds, game transactions, bonus and promotion credits, and any other debits or credits permitted under these Rules;
 - (c) all game rules, pay-tables and return to player percentage of each game;
 - (d) link to the Terms & Conditions;
 - (e) a link to player protection and responsible gambling tools;
 - (f) a link to unsubscribe from marketing communications.
- (8) A licensee shall not accept cash or currency from a player.
- (9) A licensee may accept payments from a player by any of the following methods:
- (a) Credit cards;
 - (b) Debit cards;
 - (c) Electronic transfer;
 - (d) Wire transfer;
 - (e) Cheques; or
 - (f) Any other payment method approved by the Authority.
- (10) A licensee shall not accept deposits from any source unless -
- (a) The corresponding player is appropriately identified, registered and in line with the approved control systems;
 - (b) The source and payment processor is identified; and
 - (c) The account into which the funds received are with the licensee itself.

Use of player data

22. (1) The licensee must keep the player's account information confidential, except where the release of that information is required by law, by a court order, requested by the Authority or other law enforcement Authorities.

- (2) The licensee shall ensure that access to player account details is restricted to the registered player, authorised internal staff or authorised external agencies and the Authority.

Player identification and verification

23. (1) The licensee must take reasonable steps to establish the identity of a player before allowing them to gamble.
- (2) In accordance with the Anti-Money Laundering and Countering the Financing of Terrorism Act, a licensee shall apply customer due diligence measures before registering a player.
- (3) The licensee may complete the customer due diligence measures following the registration of the player provided that –
 - (a) it is completed as soon as reasonably practicable thereafter;
 - (b) this is necessary so as not to interrupt the normal conduct of the business; and
 - (c) there is low risk of money laundering, financing of terrorism or other criminal conduct.
- (4) Where the licensee is unable to complete the customer due diligence, it shall –
 - (a) not register that person as a customer;
 - (b) in the case of an existing registered player, terminate that player relationship; and
 - (c) consider appropriate actions in accordance to the licensee's Anti-Money Laundering and Countering the Financing of Terrorism procedures.

Under age persons

24. (1) No person under the age of 18 may register an account and play. If for any reason, a minor has participated in a gambling transaction, the transaction must be made void. Any amounts deposited must be returned to the participants and a record of such transactions must be maintained by the licensee.
- (2) Where the licensee becomes aware that a player is below the age of 18, the licensee shall take appropriate steps to suspend the player account with immediate effect.

Player Funds Control

25. (1) All deposits, withdrawals, transfers or adjustment transactions must be uniquely identifiable and maintained in an Interactive Gaming System audit log.
- (2) The licensees must provide information to players about the methods they use to protect player funds and about how they intend to deal with unclaimed funds from dormant accounts.
- (3) The licensee shall keep players funds segregated from the licensee revolving fund in a bank account at a bank licensed under the Financial Institutions Act in Seychelles.

- (4) Payments, deposits and credits to and from a player's account are to be paid directly to and from the player's fund in the name of the player or made payable to the player as established under subsection (3).
- (5) Transfer of credits representing monetary value between player accounts shall not be permissible.
- (6) Obligations under this section shall be subjected to Anti-Money Laundering and Countering the Financing of Terrorism Act.

Player Protection and Responsible Gambling

26. (1) A licensee shall display at all times, in a prominent place, on every page of its website, a link to a Responsible Gambling policy.
- (2) At a minimum the policy should provide information on the following:
- (a) Information about the potential risks associated with problem gambling;
 - (b) detection of signs of problem gambling;
 - (c) information on player self-help and self-management tools;
 - (d) information relating to time-outs and self-exclusion;
 - (e) warnings to persons that they should not gamble beyond their means and to discourage them from doing so;
 - (f) information and links to agencies and organisations who are able to offer help and assistance to problem gamblers.
- (3) A licensee shall implement an internal monitoring programme to enable the licensee to identify and address potential problem gamblers, which shall include at a minimum-
- (a) structured monitoring programme to identify potential problem gamblers
 - (b) maintain an incident log of all players identified as potential problem gamblers and actions taken.
- (4) A licensee must provide a registered player with a range of self-help and self-management tools to enable them to manage their gambling.
- (5) A licensee where the acceptance or negotiating of bets or player registration takes place is required to provide a hyper-link(s) on its website to any problem gambling advice or help.
- (6) All licensees must offer at a minimum options (a) and (f):
- (a) set a limit on the amount the player may deposit within a specified period of time;
 - (b) set a limit on the amount the player may bet/wager within a
 - (c) specified period of time;

- (d) set a limit on the losses the player may incur within a specified period of time;
 - (e) set a limit on the amount of time the player may play in any one session;
 - (f) exclude the player from playing for a definite or indefinite period of time.
- (7) A player who has set a limit may request it to be reduced, increased or removed at any time.
 - (8) A request from a player, either verbally or in writing, to apply a limit or reduce or further restrict an existing limit must be applied with immediate effect upon receipt of the request.
 - (9) A request from a player to increase or remove a limit must be made in writing, and may only take effect following a seven (7) day cooling off period from receipt of the request, and a review of the activity on the player account.
 - (10) A registered player must be able to request, either verbally or in writing, to be self-excluded from some or all of the all of the licensees products for a definite or indefinite period of time.
 - (11) A request from a registered player to be self-excluded shall be applied with immediate effect, and access to the player account blocked.
 - (12) Any funds remaining on the player account must be remitted back to the player using the payment mechanism registered on the account.
 - (13) The player account must be removed from all promotional or marketing lists, and the licensee should ensure that all reasonable steps are taken to ensure that the player is not in receipt of any marketing literature from partners and other agencies.
 - (14) The licensee should notify the player in writing to the email address provided on the player account of the self-exclusion and provide details of agencies and organisations they may contact for help and support.
 - (15) A registered player may request to be allowed to return to gambling after the period of self-exclusion has expired. Any request to return to gambling must be made in writing and subject to a 24 hour cooling off period from receipt of the request, and may only be effected following an interaction with the player in which their request to return to gambling is risk assessed.
 - (16) A licensee shall not accept a bet or wager from a player contrary to a gambling limit, nor allow access to the player account in the case of any exclusion set by the player under this regulation.
 - (17) Where the game is displayed on a screen the licensee shall ensure that the customer balance is visible at all times and is automatically up-dated in real time following every individual bet, and before the player is able to bet again.

(18) The licensee shall, wherever possible, also make available to every player an automatic in-game reality check, which shall at intervals set either by the license or by the player:

- (a) suspend play;
- (b) clearly indicate for how long the player has been playing for;
- (c) display the player's winnings and losses during such period of time;
- (d) require the player to confirm that the player has read the message;
- (e) give an option to the player to end the session or return to the game.

(19) All amounts displayed relating to bets, wagers and winnings shall be quoted in the currency with which the game is being played.

(20) Full screen games shall not be offered to players unless:

- (a) a real time clock is displayed or remains visible on screen at all times,
- (b) a visible option to exit the game at any time; and
- (c) remaining players balance and bets.

Complaints

27. (1) The licensee should have proper mechanisms in place to receive and handle player complaints, and must provide information to players on how to lodge a complaint with the licensee.

(2) The licensee must maintain a complaint register including details of the complainant, the date the complaint was received, the nature of the complaint received and action taken.

(3) The licensee shall produce or provide a copy of the complaints register to the Authority upon request.

Website to be maintained by Licensee

28. (1) A licensee shall maintain a website which includes the following information as a minimum, to be displayed in the footer of every live site page at all times:

- (a) the official number and date of issue of the licence;
- (b) the kite-mark which shall also act as a hyperlink to the Authority's website;
- (c) an age restriction symbol;
- (d) active links to the Terms & Conditions and Responsible Gambling information;
- (e) hyperlinks to the website of organisations specialised in helping problem gamblers and which are approved by the Authority;

- (f) any other information that the Authority may deem necessary and/or as requested by the Authority;

(2) A licensee's website must clearly indicate that the licensee is licensed and regulated in the Seychelles by the Authority.

Keeping of Records and Accounts

29. (1) The licensee shall maintain and back up the following player account information –

- (a) Player identity details and verification results;
- (b) Account details and current balance;
- (c) Any self-exclusion measures;
- (d) Details of any previous accounts, including reasons for deactivation;
- (e) Deposit and withdrawal history;
- (f) Gambling history -
 - (i) games played,
 - (ii) amount bet,
 - (iii) amount won.
 - (iv) jackpots won
 - (v) credit redeemed
 - (vi) bonuses received
- (g) any other records as may be specified by the Authority.

(2) The records should be kept at the licensee's registered office in Seychelles for not less than seven years in physical or electronic form.

(3) Where such records are kept at a place other than the licensee's registered office, the licensee shall seek the approval of the Authority.

(4) The Interactive Gambling System shall not permit the alteration of any accounting, reporting or significant event data without supervised access controls. In the event any data is changed, the following shall be documented or logged –

- (a) Data element altered;
- (b) Data element value prior to alteration;
- (c) Data element value after alteration;

- (d) Time and date of alteration; and
- (e) Personnel that performed alteration.

Financial statements and reports

30. (1) The licensee shall complete and submit to the Authority a monthly regulatory return every 20th day of each calendar month for the preceding month in the form provided by the Authority.

(2) The Interactive Gambling System must be able to provide a Player Session Report on demand. The report must contain the following information at a minimum –

- (a) Unique player session ID;
- (b) Unique player ID;
- (c) Session start and end time;
- (d) Amount wagered and won during session (total and by transaction);
- (e) Promotional credits received and wagered during session (total and by transaction);
- (f) Funds deposited to and withdrawn from the authorised player's account during session (total and by transaction);
- (g) Reason for session termination;
- (h) Interactive gaming account balance at the start and end of the session; and
- (i) Funds remaining in incomplete games (total and by transaction).

(2) The Interactive Gambling System must be able to provide an Interactive Gambling Performance Report on demand over the specified period of the report for each individual game.

(3) The report must contain the following information at a minimum –

- (a) Interval selected;
- (b) Unique game identifier;
- (c) Total wagered;
- (d) Total amount won;
- (e) Total amount contributed to the progressive pool, where applicable;
- (f) Total amount refunded; and
- (g) Total funds remaining in incomplete games.

- (4) The Interactive Gambling System must be able to provide an Interactive Gaming Revenue Report on demand over the specified period of the report. The report must contain the following information at a minimum –
- (a) Total amount of non-promotional deposits to player accounts;
 - (b) Total amount of non-promotional withdrawal from player accounts; and
 - (c) Total amount of all non-promotional funds currently held in player accounts.
- (5) The Interactive Gambling System must be able to provide at any point in time a Progressive Jackpot Configuration Report on demand for each progressive pool on the site over the specified time period of not less than seven years.
- (6) The report under subsection (5) must contain the following information at a minimum –
- (a) Name of progressive pool;
 - (b) Date and time progressive pool placed into play;
 - (c) Contribution parameters for all primary and secondary pools;
 - (d) Unique pay table identifier of each participating game;
 - (e) Total amount of wagers eligible for the progressive jackpot;
 - (f) Total amount of progressive jackpots won;
 - (g) Total jackpot contributions won;
 - (h) Jackpot start-up or other seeds which are not funded from contribution;
 - (i) Current amount for each jackpot prize offered in this jackpot pool;
 - (j) Current value of Jackpot contributions diverted;
 - (k) Date and time of jackpot retired;
 - (l) Progressive jackpot limit value, if applicable; and
 - (m) Amount exceeding limit, if applicable.
- (7) The Interactive Gambling System must be able to provide a Progressive Jackpot Won Report on demand for each progressive pool on the site over the specified time period of the report of not less than seven years.
- (8) The report must contain the following information at a minimum –
- (a) Name of progressive pool;
 - (b) Unique pay table identifier of the game;

- (c) Unique player session ID;
 - (d) Game cycle ID;
 - (e) Date and time of progressive jackpot award;
 - (f) Progressive jackpot level hit;
 - (g) Amount of progressive jackpot;
 - (h) User ID and name of employee processing the win if applicable; and
 - (i) User ID and name of supervisor confirming the win, if applicable.
- (9) The Interactive Gambling System must be able to provide a Significant Event Report. The report must contain the following information at a minimum –
- (a) Failed system side login attempts;
 - (b) Significant periods of unavailability of the Interactive Gambling System or any critical component of the interactive Gambling System where a transaction could not be performed;
 - (c) System voids, overrides and corrections;
 - (d) Mandatory deactivation of an authorised player; and
 - (e) Any other activity occurring outside of the normal scope of the system operation.
- (10) The licensee shall, within 3 months from the end of the its financial year, file with the Authority a certified set of audited financial statements prepared in accordance with International Financial Reporting Standards.

Requirements for the Interactive Gambling System

31. (1) The Interactive Gambling System must maintain an internal clock that reflects the current date and time that shall be used to provide for the following –
- (a) Time stamping of significant events;
 - (b) Reference clock for reporting;
 - (c) Time stamping of all sales and draw events; and
 - (d) A clearly visible clock should be available for use by the player at all times.
- (2) If multiple clocks are supported, the Interactive Gambling System shall have a facility to synchronise clocks within all system components.

- (3) The Interactive Gambling System must be able to reasonably detect the physical location of an authorised player attempting to access the service from and must not permit wagering capabilities while the player is in an area where interactive gambling is disallowed.
- (4) No game may become operational or be made available to users or players without the appropriate test certification and approval of the Authority.
- (5) A licensee shall provide to the Authority appropriate evidence that all games and other equipment (hardware and software) have been independently tested and certified by a testing facility.
- (6) No changes to the Interactive Gambling System shall be made without the prior approval of the Authority and, where appropriate, additional certification of compliance.
- (7) The certification submitted to the Authority for approval must at minimum include the following information –
 - (a) the name of the software, system or game provider;
 - (b) the name of the approved test house or organization which has undertaken the testing;
 - (c) the full scope of the testing, including any external integrations;
 - (d) the versions, graphics, rules, parameters, reality checks, mal-function, dis-connections and return to player percentage of games;
 - (e) the server protocols, communication protocols and other specifications which are part of the gaming system architecture;
 - (f) information about the security of the system;
 - (g) which modules affect processes, rules and parameters, reality checks, and transactions if the source-code is changed;
 - (h) any other information that is of material importance to the specific software; and
 - (i) a description of the set-up and functionality of the application architecture and system architecture.

Notifiable Events

32. (1) The licensee must notify and seek the approval, where applicable, of the Authority of any change, event or incident prior to the implementation.
- (2) The notifiable events include but not limited to –
 - (a) changes in controlling interest of the licensee;
 - (b) changes in financial interest of the licensee
 - (c) changes in key employees or employees with key functions of the licensee;

- (d) any material change to the due diligence disclosures related to any associates;
 - (e) changes to the Internal Control System of the licensee;
 - (f) any serious incident negatively affecting the operation detailing the consequences and the remedial steps, if any;
 - (g) any changes to the game parameters;
 - (h) changes to Disaster Recovery plan and its systems;
 - (i) irrecoverable loss of customer-related data;
 - (j) significant periods of system unavailability;
 - (k) any gambling debt to players that requires the use of deposit/reserve to settle the debts.
 - (l) any issue with any the paid up capital, reserve requirement, revolving fund and players fund.
- (3) A licensee who fails to comply with subsection (1) shall be liable to an administrative penalty of SCR 20,000.

Advertising

33. (1) No licensee shall in any way engage in advertising, marketing, or promoting, or permit anyone involved in the licensee's operations to engage in such advertising, marketing or promoting that:
- (a) implies that interactive gaming promotes or is required for social acceptance, personal or financial success or the resolution of any economic, social or personal problems;
 - (b) contains endorsements by well-known personalities that suggest interactive gaming contributed to their success;
 - (c) is specifically directed at encouraging individuals who may be vulnerable or under the legal age of majority or gambling to engage in interactive gambling;
 - (d) exceeds the limits of social, moral and common decency, or contravenes the advertising standards and Rules of the Seychelles or any other territory within which the licensee is active;
 - (e) implies that the chance of winning is greater or equal to the value of the loss, or conversely fails to make it clear that a player may not win;
 - (f) fails to meet any other requirement or directive as provided by the Authority;
- (2) The licensee shall not engage in any activity that involves the sending of unsolicited promotions, marketing, or advertising communications, whether it is through its own operation or via any associate, agent or other third parties, and ensure that players are:

- (a) informed about the licensee's privacy and data sharing and marketing policy at the time of registering an account;
- (b) provided with information on how to unsubscribe as part of any marketing or promotional communication;
- (c) able to manage their communications preferences either through their player account or by contacting the licensee directly;

Security

34. (1) The licensee shall ensure that sensitive player data remains confidential and protected from theft and misuse.
- (2) The licensee shall ensure that client account details shall be available to authorised persons only.
 - (3) The licensee shall maintain an audit trail for all changes to the system, game or event configuration or parameters, players account and gambling transactions.
 - (4) The licensee shall be able to recover player transactions through events such as systems failures, reset or unauthorised modification by entities internal or external to the operator.
 - (5) The licensee shall have an up-to-date security policy that is regularly reviewed.
 - (6) The licensee shall submit to the Authority an annual penetration test report completed by a competent independent firm, as approved by the Authority, for systems connected to the internet.
 - (7) The licensee shall ensure that the mirrored server is kept within a secured environment which has adequate physical and information security mechanisms in place.
 - (8) The licensee shall ensure that agreements with third parties providing hosting and/or other services to the gambling system contain a provision for implementation of appropriate security measures.
 - (9) The licensee shall ensure that faults are logged, analysed and appropriate actions are taken.

Data Protection and data recovery

35. (1) All licensees should have a data protection policy in place which shall be in conformity with the Data Protection laws of Seychelles which shall include:
- (a) Personal data processing;
 - (b) Data subject rights;
 - (c) Retention of data;

- (d) Sharing of data;
- (2) The licensee shall ensure a disaster recovery plan and business continuity plan is in place at all times to recover gambling operations in the event that the production of gambling operation is rendered inoperable.
- (3) The disaster recovery plan must –
 - (a) address the method of storing player account information and gambling data to minimise loss in the event the production gambling system is rendered inoperable.
 - (b) delineate the circumstances under which it will be invoked.
 - (c) address the establishment of a recovery site physically separated from the production site.
 - (d) obtain recovery guides detailing the technical steps required to re-establish gambling functionality at the recovery site.
- (4) The business continuity plan must address the process required to resume administrative operations of gaming activities after the activation of the recovered platform for a range of scenarios appropriate for the operational context of the Interactive Gambling System.
- (5) The licensee must periodically review their disaster recovery plan and business continuity plans to ensure that they are consistent with the licence holders current operations and business strategies.

Prohibition

- 36. No licensee or registered player shall engage in Interactive Gambling by using virtual asset.

Enforcement

- 37. (1) The Authority may impose administrative penalty of SCR 20,000 if satisfied that the licensee has failed to comply with a provision or requirement of this Rules, where it has not expressly stated, or conditions of license or directives issued under the Financial Services Authority Act.
- (2) Before imposing any penalty fees under these Regulations, the person concerned shall be given an opportunity of being heard, in writing, made to the Authority.
- (3) Further to subsection (1), the Authority may take enforcement action as it sees fit under the Seychelles Gambling Act or Financial Services Authority Act.
- (4) Where an offence has been committed, the Authority may take enforcement action under the Seychelles Gambling Act or Financial Services Authority Act.

FIRST SCHEDULE

(Sections 3(2) (b))

LIST OF EXCLUDED JURISDICTIONS

1. United Arab Emirates
2. Brunei
3. Cambodia
4. North Korea
5. Japan
6. Singapore
7. Cyprus
8. Qatar
9. Lebanon
10. Poland
11. Syria
12. Cuba
13. Vietnam
14. Indonesia
15. Malaysia
16. Russia

MADE this ----- day of ----- 2023.

RANDOLF SAMSON
FINANCIAL SERVICES AUTHORITY

S.I. ----- Of 2023

SEYCHELLES GAMBLING ACT, 2014

(Act 29 of 2014)

Seychelles Gambling (Fees) (Amendment) Regulations, 2023

In exercise of the powers conferred by section 56 of the Seychelles Gambling Act, 2014, the Minister responsible for Finance, in consultation with the Authority makes the following Regulations-

1. These Regulations may be cited as the Seychelles Gambling (Fees) (Amendment) Regulations, 2023
2. The Seychelles Gambling (Fee) Regulations is hereby amended as follows –
 - (a) In section 2, in column 2, delete the fee “SCR 50,000” and substitute it with “SCR 100,000”
 - (b) In section 3, delete row (a) and substitute it with a new row (a):

1		2
(a)		
(iii)	Interactive Gambling Operator type 1 license	SCR 1,000,000
(iv)	Interactive Gambling Operator type 2 licence	SCR 1,000,000

MADE this ----- day of ----- 2023.

NAADIR HASSAN

MINISTER FOR FINANCE, NATIONAL PLANNING AND TRADE