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A New Act for a New Era – Anticipated Changes  
to the Gibraltar Gambling Act

27<sup>th</sup> June 2024

## Where are we?

- Gambling Act 2005
- Command Paper on a draft Bill – 31 May 2022
- Licensing Fees Consultation Paper – 19 October 2022
- Status of Policy Team

# Draft Bill – Key Changes

New  
Categories of  
Licences

New Licence  
Fees

Sufficient  
Substantive  
Presence &  
Threshold  
Conditions

Regulated  
Functions &  
Individuals

Change of  
Control

Inspection  
Powers &  
Appeals  
Process

## Types of Regulated Activities

- B2C remote gambling;
- B2C non-remote gambling;
- B2B remote gambling;
- B2B non-remote gambling;
- conducting, managing or providing facilities for betting exchange, betting intermediary or a betting agent;
- support services licences including:
  - a) marketing services for gambling;
  - b) ownership holding structures;
  - c) holding or managing customer funds; and
  - d) such other activities as prescribed by the Minister.

## When do these Regulated Activities Require Licensing

An activity is a regulated activity if:

- it is an activity listed on the previous slide; and
- is carried out on in or from Gibraltar.

Where providing facilities for remote gambling includes:

- a) having remote gambling equipment (or management of) in Gibraltar;
- b) the responsibility and decision making for the business is undertaken in Gibraltar;
- c) gambling transaction take place in Gibraltar; or
- d) providing facilities for the provision of various activities (see next slide).

## When do these Regulated Activities Require Licensing Cont.

The other activities covered are:

- content aggregation services or facilities;
- server-based content software;
- live gaming content, services or facilities;
- hosting of supplied content software where a B2B software supplier hosts its own proprietary content on a proprietary platform;
- other platform services used for the delivery of gaming and betting software or content;
- real event betting data, including odds;
- managed trading services;
- virtual or simulated content for the purpose of betting
- other betting, gaming or lottery software;
- the following if connected to gambling:
  - a) fraud prevention or risk management;
  - b) CDD assessment or compliance;
  - c) customer identification verification services; and
  - d) customer relationship management services.

## Licence Application Fee

Current licence application fee £10,000

New fees:

- B2C - £30,000;
- B2B:
  - Content Aggregator - £20,000
  - Direct Content Provider - £10,000
- Gambling Operator's Support Services - £8,000

# Ongoing Annual Fees – B2Cs

## B2C Gambling Operator Licence **Betting**

Annual Gross Betting Yield per Licence	Licence Fee per Licence
Over £300m	£200,000
Over £20m	£100,000
Less than £20m	£50,000

## **Gaming**

Annual Gross Gaming Yield per Licence	Licence Fee per Licence
Over £300m	£200,000
Over £20m	£100,000
Less than £20m	£50,000

**B2C Betting Intermediary, Betting Exchange and/or Betting Agent – £100,000**



## Ongoing Annual Fees – B2Bs

Licence Type	Licence Fee (annual)
<b>Aggregator</b>	£85,000 with £15,000 for each additional vertical
<b>Software Supplier:</b>	
Full Tier 1 (unrestricted direct integrations)	£85,000
Tier 2 Licence (less than £550,000 gross sales and no more than 3 approved integrations)	£50,000
Tier 3 Licence (less than £200,000 gross sales and no more than 2 approved integrations)	£20,000
<b>Platform Supply</b>	£85,000 with £15,000 for each additional vertical
<b>Provision of Betting Data</b>	£50,000
<b>Other B2B Regulated Activities</b>	£50,000

## Ongoing Annual Fees – Gambling Operator Support Services

£50,000 for:

- Marketing
- Holding entities
- Holding or managing customer funds

Subject to change

## Sufficient Substantive Presence

Consideration will be had to:

- a) the nature, extent, purpose and usage of the remote gambling equipment located or to be located and maintained in Gibraltar;
- b) the number and nature of jobs to be created and maintained in Gibraltar;
- c) the amount of tax revenue that will accrue or is accruing to the Government; and
- d) such other factors as appear to the Authority to constitute a sufficient substantive presence in Gibraltar.

# Threshold Conditions

Applicable to all regulated activity. Include:

- conduct of the business;
- location of offices;
- appropriate resources;
- effective supervision;
- suitability;
- business model;
- procedures & internal controls;
- fees & taxes;
- responsible gambling;
- protection of customer funds;
- prevention of financial crime; and
- others as listed in Schedule 2.

# Regulated Functions & Individuals

## Regulated Functions

- 1) Chief Executive Officer
- 2) Managing Director
- 3) Financial Management (CFO or equivalent)
- 4) Head of Regulatory Compliance
- 5) Money Laundering Reporting Officer
- 6) Head of Safer or Responsible Gambling
- 7) Head of Marketing and/or Commercial Development
- 8) IT Infrastructure and Cyber Security

The same individual may perform or be responsible for the performance of more than one regulated function.

## Change of Control

- 10% ownership; or
- 10% voting power.

Changes require prior consent via new procedure set out in the Act.

Licensing Authority will have regard to:

- reputation;
- financial soundness;
- risk of financial crime,

together with other considerations when deciding whether to grant permission to a change of control application.

# Inspection Powers & Appeals Process

New Statutory powers granted to the Licensing Authority including:

- right to gather information and conduct investigations;
- sanctioning powers to licence holders and regulated individuals.

Establishment of the Gambling Appeals Tribunal.

- current licences continue in full effect until new licence issued;
- outstanding applications transferred over automatically;
- existing activities that require a licence under the new Act are granted a six-month transitional licence. During this six-month period will need to submit a licence application.



For more information, please contact:



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Thank you

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