



IMO STATE OF NIGERIA

LAW NO. 4 OF 2021

LOTTERIES AND GAMING AUTHORITY LAW, 2021

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IMO STATE OF NIGERIA

LAW NO. 4 OF 2021

A LAW TO REPEAL THE IMO STATE POOLS BETTING, GAMING, CASINO AND LOTTERIES BOARD LAW NO.44 OF 2019 AND TO ENACT A LAW ESTABLISHING THE IMO STATE LOTTERIES AND GAMING AUTHORITY TO REGULATE ALL LOTTERY AND GAMING ACTIVITIES IN IMO STATE AND FOR OTHER RELATED MATTERS. *Long title*

BE IT ENACTED by the Imo State House of Assembly as follows – *Enactment*

PART 1 – PRELIMINARY

1. This Law may be cited as the Imo State Lotteries and Gaming Authority Law and shall commence on the 26th of May, 2021. *Citation and Commencement*

2. In this Law, unless the Context otherwise requires –

“Approval in Principle” means a temporary license issued to a licensee;

“Auditor-General” Means the Auditor-General of Imo State;

“Authority” means the Imo State Lotteries and Gaming Authority established by Section 3 of this Law;

“Authorised Price” means the price determined by the licensee as approved by the Authority;

“Bank” means a bank holding a licence granted under the Banks and other Financial Institutions Act;

“Board” means Board of the Authority;

“Car racing” means physical motor sport involving the racing of automobile for competition;

“Cheating” includes but is not limited to syndicated bets, collusion with other players, agent, staff or other representative of a licensee or staff or representative of the Authority;

“Commissioner” means Commissioner for Finance or any member of

the State Executive Council for the time being charged with the responsibility for financial matters in the State;

“Controlling interest” means, in relation to a body corporate, the power of a person to secure, by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate, that the affairs of the first mentioned body corporate are conducted in accordance with the wishes of that person;

“Customer” includes stakers, punters, promoters, patrons, agents, and operators;

“Equipment” includes –

- (a) a computer;
- (b) a device for the playing of a game of chance;
- (c) any other piece of lottery and gaming equipment; and
- (d) software and system.

“Gaming” includes, any game, scheme, arrangement, system, plan, or device for distributing prizes by lot or chance and any game, scheme, arrangement, system, plan or device, which the Authority may declare to be a game of chance;

“Good causes” shall mean any cause or project as provided by this Law to which proceeds of the revenue accruing from lotteries and gaming activities in the State is applied. Such cause or project shall include but not limited to projects for the advancement, upliftment and promotion of sports development, education, security, social services, public welfare and relief, and management of natural disasters in the State including infrastructural, environmental, social and health grants and in respect of any other matter in the State;

“Horse racing” means physical sport in which horses and their riders take part in races either on a flat course over hurdles or fences typically with substantial betting on the outcome other than virtual horse racing;

“House” means the Imo State House of Assembly;

“Key employee” means the following employees of a licensee -

- (a) the senior management of the licensee;
- (b) if the licensee is a corporate body, every director, officer or their equivalent;
- (c) any individual who has the authority to hire or terminate supervisory personnel;

- (d) any individual who has the authority to supervise or direct a shift of each gaming or security activity, including but not limited to the supervision or direction of the entire pit operation, gaming machines or other gaming operation, and any person having authority to supervise or direct such persons;
- (e) any individual having authority or the responsibility to manage one or more of the following types of departments or functions of the operation, including, but not limited to –
 - (i) the accounting department;
 - (ii) credit and collections department;
 - (iii) cage department;
 - (iv) personnel department;
 - (v) internal audit department;
 - (vi) security department and;
 - (vii) surveillance department;
- (f) any individual who has been specifically presented to the Authority by a licensee, officer or director as being important or necessary to the operation of the licensee;
- (g) all persons who individually or as part of a group formulate management policy; and
- (h) any job position or individual who, on written notification by the Authority, is considered to be a key position or employee for purposes of this Law;

“Law” means the Imo State Lotteries and Gaming Authority Law and regulations made under the Law;

“Law Enforcement Officer” means the monitoring and inspection officers, Imo State Task Force Officers and Police Officers;

“Licensee” means the person to whom the licence for a gaming activity has been issued in terms of Section 35 of this Law;

“Local Government Areas” include Local Council Development Areas;

“Non-commercial license” means a gaming licence that -

- (a) is not open to the public; and
- (b) 80% of the proceeds must be applied to the cause for which it is meant for.

“Other lotteries” mean private lotteries, charitable lotteries, society lotteries and promotional competitions or any other lotteries as may be listed by the Authority;

“Political office-holder” means a member of the National Assembly, State House of Assembly, Local Government Executive Council, and official of a Political Party or political appointee;

“Pool betting licence” means either—

- (a) a fixed odds licence, that authorises the licensee to carry on the business known as “betting at fixed odds” at any premises specified in the licence but not any other form of pool betting business; or
- (b) a treble chance licence, that authorises the licensee to carry on all forms of pool betting business at any premises specified in the licence other than the business known as “betting at fixed odds”.

“Prescribed fees” include the licence fees or other applicable fees and levies payable under the licence;

“Privacy” means personal data, personal information and personal space which must be protected;

“Prize” means the prize awarded to the winner of a game of chance and includes both a prize provided by a person organising gaming and winnings of money staked;

“Remote gaming” means any form of gaming which allows punters access to participate or game without being physically present in a certain location by using remote or online access which include telephone, mobile phones, the internet, television, radio and any other kind of electronic, digital or other technology;

“Software” means a set of instructions fixed or stored in any manner and which, when used directly or indirectly in a computer, directs its operation to bring about a result;

“Staff” means all the people employed by a licenced lottery or gaming organisation including but not limited to employees, workers, personnel, hired hands, agents and assigns;

“Stakeholder” means an independent party with whom each of those who make a wager deposits the money or counters wagered or a person with an interest or concern in the Gaming Industry;

“Staker or punter” in relation to a lottery or gaming activity means a person who is in possession of a valid ticket in that game obtained in consequence of payment of a prize;

“State” means Imo State of Nigeria;

“Subscription” means the payment, or delivery of any money, goods, article, matter or thing, including any ticket or entry form, for the right to compete in a lottery and gaming activity;

“Table game” means gaming tables in a casino;

“Ticket”, in relation to a lottery and gaming activity means any symbol, sign, token, warrant, card, printed paper, document or list or any other means or device which confers or purports to confer the right to take part in a game of chance and which is issued by or on behalf of the game in question;

“Training” means the action of undertaking a course in preparation for any aspect of gaming operation;

“Unclaimed winnings” mean winnings that remains unclaimed after a period of one hundred and eighty (180) days; and

“Vulnerable person” means a person too young to engage legally in a lottery and gaming activity or a person easily physically or emotionally influenced or mentally hurt by gaming activities.

3.(1) There is established, the Imo State Lotteries and Gaming Authority (referred to in this Law as “the Authority”).

*Establishment
of the Imo State
Lotteries and
Gaming Authority*

(2) The Authority shall –

- (a) be a body corporate with perpetual succession and a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of holding, purchasing, acquiring and disposing of property movable or immovable, for the purpose of carrying out its functions under this Law.

4.(1) There is established, the Imo State Lotteries and Gaming Authority Governing Board (referred to in this Law as “the Board”).

*Establishment
and Composition
of the
Imo State
Lotteries
and Gaming
Authority
Governing Board*

(2) The Board shall consist of-

- (a) the Chairman and three (3) other members from the three (3) Senatorial Zones of the State;
- (b) the Permanent Secretary of the Ministry of Finance or a representative not below Grade Level (GL) 15;
- (c) a qualified Accountant with at least ten (10) years post registration experience;
- (d) a member of the public who is an expert in gaming activities but not a licensee; and
- (e) the General Manager.

(3) The Chairman shall be a person with knowledge or experience in matters connected with the functions of the Authority.

(4) Members of the Board shall be appointed by the Governor while the ex-officio members shall be members of the Board by virtue of the position held as stated in sub-section (2) of this section.

5. The Chairman and other members of the Board except the ex-officio members, shall hold office on a part-time basis for a term of four (4) years, and may be re-appointed for a further term of four (4) years only. *Tenure of Office.*
- 6.(1) A member shall cease to hold office – *Cessation of Office.*
- (a) by reason of ill health or incapacity to discharge the duties of the office;
 - (b) if the member resigns by giving one (1) month notice in writing to the Governor;
 - (c) if convicted of an offence involving gross misconduct or dishonesty;
 - (d) if involved in any act considered inimical to the interest of the Authority or the State;
 - (e) where the member acquires any interest (such as directorship, shareholding, investment, etc.) in any gaming establishment regulated by the Authority; or
 - (f) where the member obtains:
 - (i) a direct or indirect financial interest in any gaming operation, gaming agent or any associated gaming operations;
 - (ii) any such interest during the period of three (3) years immediately prior to the envisaged date of appointment as member of the Board; or
 - (iii) any interest in any business or enterprise that may conflict or interfere with the proper performance of functions as a member of the Board or in any shareholder of the licensee or prospective licensee.
- (2) Notwithstanding the provisions of subsection (1) above, the Governor may remove any member of the Board, if the Governor is satisfied that it is in the interest of the public to do so.
- 7.(1) Where a vacancy occurs in the Board, such vacancy shall be filled by appointing a new member in the manner provided under section 4 of this Law, and the member so appointed will hold office for the residue of the term of the predecessor. *Vacancy*
- (2) A member appointed to fill a vacancy may be re-appointed for a term of four (4) years only.
- 8.(1) The Board shall meet at least once every two (2) months at such place and time as the Chairman may determine. *Meetings of the Board*
- (2) The Chairman shall preside at all meetings of the Board; but when absent, any other member of the Board may be elected by the members present to preside.

- (3) Where not less than four (4) members of the Board request the Chairman, by notice in writing signed by them to convene an extraordinary meeting of the Board for the purpose specified in the notice, the Chairman shall upon receipt of such notice, convene within (7) days, an extra-ordinary meeting of the Board for those purposes.
9. The Board shall –
- (a) advise the Governor on any matter relating to gaming activities in the State or any other matter on which the Governor requires the advice of the Board;
 - (b) ensure all gaming activities are conducted with due propriety and in accordance with this Law and regulations made under it;
 - (c) ensure that all relevant aspects of gaming especially the good causes are promoted;
 - (d) administer the general funds of the authority and hold it in trust;
 - (e) review the existing policies of the Authority;
 - (f) formulate new policies for the Authority; and
 - (g) coordinate inter-governmental affairs.
10. Subject to the provisions of this Law, the Board may regulate its proceedings with respect to holding of meetings, notices to be given of such meetings, the proceedings at the meetings, keeping of minutes of such meetings and custody of the production for inspection of such minutes.
11. The validity of any proceedings of the Board will not be affected by any defect in the appointment of a member or by reason that a person who is not entitled to do so, took part in the proceedings.
12. The quorum of any meeting of the Board shall be five (5) members.
- 13.(1) All decisions of the Board shall be determined by majority votes of members present and voting.
- (2) At any meeting of the Board, each member of the Board except the General Manager shall have a deliberative vote and where there is equality of votes, the Chairman shall have a casting vote.
14. Where the Board desires to obtain the advice of any person on any matter, the Board may co-opt such person to be a member of the meeting as may be required and the person so co-opted shall have all rights and privileges of a member of the Board but shall not be entitled to vote on any question or count towards a quorum.
- 15.(1) A member of the Board who is in any way directly or indirectly interested in a transaction or project of the Board, shall disclose the nature of the member's interest at a meeting of the Board, and such

Powers of the Board

Proceedings of the Board

Validity of Proceedings

Quorum

Voting.

Power to Co-opt.

Disclosure of Interest.

disclosure shall be recorded in the minute book and the member shall not take part in any deliberation or decision of the Board with respect to that transaction or project.

- (2) For the purpose of subsection (1) of this section, a general notice given at a meeting of the Board by a member to the effect that the member is interested in any trade or business or that the member is a member of a company or firm which is being considered by the Board; such member is to be regarded as an interested person.
- (3) A member of the Board may not attend in person, a meeting of the Board in order to make a disclosure which the member is required to make under this section, if the member takes reasonable steps to ensure that the disclosure is made by a notice which is brought up and read at the meeting.
16. The Board may delegate any of its powers, functions or duties to any member of a Committee of the Board *Delegation by the Board*
- 17.(1)The Board may appoint such number of Committees, whether standing or ad-hoc to perform the functions as the Board may direct and the quorum of such Committee shall be as determined by the Board. *Committees.*
- (2) Every Committee set up under this section shall be presided over by a member of the Board and may include persons who are not members of the Board.
- (3) Any delegated function performed shall be deemed to have been performed by the Board.
18. The Chairman and Members of the Board shall be entitled to such remuneration and allowances as may be approved by the Governor. *Remuneration and Allowances of Members of the Board*
19. The Authority shall – *Functions of the Authority*
- (a) ensure the interests of all stakeholders in the State are adequately protected;
 - (b) provide training for licencees, their agents and key employees and issue a certificate or licence as appropriate;
 - (c) protect the interest of the State with respect to all gaming activities and benefits due to the State;
 - (d) receive and consider applications for the issue, amendment or transfer of licencees;
 - (e) refuse applications, suspend, revoke or cancel licencees;
 - (f) inspect and audit the licensee's record of account whenever it appears necessary in the opinion of the Authority;
 - (g) monitor retail ticket sale and conduct proper audit of licencees by using information technology, a central monitoring system,

standard based solutions, comprehensive and automated processing;

- (h) subject to the approval of the Governor, consult, concession, appoint or delegate powers to persons, individuals, institutions and organisations to assist it with the exercise or performance of its powers, functions or duties for such remuneration as may be agreed by a memorandum of understanding or other agreement;

Provided that the person, firm, institution or organisation so appointed is not a licensee, an affiliate, director, shareholder of a licensee or any person claiming through a licensee;

- (i) liaise and cooperate with national and international bodies where appropriate;
- (j) make such arrangements as may be specified in the licence for the protection of prize monies and sums for distribution;
- (k) organise monitoring teams and conduct inspections in order to ensure compliance with this Law;
- (l) administer the general funds of the authority and hold it in trust; and
- (m) perform any other function as directed by the Governor.

20. The Authority shall have powers to –

- (a) impose appropriate fees and penalties, collect levies on all licenses and gaming activities within the State;
- (b) regulate, licence and register gaming operators and premises for gaming activities;
- (c) set standards for the operation of lotteries and gaming activities and for gaming operators, their agents and key employees;
- (d) monitor all aspects of gaming operations in the State;
- (e) enter into contract with any agent, supplier, service provider or platform operator or general contractor for the purpose of carrying out the regulatory functions of the Authority;
- (f) administer the funds in accordance with this Law; and
- (g) perform such additional duties with respect to Gaming.

*Powers of the
Authority*

21.(1) The Governor shall appoint a General Manager, who shall be the Chief Executive Officer of the Authority.

*The General
Manager of the
Authority*

(2) The General Manager shall be –

- (a) the Chief Executive and accounting officer of the Authority
- (b) responsible for the execution of the policy and day to day administration of the affairs of the Agency; and
- (c) a person who possesses relevant and adequate professional qualifications and shall have been so qualified for a period not less than fifteen (15) years.

(3) The General Manager shall hold office for a period of four (4) years renewable for another term of four (4) years only on such terms and

conditions as may be specified in the letter of appointment.

- (4) Without prejudice to the provisions of subsection (3) of this section, the General Manager may be removed from office at the instance of the Governor.

- 22.(1) There shall be a Secretary/Legal Adviser of the Authority who shall be a legal practitioner with not less than 10 years post call experience to be appointed by the Governor.

*Secretary/Legal
Officer of the
Authority*

- (2) The Secretary/Legal Adviser shall be responsible for the following matters –

- (a) arranging meetings of the Board and its constituent committees;
- (b) preparation of agenda and minutes of meetings;
- (c) conveying decisions of the Board to members of the Board;
- (d) arranging for payment of allowances of the members of the Board and other related matters; and
- (e) generally performing all other duties affecting the Agency as may be assigned to him by the General Manager.

- (3) The Secretary/Legal Adviser shall be responsible to the General Manager for the discharge of his functions.

- 23.(1) The Authority shall have the power to appoint staff for the performance of its duties.

*Staff of the
Authority*

- (2) The Authority may request for additional staff on secondment from the Civil Service Commission or any other Service Commission in the State.

- (3) The salary and allowances of any person appointed by the Authority shall be approved by the Governor.

- (4) Persons employed in the Authority shall be entitled to pensions and other retirement benefits as prescribed under the Imo State Pension Reform Law.

- (5) Nothing in this Section shall prevent the appointment of a person to an office in the Authority on terms and conditions which preclude the grant of a pension or gratuity in respect of services in that office.

24. The Authority may delegate any power, function or duty in terms of this Law to any member or staff of the Authority.

*Delegation by
the Authority*

- 25.(1) A member of the Board or an employee of the Authority whose duties include any matter relating to gaming activity, his immediate family member, business partner or associate, may not during the time of such member or employee's service to the Authority or for a period of six (6) months after the termination of such service take up employment or in any way receive any

*Post-Termination
Restriction*

benefit from any person who is applying or has applied –

- (a) under Section 35 for the licence to conduct gaming activities in the State; or
- (b) for any other authorisation, registration, certification, other benefits or advantages.

- (2) A contravention of subsection (1) will not prevent the institution of criminal or civil proceedings in a court of law against such staff, unless the terms of such employment or the nature and extent of such benefits have been disclosed to the Board and the Board has authorised the employment, benefits or advantages.

26.(1) There is established for the Authority, a Fund which shall consist of monies accruable from –

*Establishment
of a Fund*

- (a) licence fees paid to the Authority;
- (b) gaming levies and penalties;
- (c) grants from the State or Federal Government or any other authorized source; and
- (d) proceeds from investments.

(2) The Authority shall retain five percent (5%) of all funds accruing to the Authority under subsection (1).

(3) The Authority may apply the funds at its disposal for—

- (a) all payments for the purchase of goods and expenses relating to its operations;
- (b) the remuneration and allowances of the members of the Authority or the Committees;
- (c) salaries, remuneration, fees, allowances of officers and employees engaged to serve the Authority; and
- (d) taxes, rates and other levies payable by the Authority.

27.(1) There is established, a Fund to be known as the Imo State Lotteries and Gaming Authority Charitable Trust Fund (referred to in this Law as the “Charitable Trust Fund”) to be managed by the Authority.

*Establishment of
Imo State Lotteries
and Gaming
Authority
Charitable Trust
Fund*

(2) The Charitable Trust Fund shall consist of –

- (a) unclaimed winnings; and
- (b) free donations for charitable purposes.

(3) The Authority shall hold the Charitable Trust Fund in trust for the following purposes –

- (a) health or psychological purposes;
- (b) educational purposes; and
- (c) any other incidental purposes as may be approved by the Governor.

- (4) With the exception of profit making Organisations, any person, organization or company meeting the prescribed guidelines may apply in the prescribed form to the Authority for a charity grant.
- (5) The Authority shall consider applications for grants and may pay such grants to appropriate recipients in accordance with the provisions of this Law.

28.(1) In considering any application for a grant in terms of this Law, the Authority must comply with any directive given to it by the Governor, as to the matters to be taken into account when determining the Organisation or Company to whom the Authority is to allocate any money.

*Payment of
Allocations*

(2) In performing the functions provided for under subsection (1), the Governor shall –

- (a) consult with the Board; and
- (b) take into account-
 - (i) the general development with specific reference to the financial, social, moral interests and the enhancement of the standard of living of people in the State; and
 - (ii) local interest, including the –
 - (a) total gaming sales in each local government,
 - (b) population of each local government; and
 - (c) social requirement of each local government.

29. The Governor may prohibit the Authority from paying out grants if such grants may be utilised for unlawful purpose or fails to comply with the conditions imposed:

*Power of the
Governor to
Prohibit Certain
Grants*

Provided that the Governor disclose to the Board, any information which may indicate that such grant may be utilised for any unlawful or improper purpose.

30.(1) The Authority shall submit to the Governor through the Commissioner, an annual estimate of its expenditure for the next succeeding year in accordance with budgeting guidelines in the State.

*Financial
Provision*

(2) The Authority shall keep proper accounts in respect of each year from 1st January to 31st December and shall cause the accounts to be audited by an Auditor appointed from the list of Auditors provided by the Auditor-General of the State in accordance with the Audit Law.

31. In addition to any other report prescribed under this Law, the Authority must prepare and submit to the House of Assembly and the State Executive Council through the Commissioner after the end

Annual Report

of each financial year but not later than six (6) months after it, a report on the activities of the Authority during the immediate preceding financial year, and must include in such report, a copy of the audited accounts of the Authority for that year together with the Auditor-General's comment on the annual account and the auditor's report.

32.(1) All records required to be kept by a licensee under this Law shall be retained by the licensee for a period of at least five (5) years.

*Retention of
Records*

(2) All records shall be organised and indexed in such a manner to provide immediate accessibility to the Authority.

33. (1) The Authority shall issue retail, virtual and/or on-line operating licenses in respect of –

Licences

- (a) casino licence;
- (b) bingo licence;
- (c) pool betting licence;
- (d) sports betting or bookmaker operating licence which includes but not limited to -
 - (i) lottery licence;
 - (ii) combined licenses;
 - (iii) agent or affiliate licence;
 - (iv) sweepstakes licence;
 - (v) slots or gaming machine licence;
 - (vi) car racing licence;
 - (vii) horse racing licence;
 - (viii) other games licence;
 - (ix) other lotteries licence;
 - (x) scratch card licence;
 - (xi) key employees licence;
 - (xii) remote gaming licence; and
 - (xiii) amusement machine licence.

(2) Subject to the approval of the Governor, the Authority may create new licence categories and issue different licenses or authorisation for activities which are closely related to any of the gaming categories under this Law.

(3) A person without a subsisting licence or authorisation from the Authority shall not operate, conduct or deploy any equipment, manage or accept wagers, rent a property, employ any person or make advertisements for any gaming activity in the State.

34. (1) The Authority may issue a permit for –

Permits

- (a) activities that fall under other games, but do not require a licence;
- (b) non-commercial and private gaming activities to operate within

stipulated terms and conditions.

- (2) The Authority shall establish technical standards for testing of process, equipment and compliance for licences.

35.(1) The Authority shall before granting a licence under this Section, be satisfied that –

*Application for
and Grant of a
Licence*

- (a) the applicant is a registered company under the Companies and Allied Matters Act with a minimum share capital of ₦20,000,000 (Twenty Million Naira) or as may be directed by the Authority;
- (b) the applicant must have a local content shareholder with a minimum of fifteen percent (15%) shareholding or submission of Fifty Million Naira (N50,000,000.00) bank guarantee or surety bond from any licensed commercial bank or other financial institution;
- (c) the local content shareholder shall abide by the regulations, policies, terms and conditions issued by the Authority.
- (d) the applicant has sufficient and appropriate knowledge or experience to conduct gaming activities in the State;
- (e) the applicant has financial and other necessary resources;
- (f) the applicant for the duration of the licence shall comply with the terms and conditions, policies, rules and regulations of the Authority;
- (g) the location conforms with the licencing objectives;
- (h) measures and mechanisms for data protection and privacy are in place;
- (i) measures to protect underage, underprivileged and vulnerable people from exploitation, harmful or addictive gaming tendencies are in place;
- (j) there are measures for rehabilitating persons suffering from harmful effects of gaming;
- (k) there are customer protection measures;
- (l) there are dispute resolution mechanisms;
- (m) granting of the licence will not be anti-competitive or result in an unduly large number of persons carrying on the licenced activity concerned in any area within the State, having regard to the number of inhabitants and their financial means; and
- (n) all other expedient issues have been considered.

(2) In the case of an application for pool betting and other lotteries licence –

- (a) an application shall be made in the manner prescribed by the Authority;
- (b) the application shall be accompanied by –

- (i) rules with which the applicant proposes to conduct each pool betting and other lottery competition;
 - (ii) prizes payable to each category of winners; and
 - (iii) intervals at which the competition shall be conducted.
- (C) subject to the approval of the Authority, every other lottery competition shall be conducted in accordance with rules previously approved by the Authority.
- (3) At any time during the duration of other lotteries' licence, any rule governing the conduct of the competition by the licence may be adopted or altered with the prior approval of the Authority.
- (4) In consideration of the grant of a licence, the Authority shall take into account whether the owner or manager of the business or any part of it, is qualified in accordance with the provisions of section 38(1) of this Law.
- (5) Any organisation that desires to obtain, renew, amend, vary or transfer a licence or permit under this Law shall apply to the Authority in the prescribed manner and on payment of the prescribed fees.
- (6) The Authority may on the receipt of an application under subsection (2) -
- (a) require that the applicant submits additional documents;
 - (b) conduct investigations or due diligence at the cost of the applicant;
 - (c) invite the applicant to make oral presentations and;
 - (d) request for such other information as may be necessary.
- (7) The Authority may grant, renew, refuse, vary or revoke a licence or permit provided it notifies the applicant of its decision within thirty (30) days and where the Authority refuses an application, it shall state the grounds for refusal.
- (8) It is the duty of an applicant to ensure that all information in an application is true and should anything stated in an application change subsequent to its being lodged with the Authority and prior to the application being considered and decided by the Authority, the applicant shall be obliged to notify the Authority in writing of such changes.
- (9) Any person who in the course of applying for a licence deliberately -
- (a) makes a false statement of material fact in any application submitted to the Authority;
 - (b) omits to state in any such application, any material fact required to be stated; or

- (c) presents a misleading statement as a material fact, commits an offence and is liable on conviction to-
- (i) a maximum fine of Five Million Naira (₦5,000,000:00) or imprisonment for up to six (6) months; or
 - (ii) fine and imprisonment; or
 - (iii) fine and three (3) months non-custodial sentence.
- (10) When issuing, varying, or transferring a license or permit, the Authority may after due consideration, revoke or amend the terms and conditions on an application or an existing licence in respect of—
- (a) the place or places of business;
 - (b) where the business shall or shall not be situated;
 - (c) appropriate levies or any other charges;
 - (d) rules of competitions;
 - (e) advertisement;
 - (f) restriction of persons or category of persons participating;
 - (g) the appropriate bank guarantee;
 - (h) licensed activity;
 - (i) pay-outs or proportion of stakes to be paid out;
 - (j) limiting amounts that may be staked;
 - (k) limiting the amount or value of a prize or class of prizes;
 - (l) rules of the game;
 - (m) imposing requirements that are specific to a game;
 - (n) any matter which shall be considered necessary or expedient to regulate in the interest of the orderly performance of the business concerned; or
 - (o) any other matter provided for in this Law.
- (11) An approval in principle may be issued by the Authority on fulfilment of all pre-licence application requirements.
- (12) An approval in principle shall be valid for a period of ninety (90) days.
- (13) On fulfilment of the approval in principle conditions, the applicant shall be issued with a substantive licence, provided the Authority is satisfied that there has been substantial compliance by the applicant of the temporary licence conditions.
- (14) Where a licence has been granted, the licensee has a maximum period of three (3) months to comply with new terms and conditions issued by the Authority.
36. The Authority or its authorised official or agent may, during the investigation, inspection or consideration of any application –
- (a) direct such inquiries as are necessary or relevant in respect of the application to the applicant; and
- Claim of Privilege*

- (b) require the applicant or any person who made a statement or testifies in support of the application, to answer any question put to the applicant or such person:

Provided that a failure or refusal by the applicant to respond to the said inquiries or answer the said questions, will be taken into account by the Authority in its assessment of the applicant's appropriateness and fitness when considering the application.

- 37.(1) An interested person wishing to make representations in relation to any application submitted to the Authority, shall do so in writing and such representations shall contain at least the following information –

*Representations by
Interested Parties*

- (a) the name of the applicant to which the representations relate;
- (b) the ground or grounds on which representations are made;
- (c) the name, address, email, telephone and fax number of the person submitting the representations; and
- (d) whether the person submitting the representations requests the Authority to determine that such person's identity may not be divulged and the grounds for such request.

- (2) Any representations not containing the information required by subsection (1) shall be of no force or effect and shall be deemed not to have been lodged with the Authority.

- 38.(1) An application for a licence shall not be granted if the applicant, or any person who has a controlling or financial interest in the business –

*Disqualification
of a Licence
Application*

- (a) is insolvent;
- (b) is incapacitated or not of sound mind;
- (c) has at any time been removed from an office of trust on account of misconduct;
- (d) is not a fit and proper person to be involved in the business concerned;
- (e) is a public servant;
- (f) is a member of the State House of Assembly or a Local Government Authority, Local Council Development Area or any Commission;
- (g) is a political office holder or an employee of any movement, organisation or body that is political in nature;
- (h) is below the age of eighteen (18) years;
- (i) has at any time been convicted, in Nigeria or elsewhere, of any offence; or
- (j) has taken part or has been associated with any practice which is deceitful, prejudicial or discreditable.

- (2) A licence shall not be granted to—
- (a) the State or a Local Government; or
 - (b) any person in whom the State or Local Government has a controlling or financial interest or any other interest.

39.(1) A licence shall not be issued to an applicant unless the Authority is satisfied that properly documented arrangements have been made between the applicant and a licenced commercial bank or financial institution, such that; if the licence is granted, the commercial bank or financial institution will unconditionally guarantee payment of any winnings or debt owed to the State which the licensee may be liable to pay in respect of business conducted by the licensee during the period the licence is valid, up to an aggregate as may be determined by the Authority.

*Bank Guarantee /
Surety Bond*

(2) Subject to subsection (3), it shall be the duty of the licensee to ensure that the arrangements mentioned in subsection (1) remain in force throughout the period of the validity of the licence, and, until such time as all winnings which the licensee is liable to pay in respect of business conducted during the period of the validity of the licence have been paid.

(3) If a licensee makes an application to the Authority in this Section and the Authority is satisfied that all winnings mentioned in subsection (2) have been paid, it may give written consent to the termination of the arrangement mentioned in subsection (1); and the arrangements shall be terminated accordingly.

(4) The arrangement shall be twenty per cent (20%) of the initial licence fee.

(5) If the arrangement mentioned in subsection (1) is terminated, without the consent of the Authority under subsection (3), the company commits an offence and shall be liable on conviction to a minimum fine of Ten Million Naira (₦10,000,000:00).

40.(1) On applying for a licence to be granted under the provisions of Section 35, the applicant, shall pay to the Authority the prescribed fee.

Fees

(2) On the grant of the licence, the licensee shall pay to the Authority the prescribed fee or levy, in compliance with this Law.

(3) The prescribed penalty on late payment of such fee or levy, in subsection (2), shall not exceed—

- (a) twice the amount of the fee or levy for which, the penalty is payable; or

- (b) the prescribed annual fee for a licence.
- 41.(1) All licences shall be valid for one (1) year except a lottery licence which shall be valid for five (5) years. *Duration of Licence*
- (2) Licences are renewable, subject to the satisfactory performance of the conditions of the grant of the licence as stated in this Law.
- (3) The Authority may periodically review the duration of each category of licence.
42. The Authority shall – *Register of Licence*
- (a) maintain a register or website of operating licence containing such details relating to each licence and licensee as the Authority deems appropriate;
- (b) make the register or website available for inspection by members of the public at all reasonable times; and
- (c) keep an updated list forwarded to it by a licensee of all its agents and affiliates every month.
43. Where a licence has been granted, a licensee may before the expiration of the licence, apply for a renewal of the licence. However, renewal of the licence is subject to the licensee's fulfilment of all the conditions prescribed in this Law and the Regulations made under it, including the payment of renewal fees. *Renewal of Licence*
44. A licence shall continue to be valid until the – *Validity of a Licence*
- (a) licensee fails to pay the annual licence renewal fee;
- (b) licensee fails to pay all the stipulated fees and levies;
- (c) licence is revoked by the Authority;
- (d) licensee ceases to conduct business for a continuous period of six (6) months without securing the Authority's approval;
- (e) licensee voluntarily surrenders the licence;
- (f) licensee is declared insolvent by a court of competent jurisdiction or goes into liquidation; or
- (g) the licensee is unable to meet its obligations to stakeholders for a period of thirty (30) days.
- 45.(1) A person desiring to obtain a transfer of a licence issued under this Law shall apply for the transfer with the consent of the holder of the licence. *Transfer of Licence*
- (2) The Authority may transfer a licence from one licensee to another on an application in the prescribed form and the payment of the applicable fees.

- (3) Where the Authority refuses to grant consent, it shall state the grounds for refusal.
 - (4) The Applicant shall be entitled to remedy the defect in its application within thirty (30) days of the refusal of the application.
 - (5) The Authority may request for additional information in considering the application for the transfer as it may deem fit.
 - (6) An application for a transfer may be refused for any of the reasons stated in Section 44.
 - (7) The liabilities of the licensee shall be transferred to the applicant.
 - (8) If such an application has been granted, the Authority shall cause the name of the holder of the licence to be changed on the licence and in the records of the Authority.
- 46.(1) The Authority may review a licence or activity of the licensee if it has reason to suspect that
- Review of License*
- (a) activities may have been carried on in purported reliance on the licence but not in accordance with a term or condition of the licence;
 - (b) the licensee or a person who exercises a function in connection with or is interested in the licenced activities, has been convicted of an offence; or
 - (c) (i) the licensee may be unsuitable to carry on the licensed activities;
(i) the circumstances of the licensee have materially changed, or
(ii) a review would be appropriate.
- (2) Before commencing a review of an operating licence under subsection (1) of this Section, the Authority shall –
- (a) notify the licensee; and
 - (b) inform the licensee of the procedure to be followed in the conduct of the review.
47. Any license granted under section 35 of this Law may be revoked by the Authority on the recommendation of the Board on the grounds listed in subsection (1)-(9) of this Section.
- Revocation of a License*
- (1) If the licensee is no longer a fit/proper person to conduct any gaming activities for which licence was granted under this Law, whether because of the commission or omission of an act, insolvency, liquidation or for any other valid reason.

- (2) If a condition contained in the license has been contravened.
 - (3) If any information given by the licensee or any person who in -
 - (a) accordance with a condition in the license; or
 - (b) making representations in terms of Section 37(1) in respect of financial matters regarding lotteries and gaming provided for under this Law or in respect of any aspect of the management is materially false;
 - (4) If any person who is managing the business or any part of the business of the licensee or who is a supplier of essential goods or services to the licensee is not a fit and proper person to do so, whether because of the commission of an act of insolvency, liquidation, incarceration in a prison or other institution or for any other relevant reason, unless the licensee immediately takes steps to dissociate from that person.
 - (5) If any person for whose benefit the license has been acquired or who is a holding company of the license or who in any other way controls the license, is not a fit and proper person to benefit from it, whether because of insolvency, liquidation, imprisonment or for any other relevant reason.
 - (6) If the licensee has failed to take adequate steps to prevent the commission of fraud by its employees, agents, representatives, suppliers or by participants after having been alerted to or becoming aware of conditions conducive to the commission of fraud, or to instances of fraud or dishonesty.
 - (7) If the licensee, any of its employees, agents, representatives or suppliers prevent the Board or any person designated by it from exercising the powers, duties or functions under this Law.
 - (8) If the licensee, any of its employees or agents repeatedly and knowingly sell tickets or award or pay prizes to any person in contravention of the provisions of this Law or Regulation made under this Law.
 - (9) If an Order has been made by a court of competent jurisdiction for the winding-up and liquidation, as the case may be against the licensee or a person who may control the licensee.
- 48.(1) The Authority may vary any condition in the licence granted under Section 35 -
- (a) to the extent provided for in section 50; or
 - (b) other than a condition in subsection 1(a), only if the licensee consents to that variation, or if the licensee does not consent to that variation, if the—

*Variations of
Conditions of
License*

- (i) variation is provided for in this Law or to the extent provided for in the licence; and
- (ii) licensee has been given a reasonable opportunity to make representations to the Authority in respect of the intended variation.
- (2) Where the Authority, after consideration of the licensee representations decides to vary a condition in the licence without the consent of the licensee, it shall cause a notice to be served on the licensee informing him of the variation and the date on which that variation shall take effect.
- (3) During variation, the Authority may vary a condition in a licence granted by adding or excluding any condition from the licence.
- 49.(1) A licensee must inform the Authority of the intention to wind down its operations. *Voluntary Exit of Licensee*
- (2) The licensee on voluntary exit must submit the following documents for the Authority's consideration-
- (a) details of all unpaid winnings;
 - (b) balance in the account of each punter;
 - (c) statement of account duly signed and stamped by the financial institution; and
 - (d) audited account for the winding down of the company.
- (3) The licensee must ensure that all outstanding liabilities to the Authority are settled.
- 50.(1) Where the Authority is satisfied that a licensee has contravened a condition in respect of any payment due under the licence, it may impose a financial penalty on the Licence. *Financial Penalties for Breach of Conditions in Licensee*
- (2) The matters to which the Authority may have regard to in imposing a financial penalty, include the desirability of-
- (a) deterring the licensee from contravening conditions under Section 35; and
 - (b) recovering any diminution in the sums payable under the provisions of this Law.
- (3) If the Authority proposes to impose financial penalty, it shall serve on the licensee a notice -
- (a) stating that the licensee has contravened the conditions in the licence;
 - (b) identifying the contraventions in question;
 - (c) stating that the Authority proposes to impose a financial penalty;

- (d) specifying the amount of penalty;
- (e) stating the reasons for the imposition of the financial penalty;
and
- (f) stating the account number of the fund into which the financial penalty is to be paid.
- (4) Where the Authority is satisfied that grounds exist for the revocation of the licence, it shall notify the licensee in writing to furnish reasons within twenty-one (21) business days of service of the notice why the licence should not be revoked.
- (5) If the licensee refuses or neglects to furnish the reasons at the expiration of twenty-one (21) business days, the licence ceases to be valid and the Authority shall inform the licensee in writing of that fact.
- 51.(1) The Authority may order a suspension of operations in the notice specified in section 50 (4) as from the date of service of that notice for a period not longer than thirty (30) days after the licensee has furnished those reasons. *Suspension of Operations service.*
- (2) The licensee with the consent of the Authority may suspend its operations voluntarily for a period not more than six (6) months in its operating year.
52. Notwithstanding the provisions of this Law on revocation of a licence, the Authority may at its discretion, terminate sales by any gaming operator at the expiration of seven (7) days demand notice in respect of subsection (a) and (b) below, without prior notice in respect of subsections (c) - (f) in the event that such operator – *Termination of License*
- (a) defaults in payment of proceeds due to the Authority;
- (b) fails to make available funds due to the Authority;
- (c) sells or vends tickets off-line or in an un-prescribed manner;
- (d) fails to handle gaming funds in a prescribed manner;
- (e) fails to observe the terms and conditions of its licence or any appendix to the licence, regulation or provisions passed under this Law; or
- (f) when such termination is in the best interest of the State.
- 53.(1) A licensee shall– *Information to be Displayed in Offices and Outlets*
- (a) ensure that a copy of the licence issued is permanently displayed at the administrative office and retail outlets of the licensee for ease of inspection; and
- (b) make available for the examination of its customers, a copy of the rules, terms and conditions of the game to be played.
- (2) The licensee shall notify the Authority within fourteen (14) days if

- the licensee discovers that-
- (a) a false or wrong information has been submitted;
 - (b) there has been a change of circumstances; or
 - (c) the licensee has been convicted by a court of competent jurisdiction.
- (3) The Authority on considering the notification, may allow or make such alteration of the information contained in the licence or application.
- 54.(1) An advertisement or form of advertising is obnoxious if it is-
- (a) offensive;
 - (b) misleading;
 - (c) in bad faith; or
 - (d) against public interest.
- (2) Where a licensee places an advertisement declared obnoxious under subsection (1) of this section, the Authority shall inform the licensee in writing and require a written response within Seven (7) days.
- (3) After consideration of the response, if satisfied, the Authority may revoke the obnoxious declaration; or if dissatisfied, retain the declaration and require the licensee to withdraw the advertisement.
- (4) If the licensee refuses or neglects to withdraw the advertisement, the Authority shall penalise the licensee in the sum of One Hundred Thousand (N100,000.00) Naira only for each day of default.
- 55.(1) The Authority may create a list of persons who are to be excluded or ejected from a licenced premise and prohibit them from partaking in gaming activities.
- (2) The criteria to be applied by the Authority for inclusion of a person on the list are –
 - (a) contravention of the gaming laws of any country;
 - (b) non-payment of gaming debts;
 - (c) a court order prohibiting such person from entering a licenced premises; or
 - (d) any conduct which in the opinion of the Authority is undesirable.
 - (3) Any person whose name or alias or any variation has been placed on the list shall be prohibited from gaming activities.
- 56.(1) Before a name is placed on the list of excluded persons, the Authority shall review the information provided and determine if there is sufficient evidence to establish a violation of any criteria

*Obnoxious
Advertising*

*List of Excluded
Persons*

Entry of Names

specified in section 56 (2) of this Law.

- (2) A name shall not be placed on the list until such time as the person concerned has had notice of the intention of placing the person's name on the list and had been given an opportunity of being heard.
- (3) Failure to respond to an invitation by the Authority shall not deter the Authority from conducting the hearing in the absence of that person and from placing that person's name on the list, if the evidence is sufficient.
- (4) Any person whose name has been placed on the list may, on payment of a fee determined by the Authority, request in writing that the person's name be removed from the list, specifying the grounds for removal.
- (5) The Authority shall, within sixty (60) days of receipt of the request, either deny the request or conduct a hearing.
- (6) The burden of showing good cause for removal from the list shall at all times rest with the excluded person.
- (7) An excluded person who knowingly enters a licensed premise or partakes in any gaming activity, commits an offence and is liable on conviction to-
 - (i) a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) or up to six (6) months imprisonment, or
 - (ii) fine and imprisonment.

57. Whenever an identified excluded person enters or attempts to enter or is on licenced premises, the licensee and its agents or employees shall-

- (a) request such excluded person not to enter, or if on the premises, to immediately leave;
- (b) notify the law enforcement officer to evict such person if such excluded person fails to comply with the request of the licensee, its agents or employees; and
- (c) notify the Authority of the presence of any excluded person on the licenced premises.

*Refusal of Entry to
Licenced Premises*

58.(1) A licensee, its officers, employees or agents may question any person on the licenced premises suspected of contravening any of the provisions of this Law.

- (2) A licensee, its officers, employees or agents who has reasonable cause for believing that there has been a contravention of this Law by any person may take that person into custody, inform the Authority or law enforcement officer and detain such person

*Detention and
Questioning of
Persons Suspected
of Contravention.*

in the establishment in a reasonable manner until the arrival of a law enforcement officer.

- (3) The detention of a person in subsection (2) does not render the licensee, its officers, employees or agents liable under the criminal or civil law, unless it is established by evidence that the detention is unreasonable under all the circumstances.

59.(1) A licensee shall not keep or maintain any equipment software which has not been approved and registered by the Authority or a certified institution.

*Certification and
system or
Registration of
Equipment*

(2) The equipment to be registered include –

- (a) gaming machines;
- (b) lottery terminals;
- (c) pool betting terminals;
- (d) gaming terminals;
- (e) gaming platforms;
- (f) gaming tables; and
- (g) any other gaming equipment, system or software as the Authority may deem necessary.

(3) The approval granted by the Authority in respect of any electronic gaming equipment in terms of subsection (1) of this section shall be valid for a period of five (5) years from the date of approval:

Provided that an approval granted before the commencement of this Law shall be valid for a period of one (1) year from the date of commencement of this Law and may be further extended for a period of five (5) years if deemed appropriate.

(4) A licensee may at any time prior to the lapse of approval and registration in the manner and form determined by the Authority, apply for the de-registration of equipment registered in terms of subsection (1).

60.(1) A licensee shall maintain and keep all registered equipment in a suitable condition.

*Maintenance and
Alteration of
Registered
Equipment*

(2) A licensee shall at no time alter the operation of registered equipment without the prior approval of the Authority even during maintenance.

61. A licensee shall keep the records of equipment approved by the Authority.

*Records to be kept
by Licensee.*

62. (1) At a table game –

Stakes and Prizes

- (a) a minimum and maximum stake as approved by the Authority shall be displayed on the table or in a conspicuous place; and
- (b) all potential winnings and bonuses must be accurately stated and shall not be worded in such a manner as to mislead or deceive the public.

(2) On gaming machines –

- (a) machines exposed for play must have a theoretical and demonstrable return to the public; and
- (b) all winning combinations together with the corresponding prizes must be clearly displayed or be easily accessible by the player on every gaming machine exposed for play.

63.(1) Every key employee engaged by a licensee in any lottery or gaming activity under this Law, must obtain a certificate and be registered with the Authority.

*Certification and
Registration of
Key Employees*

- (2) A person who is registered with the Authority shall not operate any gaming equipment that is not in compliance with acceptable international standards recommended by the Authority.
- (3) A person who desires to be registered in terms of subsection (1) shall make an application to the Authority, in such form and manner as may be prescribed and must-
 - (a) show evidence of having undertaken a responsible gaming training from the list of accredited providers from the Authority;
 - (b) undergo an Anti-Money Laundering training in accordance with the Money Laundering (Prohibition) Act as amended, and any other relevant law in this regard; and
 - (c) comply with any other requirement as may be stipulated by the Authority.
- (4) Where the Authority grants an application for registration, it shall issue to the applicant a key employee certificate.
- (5) The Authority shall keep and maintain a Register or Customer Management System in which it shall enter the name and particulars of each person to whom a certificate has been issued.
- (6) The certificate issued under this section shall be renewed annually.
- (7) A licensee shall not employ any person to perform any act or be engaged in any activity or occupation specified under this Law unless such person has been registered with the Authority.

- (8) A registered employee of the licensee shall have an identification card or licence available for inspection as the Authority may determine at all times when on duty.
 - (9) A licensee shall, in respect of every key employee required to be registered, keep a copy of such employee's identification card or licence on the employment record.
 - (10) A certificate issued under this section is not transferable but remains valid where an employee subsequently becomes engaged by another licensee.
 - (11) A licensee shall, within fourteen (14) days of termination of the employment of a key employee, notify the Authority in writing of such termination and the reasons.
 - (12) A person who contravenes the provisions of subsection (1) of this section, commits an offence and is liable on conviction to a maximum fine of Two Hundred Thousand Naira (₦200,000:00).
 - (13) A person who contravenes the provisions of subsection (2) of this section, commits an offence and is liable on conviction to-
 - (a) a maximum fine of Five Hundred Thousand Naira (₦500,000:00) or imprisonment for two (2) years; or
 - (b) fine and imprisonment.
 - (14) A person who contravenes any other provisions of this section, commits an offence and is liable on conviction to -
 - (a) a maximum fine of Two Hundred Naira (₦200,000:00) or imprisonment for up to one (1) years; or
 - (b) fine and three (3) months non-custodial sentence.
 - (15) A licence lapses, in the case of a key employee licence, when it expires or where the key employee -
 - (a) dies;
 - (b) becomes incapable of performing its functions;
 - (c) is declared bankrupt;
 - (d) is guilty of corrupt practices;
 - (e) is convicted of an offence relating to fraud and dishonesty.
64. The Authority shall at any time suspend for a specified period or revoke the licence of any person after giving the person concerned an opportunity of being heard if -
- (a) any information contained in the application for registration was false in any material respect or was subject to any material omission;
 - (b) the person registered has become subject to a disqualification; and
- Suspension or
Revocation of
Registration.*

- (c) the person registered has performed any act or has been engaged in any activity or occupation whether as agent or employee or otherwise, for or on behalf of a person who is not the holder of a licence; or the person registered has contravened a provision of this Law or a condition of registration.
- 65.(1) The Authority shall establish a Disciplinary Committee. (referred to in this Law as "the Committee") which shall notify any person suspected of contravening any term or condition stated in the licence or the provisions of this Law. *Establishment of a Disciplinary Committee*
- (2) The Committee shall –
- (a) comprise five (5) members consisting of –
- (i) a retired Magistrate as the Chairman to be appointed by the Governor;
 - (ii) Secretary of the Authority who shall be the secretary of the committee;
 - (iii) the Head of Department in charge of monitoring and inspection of the Authority;
 - (iv) a representative each of the following-
 - (a) Ministry of Finance;
 - (b) Ministry of Justice; and
 - (c) Association of gaming operators, who shall be charged with the responsibility of investigating any matter referred to it by the Authority.
- (b) hold a hearing in respect of every investigation referred, and every hearing shall be accessible to the public.
- (3) At the hearing, the licence holder concerned shall be given an opportunity to be heard in person or represented by a legal practitioner.
- (4) The Committee shall keep a record of the proceedings or mediation at the hearing, and shall submit its recommendations to the Authority.
- 66.(1) The proceedings at a hearing shall be determined by the Chairman of the Committee or the person presiding at the hearing. *Proceedings at Hearings*
- (2) The proceedings at the hearing may be by oral or written presentation.
- 67.(1) The Committee shall render a written decision including the reason(s) for its decision. *Final Decisions of the Disciplinary Committee*
- (2) Copies of the final Committee decision shall be served on

affected parties within fourteen (14) days.

- (3) The Committee's final decision shall become effective on service on the parties.
- 68.(1) The Authority may appoint any suitable person with a basic technical qualification to operate and inspect gaming machines and equipment as a monitoring and inspection officer (referred to in this Law as the "Inspector").
- (2) An Inspector shall be provided with a letter of appointment signed by the Authority.
- (3) When an Inspector performs any function under the provisions of this Law, an identity card issued by the Authority shall be made available for inspection on request by any person affected by the performance of that function.
- (4) An Inspector shall not accept any donation, reward, or other benefit to influence the performance of functions of the office.
- (5) An Inspector who contravenes the provisions of subsection (5), commits an offence and is liable on conviction to-
- (a) a maximum fine of Five Hundred Naira (₦500,000.00) or imprisonment for two (2) years; or
- (b) fine and six (6) months non-custodial sentence.
- 69.(1) An Inspector or a staff of the Authority may, at any time without prior notice –
- (a) enter the premises of a licenced operator to –
- (i) inspect, search and survey whether a gaming operation is being engaged in, conducted or made available;
- (ii) inspect a gaming machine or device, equipment, data, record, recording or other document used or capable of being used in connection with any gaming activity;
- (iii) examine, make copies of or take extracts from any document, data captured in machine or software application stored in any form, found in or on such premises which is suspected to refer to any gaming activity; or
- (iv) request from the owner or licensee or person in charge of such gaming premises or from any person in whose capacity or charge that document is, an explanation of any entry in that document.
- (c) enter an unlicenced operator's premises in the company of a Law enforcement officers to do all such things in subsection (1)(a) of this Section and in addition, seize,

*Appointment of
Monitoring and
Inspection Officers*

*Powers to Enter,
Search and Seize*

distrain any such article, document or object, device, machines if it appears to provide proof of a contravention of a provision of this Law, or if the Inspector wishes to retain it for further examination.

(d)

- (2) A seven (7) day notice to comply will be issued to any unlicensed operator that obstructs or hinders an Inspector from entering the unlicensed operator's premises to seize, distrain any article, document, object, device or machines, if it appears to be in contravention of a provision of this Law.
- (3) If after the expiration of the notice, the unlicensed operator fails to comply, the Authority shall seal the unlicensed premises and the unlicensed operator shall be liable to pay all costs incurred in the process of sealing the premises.
- (4) A licensee who obstructs or hinders an inspector in the performance of functions shall be liable to an administrative action such as, but not limited to suspension or revocation of licence.
- (5) Any person who —
- (a) obstructs or hinders an Inspector in the performance of his official function;
 - (b) gives false or misleading information to an Inspector; or
 - (c) makes a false representation to an Inspector;
 - commits an offence and is liable on conviction to —
 - (i) a maximum fine of Two Million Naira (₦2,000,000.00) or imprisonment for up to five (5) years; or
 - (ii) fine and imprisonment; or
 - (iii) fine and one (1) year non-custodial sentence.
70. An Inspector or Staff of the Authority entering a premise for the purposes of Section 69 shall not be liable to any action, civil or criminal for anything done or said in the lawful exercise of the powers under this Law.
- 71.(1) A licensee shall notify the Authority within the prescribed period and in the prescribed manner where there is an intention to procure directly or indirectly, a controlling interest in the business to which the licence relates.
- (2) The Authority shall not grant consent under subsection (1) of this section, where such person is subject to any disqualification under this Law or, has not obtained the necessary approvals from other appropriate authority required by this Law.
- (3) Where consent is not granted, the person concerned shall, within the prescribed period and in the manner determined by the

*Immunity of
Inspectors or Staff
of the Authority*

*Financial and
Controlling
Interests*

Authority, dispose of the interest in question.

- (4) A person shall not procure an interest in subsection (1) of this section as nominee or an agent on behalf of any principal or beneficiary, if the person has not informed the Authority in writing of the identity of such principal or beneficiary.
- (5) "The provisions of this section shall not apply to a company listed on the Nigerian Stock Exchange".
- (6) A person who contravenes the provision of this section, commits an offence and is liable on conviction to-
- a fine not exceeding Two Million Naira (₦2,000,000.00), and an additional fine of One Hundred Thousand Naira (₦100,000.00) for each day the offence continues; or
 - fine and one (1) year non-custodial sentence.

72.(1) The Authority shall subject to the approval of the Governor stipulate such taxes/levies payable by licensees for all the different gaming categories.

Taxes/Levies

- (2) A person liable to pay any levy under this Law shall every month within the period of time stipulated by the Authority, file necessary returns in the prescribed form and pay to the Authority the levies due.
- (3) Where a person fails, neglects or defaults to remit the whole or a part of the levy, the provisions of this Law, terms and conditions of the licence and other policies issued by the Authority shall apply to the collection and recovery of the levy.
- (4) Any dispute arising from the decision of the Authority shall be determined in accordance with the provisions of this Law and relevant policies.
- (5) The Authority may with the consent of the Governor amend or vary the different levies as it deems fit.

73.(1) On the grant of a Pool Betting Licence, a licensee shall pay a registration fee of One Million Naira (₦1,000,000.00) which is renewable every year.

Pool Betting Good Causes Levy.

- ~~XXXX~~ (2) A Pool Betting Licence shall attract a monthly 'Good Causes' Levy of One Hundred and Fifty Thousand Naira (₦150,000.00) only.

~~XXXX~~
~~XXXX~~

- (3) A receipt issued by the Authority shall be sufficient evidence of the amount of the tax payable.

- (4) A licensee who provides false or inaccurate information in the returns and is undercharged as a result, shall be liable to payment of the full amount of the Good Causes Levy, and in addition to the full payment, shall pay to the Authority a penalty of fifteen percent (15%) of the full amount of the levy.
- (5) A licensee shall make returns to the Authority in the prescribed form of all pool betting business transacted by the licensee;
- 74.(1) Whenever a dispute arises between a staker and a licensee to payment of alleged winnings or precise amount to the patron or staker by the licensee, or payment of a gaming debt or precise amount by a patron or staker to the licensee, and both parties are unable to resolve the dispute, then; either party or both of them shall refer the dispute to the Authority.

*Resolution of
as Disputes.*

- (2) For the purposes of resolving the dispute, the Authority may conduct such inquiries, inspect any books or documents and question such persons as are necessary or relevant or connected to the dispute:

Provided that the Authority shall afford both the patron, staker and licensee an opportunity to present their cases to it before the dispute is resolved.

- (3) The Authority's decision on the dispute shall, save in the case of appeal, be final and binding on the parties.
- (4) After making a decision on the dispute, the Authority shall inform a party aggrieved by its decision that such a party has a right of appeal against such decision to the Board.
- (5) Where a party is not satisfied with the decision of the Board, the parties have a right of appeal against such decision to Magistrate Court.
- 75.(1) A staker or licensee can by written application to the Magistrate Court, appeal the decisions, directives, awards, sanctions, or orders of the Board within fourteen (14) days of the receipt of the decision failing which, the Board's decision, award or order shall be final.
- (2) Where an appeal has not been lodged at the Magistrate Court, a staker or licensee or operator against whom a decision has been made on appeal by the Board shall be obliged to pay the winnings or gaming debt in terms of the order made by the Board.
- (3) The Magistrate Court shall, with due regard to expedience, hear and determine the matter, and may confirm, reverse or set aside the

*Appeal against
the decision of
the Board*

Authority's decision or make such an order as it deems appropriate.

- (4) The provisions of Section 86 (2) of this Law shall apply in respect of offences and penalties under this Law.

76.(1) The Authority may by order of court recover the costs of an appeal against its decision from the party lodging an appeal. *Recovery of Costs*

- (2) An estimate of the cost of an appeal will be made available on request.

77.(1) The Authority shall operate a Bank Account for its funds at a financial institution to be determined by the Board. *Bank Account*

- (2) The financial institution where the account in subsection (1) is kept shall not in respect of any liability of the Authority that does not arise out of or in connection with any such accounts, have or obtain recourse or any right, whether by set-off, counter-claim, charge, garnishee or otherwise, against money standing to the credit of such account.

78.(1) Any money of the good causes fund which is not required for immediate allocation may be invested by the Authority with a financial institution approved by the Board subject to the approval of the Governor. *Power to Invest*

- (2) Any unexpended balance of the money in the Good Causes Fund at the end of any financial year shall be carried forward as credit to the next succeeding financial year.

- (3) Any amount generated in excess of the targeted revenue for any financial year shall be carried forward as credit to the next succeeding financial year.

79.(1) A person shall make a report to the Authority on gaming activities in the State with respect to- *Procedure for making a Report on Whistle Blowing.*

- (a) any unlicensed operations;
- (b) underage wagering;
- (c) concealment of actual funds and information;
- (d) failure to pay appropriate levies or remit statutory fees or charges;
- (e) failure to comply with State laws, rules, regulations, guidelines or any other relevant national laws;
- (f) any form of criminal activity,
- (g) money laundering activities etc.;
- (h) improper conduct or unethical behaviour;
- (i) failure to comply with regulatory directives;

- (j) other forms of corporate breaches;
 - (k) insider abuses which include manipulation of results, apparatus, equipment software etc.;
 - (l) credit advancement to players;
 - (m) all forms of gaming malpractices; and
 - (n) attempt to conceal anything listed above.
- (2) The report may be made in person or anonymously in the following ways-
- (a) in writing;
 - (b) verbally;
 - (c) electronically; or
 - (d) through any medium designated by the Authority.
- (3) The person making the report shall in disclosing any information connected with the activities outlined in subsection (1) of this section state –
- (a) that an infraction has been committed;
 - (b) the circumstances of the case;
 - (c) the significance and credibility of the concern; and
 - (d) the possibility of confirming the allegation.
- (4) A disclosure is deemed to have been made if it is true and reasonable.
- (5) Any person who has made a valid disclosure shall be entitled to some compensation as prescribed by the Authority.
- (6) Any member of the public who files a report to the Authority shall not be guilty of an offence if the person-
- (a) reasonably believes that there is an incident or impending incident which relates to any of the matters specified in subsection (1) of this section;
 - (b) makes such reports without malice, in good faith, and with the reasonable belief that the information disclosed, and any allegations contained in it, are substantially true; or
 - (c) believes that the issues raised in such a report may relate to any operator, or its agent, service provider, employee, member of staff of the State, member of staff of the Authority, stakeholders, stakers, customers or anybody who because of his position owes a duty of care to the industry or society.
80. A person who has made a disclosure knowing the same to be untrue, false, malicious or an embellishment of facts, commits an offence and is liable on conviction to-
- (a) a maximum fine of Two Million Naira (₦2,000,000.00), or imprisonment for a term not less than Six (6) months; or
- Wrongful Report.*

- (b) fine and imprisonment; or
- (c) fine and three (3) months non-custodial sentence.

81. (1) The Authority shall treat all reports with utmost confidentiality.

*Confidentiality
of Report*

- (2) The Authority shall take all reasonable steps to protect the identity of an informant except where consent has been sought and obtained.
- (3) In determining the level of confidentiality required in respect of a report, the Authority shall consider-
 - (a) the seriousness of the issues;
 - (b) the significance and credibility of the concern; and
 - (c) the genuineness of the allegation.
- (4) Where an informant successfully shows the informant has suffered a detriment as a result of making a report under Section 79(2) to (6) for any of the activity with respect to 79(1); the informant shall be entitled to a compensation from the amount remitted to the Authority as outcome of the whistle blowing, following a complaint to the Authority and proof of damage or injury suffered. This is without prejudice to the right of the whistle-blower to take any available or appropriate legal action.

82. All Licensees shall –

*Provision of
Information to
Customers*

- (a) provide customers with information on their services that is complete, accurate, up-to-date and in simple, clear language;
- (b) endeavour to respond in a timely manner to customer's requests for information on their services, free of charge and shall include at least the following-
 - (i) current service, arrangements, including terms and conditions of all services offered to the public in electronic format including the Licensee's webpage; and
 - (ii) notify customers of any change in the tariff rates for services in an effective manner.
- (c) provide information on the quality levels of service quality offered, any compensation, refund or other arrangements which may apply if contracted quality service levels are not met along with the procedures and methods for resolving disputes in respect of the terms and conditions;
- (d) where services are packaged with one or more other services or products, provide the customer with information in relation to each service or product-
 - (i) describing each component service or product, and where the Licensee sells the (operations) service or product component separately, the price that the licensee charges

- for the component on a stand-alone basis;
- (ii) bundled with services from third parties, licencees shall be fully responsible for the effective performance of the entire package including service support, maintenance, complaints handling, dispute resolution and other administrative requirements;
 - (e) provide customers with clear and complete information regarding the upgrade or migration terms, including any changes in service performance and any duly approved fees or charges resulting from the upgrade or migration;
 - (f) provide customers with a variety of information and tools to assist them in making informed decisions about their participation in games, including information that could assist customers in determining risks, including, but not limited to, financial risks, as well as the frequency and volume of participation. Such responsible game-play information and tools should include-
 - (i) practical tips on how to determine and participate within time, frequency and financial limits, timeouts and self-exclusion;
 - (ii) information on rules and anticipated pay-outs of specific contests;
 - (iii) preventing participation by individuals under the age of eighteen (18) years;
 - (iv) risks associated with participating in gaming;
 - (v) signs and symptoms of problems and addictions related to gaming;
 - (vi) where to seek help if the customer develops a problem;
 - (vii) a hyperlink to at least one customer protection advocate or organisation and at least one agency or organisation dedicated to helping people with addictions; and regular testing for functionality should be conducted for all website hyperlinks to ensure their functionality;
 - (viii) access to customers play history including money spent, games played, previous line-ups and prizes awarded to provide the customer with the ability to clearly track their spending, including the ability to download such information;
 - (ix) access to customers account details including all deposits and withdrawal amounts, bonus information including how much is left on any pending bonus and how much has been released to the customer;
 - (x) the ability to receive live updates during game-play in their 'account balance' about money spent in 'completed buy-ins' and account balances in cash as well as the amount available (if any) of pending bonus;

- (xi) encouraging customers to set financial deposit or staking limits, either online, offline or through telephone which must take effect immediately; and
- (xii) enabling customers adjust their account deposit limits, after a cooling-off period:

Provided that the limits may be removed on request of the customer, subject to either a self-exclusion or cooling off period.

83. (1) All licensees must establish clear customer service policies for assessing and handling situations.

Customer Assistance

- (2) Where a customer indicates a distress, staff of the licensee shall immediately freeze the account of the customer.
- (3) Staff, customer service agents, affiliates and agents shall be knowledgeable about applicable helpline(s), setting account deposit limits, temporary and permanent self-exclusion, responsible game-play, rules and pay-out ratios, age limits and addiction resources and shall provide such information on request.

- 84.(1) A licensee may collect and maintain information on customers reasonably required for its business purposes; however, the collection and maintenance of information on individual customers shall be –

Protection of individual Customer Information

- (a) fairly and lawfully collected and processed;
 - (b) processed for limited and identified purposes;
 - (c) relevant and not excessive;
 - (d) accurate;
 - (e) processed in accordance with the customer's right of privacy etc.;
 - (f) protected against improper or accidental disclosure; and
 - (g) shall not be kept longer than necessary nor transferred to any party except as permitted by terms and conditions agreed with the customer, or as approved by the Authority, and as required by other extant applicable Laws or regulations.
- (2) Notwithstanding the above, licensees' rights to collect and maintain customer information is without prejudice to the rights of the Nigerian Communications Commission under Section 147 of the Nigeria Communications Act, or court orders or actions of National Security outfits in certain situations to allow "authorised interception of communications", including stipulating the

technical requirements for such authorised interception.

- (3) All licensees shall meet generally accepted fair information principles including –
 - (a) providing a notice in respect of the individual customer information they collect, its use or disclosure;
 - (b) the choices customers have with regards to the collection, use and disclosure of that information;
 - (c) the access customers have to accurate information;
 - (d) the security measures taken to protect the information, the enforcement and redress mechanisms that are in place to remedy any failure to observe these measures.
 - (4) These rules apply to individual customer information obtained through any means, so long as that information is retained by the licensee in any recorded form.
 - (5) Any licensee that collects information on individual customers shall adopt and implement a policy regarding the proper collection, use and protection of that information; such policy must ensure that any other licensee or other persons with whom they exchange or otherwise disclose such information have adopted and implemented an appropriate policy for the protection of customer information.
 - (6) A licensee's policy on the protection of customer information shall be made fair, just and accessible as directed by the Authority.
 - (7) The policy must state clearly what information is being collected, its use, the possible third-party exchange or disclosure and the choices available to the customer regarding collection, use and disclosure of the information.
 - (8) The policy must also include a clear statement of how to contact the licensee, regarding access to information, complaint mechanisms and any other related issue.
- 85.(1) All licensees must provide easily understood information about their complaint processes in various formats, including print and electronic formats and any other format that may be specifically directed by the Authority.
- (2) Licensees shall ensure that customers can easily identify how a complaint may be lodged, either at a licensee's premises or on the licensee's website or by using other identifiable formats.
 - (3) Information on the complaints' handling processes shall contain

*Complaints
Handling
Procedure*

information –

- (a) to customers about their right to complain;
 - (b) on how licensees can be contacted in order to make a complaint; and
 - (c) on the types of supporting information required, such as, documents the complainant needs to furnish when making a complaint.
- (4) All complaints must be recorded by licensees and processed in accordance with identified practices and procedures.
 - (5) Licensees shall make adequate provision to ensure that people with special needs are able to access their complaint handling processes, including ensuring that customers can be easily represented by their authorised representatives in order to make a complaint.
 - (6) In cases where customers specifically request assistance in lodging complaints, licensees are encouraged to provide reasonable assistance.
 - (7) All complaints must be acknowledged by the licensee and acted on within the set time frame contained in the licensee's customer protection policy.
 - (8) Licensees must advise customers when they make a complaint, of the expected actions and timing for investigating and resolving the complaints. Where a licensee regards the complaint as frivolous or vexatious, the customer shall be informed accordingly and if dissatisfied, the customer shall have further recourse of action in accordance with this Law. However, no customer complaint shall remain unresolved for more than three (3) months.
 - (9) Licensees must implement processes to provide customers with sufficient information and the means to inquire on the progress of complaints; and must advise customers on investigation outcomes.
 - (10) Where a customer is not satisfied with a decision reached pursuant to a complaint, the customer must have the option of pursuing an identified escalation process by which the decision may be examined by a suitably qualified person in the licensee's organisation. Where the customer has already been provided with the benefit of the licensee's escalation process, and where there are no further escalation processes, the licensee shall inform the customer accordingly.
 - (11) In the event that a complaint has not been resolved to the

customer's satisfaction within ninety (90) days of receiving the complaint, the licensee shall inform the customer to refer the complaint to the Authority.

- (12) Failure to deal with customer complaints, and any related service failure, shall constitute an offence punishable under this Law.
- (13) All complaint handling processes shall be provided free of charge. However, a licensee may impose a reasonable charge for complaint handling processes where investigation of the complaint requires the retrieval of records of more than twelve (12) months, and where that retrieval results in any incremental expense or significant inconvenience to the licensee, such charge shall be identified and agreed to by the customer before being incurred.
- (14) For disputes that remain unresolved by other means, the Authority may apply the processes set out in the Alternative Dispute Resolution Law of the State and the licensee and customer shall comply.
- (15) A licensee shall avoid imposing any disconnection or credit management action regarding any service to which a complaint or billing dispute relates while the complaint or dispute is being investigated. The licensee shall inform the customer that, while the complaint or dispute, is being investigated, the customer is obliged to make payment of outstanding sum other than the amount in dispute.
- (16) Where a licensee intends to take disconnection or credit management action against a player regarding any amount that has been the subject of a complaint or dispute, the licensee shall notify the customer before taking the action.
- (17) Licensees shall have appropriate recording systems for complaints and their outcomes for tracking purposes to aid with analysis and identification of recurring problems and to procure solutions for an ethical gaming society.
- (18) Licensees shall update any information regarding their complaint handling and tracking processes, including information provided to players or the Authority.
- (19) Information collected and recorded as part of the licensee's complaint handling processes shall be retained by licensees for at least twelve (12) months following resolution of a complaint in accordance with this Section.

(20) The Authority may audit the complaints handling and tracking processes of licensees to ensure the overall effectiveness of customer codes in achieving set objectives.

86.(1) The Magistrate Court has jurisdiction to try any person who violates any of the provisions of this Law and impose the prescribed penalty.

*Courts of
Competent
Jurisdiction*

(2) Where the penalty for any offence under this Law is in excess of the jurisdiction of the Magistrate Court, the court with competent jurisdiction shall be the State High Court.

87.(1) A person shall not operate, promote, manage, distribute plan, scheme, competition, prize or dividend, arrangement, system, game or device, or equipment which directly or indirectly provides for betting or accepts wagers, gaming or playing any game of chance, issue a dividend or prize whether remotely or otherwise in the State except where –

*Prohibition of
Gaming Activities
without
Authorisation*

(a) it is conducting the appropriate licensed activity under this Law;

(b) it is authorised for non-commercial gaming activity under this Law; or

(c) it falls under gaming for private purposes.

(2) A person who violates the provision of this Section, commits an offence and is liable on conviction to imprisonment for a term not exceeding three (3) years or a minimum fine of Five Million Naira (₦5,000,000.00) or both.

(3) A person who –

(a) participates in; or

(b) conducts, facilitates, promotes or derives any benefit from a gaming activity other than as authorised under this Law commits an offence and is liable on conviction to-

(i) a maximum fine of Five Million Naira (₦5,000,000:00) or imprisonment for up to three (3) years or; or

(ii) fine and imprisonment; or

(iii) fine and one (1) year non-custodial sentence.

(4) A person who –

(a) contravenes or fails to comply with any of the provisions of this Law;

(b) forges or in any other fraudulent way, changes any ticket or any other document or thing pertaining to any gaming activity;

(c) knowingly sells or in any other way, disposes of any forged ticket or any other document or thing pertaining to any gaming activity;

- (d) with intent to defraud, alters any number or figure on any ticket or any other document or thing pertaining to any gaming activity;
- (e) obtains any direct or indirect financial gain, which is not solely a share in the prize payout, by forming, conducting or in any other way promoting a syndicate, for the purchase of a ticket commits an offence and liable on conviction to –
- (i) a maximum fine of Five Million Naira (₦5,000,000:00) or imprisonment for up to three (3) years; or
 - (ii) fine and imprisonment; or
 - (iii) fine and one (1) year non-custodial sentence.
- (5) A person who sells a ticket at a price –
- (a) higher than the authorised price;
 - (b) on condition that the seller of the ticket shares in the prize of a ticket sold in respect of which a prize is paid; or
 - (c) on any condition not provided for in the rules of the gaming activity concerned; commits an offence and is liable on conviction to –
- (i) a maximum fine of Five Million Naira (₦5,000,000:00) or imprisonment for up to three (3) years or; or
 - (ii) fine and imprisonment; or
 - (iii) fine and one (1) year non-custodial sentence.
88. A person shall not provide credit or make an arrangement or assist or induce anyone to increase their participation in any licensed gaming Activities *Prohibition of Credit for Gaming activity*
89. A person shall not conduct any lottery or gaming activity on a street or other public places except where-
- (a) a lottery or gaming competition is carried on as an activity of a club;
 - (b) an application for a lottery or gaming competition is carried on for and by social and charitable organisations that may be granted on special conditions by the Authority; or
 - (c) a lottery or gaming competition is conducted as an entertainment promoted for raising money to be applied for purposes other than private gain, where the organisers had first obtained the approval of the Authority, who may prescribe conditions for such lottery or gaming competition. *Prohibition of Lotteries and Gaming Activities in Public Places*
90. (1) A person who – *Cheating*
- (a) cheats in a game;
 - (b) participates in an activity or activities for the purpose of enabling or assisting another person to cheat in a game;
 - (c) engages in hedging or arbitrage betting using multiple accounts with the same operator for the purpose of profit;
 - (d) creates multiple accounts or is a party to the creation of

multiple accounts on a platform for the purpose of abusing bonus offers;

- (e) is a party to match fixing, either by point shaving, spot fixing or any other method relating to the alteration of the outcome of an event and is kept secret with the aim to deceive;
 - (f) interferes, uses or makes available, altered, marked, adjusted or otherwise modified playing- cards, dice, wheel, device, machine, equipment, software or apparatus for the purpose of deceiving players;
 - (g) commits an offence and is liable on conviction to:
 - (i) a maximum fine of One Million Naira (₦1,000,000:00) or imprisonment for up to one (1) year; or
 - (ii) fine and imprisonment; or fine and six (6) months non-custodial sentence.
- (2) Without prejudice to the generality of subsection (1) of this section, a person who attempts to deceive or interfere by cheating in a game commits an offence and liable to-
- (a) a maximum fine of Five Hundred Thousand Naira (₦500,000:00) or imprisonment for up to six (6) months; or
 - (b) fine and imprisonment; or
 - (c) fine and three (3) months non-custodial sentence.
- (3) For the purposes of subsection (1) of this section, it is immaterial whether a person who cheats does not—
- (a) improve the chances of winning anything; or
 - (b) did not win.

91.(1) A person who on a licenced premises uses, any device to assist in

- (a) projecting the outcome of a game;
- (b) keeping track of the cards played;
- (c) analysing the probability of the occurrence of an event relating to a game; or
- (d) analysing the strategy for playing or betting to be used in a game;
- (e) committing of an offence, and is liable on conviction to-
 - (i) a maximum fine of Five Hundred Thousand Naira (₦500,000:00) or imprisonment for up to six (6) months;
 - (ii) both the fine and imprisonment; or
 - (iii) fine and three (3) months non-custodial sentence.

*Use of certain
Devices
Prohibited*

Unless there is a written approval by the Authority for the purpose of monitoring on the request of the licensee.

92. (1) Any object or device used or capable of being used for cheating at a game, may be seized by a law enforcement officer or an Inspection Officer. *Seizure and Forfeiture*
- (2) Any object or device in subsection (1) of this section, may not be returned to the owner or any other person and must be retained or destroyed in the manner determined by the Authority.
93. A person who – *Fraudulent Acts*
- (a) alters or misrepresents the outcome of a game or other event on which wagers have been made after the outcome is determined but before it is revealed to the players;
- (b) places, increases or decreases a bet or determines the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play;
- (c) claims, collects or takes, or attempt to claim, collect or take money or anything of value in or from any gaming activity, with intent to defraud, without having made a wager, or to claim, collect or take an amount greater than the amount won; or
- (d) manipulates with the intent to cheat, alters any component of a gaming device in a manner contrary to the designed and normal operational purpose of the component commits an offence and liable on conviction to –
- (a) a maximum fine of One Million Naira (₦1,000,000.00) or imprisonment for up to two (2) years; or
- (b) fine and imprisonment; or
- (c) fine and one(1) year non-custodial sentence.
94. (1) A licensee who wilfully fails to record revenue in the format specified by the Authority, shall be liable to pay a penalty of a maximum of two Hundred Thousand Naira (₦200,000.00) for every day of default. *Failure to Record Taxable Revenue or Render False Returns*
- (2) A licensee who wilfully furnishes false or misleading information in any return required by this law, commits an offence and is liable on conviction to-
- (a) a minimum fine of Five Million Naira (₦5,000,000:00) or imprisonment for up to three (3) years; or
- (b) fine and imprisonment; or
- (c) fine and one (1) year non-custodial sentence.
- 95.(1) A person shall not advertise, promote, publish, disseminate, and distribute any information concerning any gaming activity in the State whether remotely or otherwise unless it is a licenced or authorised activity under this Law. *Advertisement*

- (2) A person shall not advertise, promote, publish, disseminate or distribute any information about a gaming activity that is-
- false and misleading;
 - intended to attract underage and vulnerable persons; and
 - in or near facilities such as primary or secondary schools and cyber cafés which are likely to be visited by underage or vulnerable persons.
- (3) The advertising of any gaming activity shall be subject to such restrictions as the Authority may determine.
- (4) A person who contravenes the provisions of subsections (1) and (2) of this section, commits an offence and is liable on conviction to -
- a maximum fine of Two Million Naira (₦2,000,000:00) or imprisonment for up to three (3) years; or
 - both the fine and imprisonment; or
 - the fine and two (2) years non-custodial sentence.
96. (1) A licensee or the employee shall not-
- invite, cause or permit any underaged or vulnerable person to play, place or engage in a lottery or gaming activity either personally or through an agent;
 - allow an underaged person to enter or remain in the gaming area or premises;
 - employ or engage an under aged person to operate, run a gaming equipment or activity, or perform any other function under this Law.
- (2) Where the licensee, employee or agent of the licensee becomes aware of the underaged or vulnerable status of a customer, the licensee shall -
- return the stake money; and
 - refuse to pay any winnings or prizes to such person.
97. An online and retail gaming activity means betting operations that include but is not limited to, pool betting, public online lottery, online sports betting, virtuals, online casino, keno and all or any form of gaming requiring the use of computer programming, randomizers, totalisators, etc., and any betting service offered through the web, mobile, gaming terminals or retail shops.
- 98.(1) A licensee shall not, in connection with the casino, trade or carry on business under a name that does not include the word "casino".
- (2) A person shall not trade or carry on business under subsection (1) above without a casino licence granted under the provisions of this Law.

*Underage and
Vulnerable
Persons*

*Online and
Retail Gaming*

*Casino Trade
or Business Name.*

- (3) A person who contravenes the provisions of subsection (2), commits an offence and is liable on conviction to:
- (a) a maximum fine of Two Million Naira (₦2,000,000:00) or imprisonment for up to three (3) years; or
 - (b) both the fine and imprisonment; or
 - (c) the fine and two (2) years non-custodial sentence.
99. A licensee, operator, or their employee who fails to comply with any of the provisions relating to customer protection under this Law, commits an offence and is liable on conviction to a fine of-
- Offences Relating to Customer Protection*
- (a) One Hundred Thousand Naira (₦100,000.00) for the first offence;
 - (b) Five Hundred Thousand Naira (₦500,000.00) for the second offence; and
 - (c) One Million Naira (₦1,000,000.00) for the third and subsequent offences, including any administrative action such as but not limited to suspension or revocation of licence.
- 100.(1) Any person who –
- Other Offences*
- (a) advertises or offers the opportunity to participate in a lottery, or game of another description and who gives by whatever means, a false indication that it is a lottery, or game, forming part of, or is otherwise connected with the Public Online Lottery;
 - (b) with the intent to defraud, alters, forges, utters, passes or counterfeits a Public Online Lottery ticket;
 - (c) influences or attempts to influence the winning of a prize through the use of coercion, fraud or deception, or through tampering with lottery equipment, systems, software, data, tickets or materials; or
 - (d) fails to comply with any law in relation to Public Online Lottery;
commits an offence and is liable on conviction to-
 - (i) a maximum fine of Two Million Naira (₦2,000,000:00) or imprisonment for up to three (3) years; or
 - (ii) fine and imprisonment; or
 - (iii) fine and two (2) years non-custodial sentence.
- (2) A person who commits an offence for which no provision has been made under this Law, is liable on conviction to:
- (i) a maximum fine of Five Million Naira (₦5,000,000:00) or imprisonment for up to three (3) years; or
 - (ii) fine and imprisonment; or
 - (iii) fine and one (1) year non-custodial sentence.

- (3) A Company that contravenes any of the provisions of this Law, shall be guilty of an offence and liable on conviction to a minimum fine of Five Million Naira (₦5,000,000:00).

101.(1) A person or company who contravenes the provisions of this Law shall be served with a seven (7) day notice of contravention.

*Issuance of
Contravention
Notice*

- (2) Where the contravention persists at the expiration of the notice referred to in subsection (1) of this section, the person in contravention commits an offence and is liable on conviction to –

- (a) a minimum fine of One Million Naira (₦1,000,000:00) or imprisonment for up to six (6) months; or
(b) fine and imprisonment; or
(c) fine and three (3) months non-custodial sentence.

- (3) Where the contravention persists at the expiration of the notice referred to in subsection (1) of this section, the company in contravention shall be liable on conviction to a minimum fine of Five Million Naira (₦5,000,000.00).

102.(1) The Authority may sanction a licensee where the licensee has-

Penalties

- (a) breached or contravened the terms and conditions of its licence, policies and directives of the Authority, rules of the game or provisions of this Law;
(b) failed to meet any of its obligations to the Authority or its customers; or
(c) refused or neglected to obey or implement any of the Authority's directives.

(2) In imposing a sanction, the Authority may take into consideration any or all of the following –

- (a) time of response;
(b) failure or refusal to heed to previous warnings;
(c) the gravity of the offence;
(d) the nature of the offence;
(e) prior conduct of the licensee;
(f) repeated acts; or
(g) the effect of the act or omission.

(3) The Authority may order sanctions by imposing or issuing –

- (a) a warning;
(b) a fine or penalty;
(c) suspension, revocation or termination of licence; or
(d) any other condition.

(4) Notwithstanding anything to the contrary in any other Law,

any person convicted of an offence under this law shall, in addition to any punishment imposed and without any further notice, forfeit to the Authority -

- (a) all moneys, cheques, documents, books, records, gaming equipment, gaming devices, and all articles used in connection with the gaming equipment and gaming devices;
- (b) any instrument, article, vehicle, vessel or any other movable property, which was used, or intended to be used, for the purposes of or in connection with the commission of the offence; and
- (c) any gaming machine or gaming device which is not in terms of this Law, and which was seized in terms of any Law by the inspector appointed under this Law.

- (5) Where a company is proven to have committed an offence in this Law, with the consent or connivance of any director, manager, secretary or principal officer of the company or anybody purporting to act in any such capacity; or where such offence is attributable to any neglect on the part of any such officer; the officer as well as the company shall be liable for the commission of the offence.

- 103. When any suit is commenced against the Authority for any act done in pursuance or execution or intended execution of any Law or of any duty or authority, or in respect of any such Law, duty or authority, such suit shall not lie or be instituted unless it is commenced within twelve (12) months after the act, neglect or default complained of or, in the case of a continuing damage or injury within twelve (12) months after it has ceased.

*Limitation of Suits
Against the
Authority*

- 104.(1) Before the commencement of an action, an intending claimant or the agent shall serve at least one (1) month's written notice of intention to commence an action on the Authority.

*Notice of suit
given to the by
Intending
Claimant.*

- (2) Such notice shall state the cause of action, the name and place of abode of the intending claimant and the relief which he claims.

- 105.(1) There shall be a common seal for the Authority.

*Seal of the
Authority.*

- (2) The fixing of the seal of the Authority shall be authenticated by the signature of the Chairman and the General Manager of the Authority.

- (3) Any contract or instrument which, if made by a person not being corporate would not be required to be under seal, may be made or executed on behalf of the Authority by the General Manager or by any other person generally or specifically authorised to act for that purpose by the Authority.

- (4) Any document purporting to be a document are duly executed under the seal of the Authority shall be admissible in any court of Law and shall unless the contrary is proved by deemed to be so executed.

- 106.(1) Service of notices or documents required to be served on the Authority by addressing it to the General Manager or Chief Executive Officer at the principal office of the Authority through-
- (a) personal delivery;
 - (b) registered mail;
 - (c) facsimile transmission; email; or
 - (d) the last physical known address.

*Mode of Service
of Notices*

- (2) Any notice to be given to a person by the Authority may be served by –
- (a) personal delivery;
 - (b) registered mail;
 - (c) facsimile transmission; email; or
 - (d) the last physical known address.

- (3) Any notice given by the Authority under subsection (2) shall be deemed to have been received—
- (a) in the case of personal delivery, on delivery of the notice to such person's address physically;
 - (b) in the case of facsimile transmission, at 10.00 hours on the day following the date of transmission; or
 - (c) in the case of email immediately it has been sent.

107. Any offence committed under this Law for which no penalty is provided shall on conviction, be liable to Five Hundred Thousand Naira (₦500,000.00) fine or six (6) months non-custodial sentence.

Offences/ Penalties

- 108.(1) The Authority may, subject to the approval of the Governor, make regulation for carrying into effect, the provisions of this Law and in particular for –
- (i) prescribing the form, fees, levies, terms and conditions, renewal mode and time for application for licenses;
 - (ii) the minimum age of persons to whom or by whom tickets or chances may be sold;
 - (iii) the persons or categories of persons who must be disqualified from participation;
 - (iv) the places where or circumstance or manner in which signs relating to a lottery may be displayed;
 - (v) responsible gaming standards, measures and safeguards for customers;
 - (vi) promotional competition;
 - (vii) types, categories, rules, terms and conditions for different licenses;

*Power to Make
Regulations*

- (viii) consumer protection;
 - (ix) dispute resolution;
 - (x) remote gaming;
 - (xi) monitoring platforms;
 - (xii) advertisement;
 - (xiii) premises and their usage;
 - (xiv) non-commercial and private gaming permits;
 - (xv) the making of oral representations as provided for under this Law;
 - (xvi) laying down rules and regulations for the control of other lotteries, and for other connected purposes within the State;
 - (xvii) the stakes for which any game shall be played;
 - (xiv) the take-out, commission or other charges which the licensee may charge;
 - (xv) the books of account and records to be kept, and returns to be furnished to the Authority by licensees;
 - (xx) the adjudication by the Authority of gaming disputes and the enforcement against persons of orders made by the Authority, pursuant to such adjudication;
 - (xxi) laying down conditions for the granting, cancellation and transfer of all betting and gaming licenses within the State;
 - (xxii) the deduction by agents, other persons or authorities of the remuneration prescribed from any moneys received in the performance of the functions conferred by such regulations on such agents, other persons or authorities;
 - (xxiii) the time within which any requirement of the regulations is to be carried out;
 - (xxiv) providing for the supply to the Authority, any information relating to gaming business, and prescribing the mode of verification and the intervals at which the information is to be supplied;
 - (xxv) prescribing penalties for breaches or contraventions of any regulation issued under this Law;
 - (xxvi) prescribing the periods in respect of which returns are required; and
 - (xxvii) prescribing the qualifications for certifying accountants;
 - (xxviii) prescribing the form of returns or of copies of accounts
- (2) In general, any other matter which may be necessary or expedient to prescribe in order to achieve or promote the objects under this Law.

109. The Imo State Pools Betting, Gaming, Casino and Lotteries Board Law, No. 44 of 2019 is repealed. *Repeal.*

110.(1) Notwithstanding the repeal of Law No.44 of 2019, any subsidiary *Savings.*

legislation, licence, certificate and other administrative order, direction or instruction made, instruments given or issued under or in pursuance of the provisions of the repealed Law which are in force on the commencement of this Law, shall remain valid provided they are not in conflict with the provisions of this Law.

- (2) Officers and staff appointed under the repealed Law to perform functions in relation to lotteries and gaming activities, may continue to perform the functions as far as this Law relates to them;

Provided that they re-apply to the Authority and the Authority after screening, considers them suitably qualified to continue with their duties.

- (3) Officers and staff on secondment from other Government Ministries, Departments and Agencies (MDAs) may be asked to return to their parent MDAs if the Authority is of the opinion that their services will no longer be required by the Authority.

FIRST SCHEDULE

RESPONSIBLE GAMING REGULATIONS

1. These Regulations may be cited as the Responsible Gaming Regulations, 2021. *Citation.*
2. In these Regulations, unless the context otherwise requires – *Interpretation*
 - “Advertising” means a paid, mediated form of communication from an identifiable source, designed to persuade the receiver to game now or in the future;
 - “Authority” means the Imo State Lotteries and Gaming Authority;
 - “Commissioner” means Commissioner for Finance or any member of the State Executive Council for the time being, charged with the responsibility for financial matters in the State;
 - “Other lotteries” mean private lotteries, charitable lotteries, society lotteries and promotional competitions;
 - “Premises” mean a place where lotteries and gaming activities take place;
 - “Responsible gaming” means, the acceptable standards that licenced gaming operators, software suppliers and associated service providers need to uphold to ensure their offerings uphold the highest standards to ensure a fair and safe gaming experience that protects players from the adverse consequences of gaming;
 - “Self-exclusion” means, a voluntary process where a person with a gaming concern excludes themselves from areas of specific gaming venues, or online providers;
 - “Underage” means a person below the age of eighteen (18) years;
 - “Vulnerable person” means a person too young to engage legally in a lottery and gaming activity, or a person easily physically or emotionally influenced or mentally hurt by gaming activities.
3. In accordance with the provisions of the Money Laundering (Prohibition) Act, Special Control Unit against Money Laundering Regulations or any similar Law which may be applicable to all licensees, agents, employees or operators of any lottery and gaming activity; must report any cash or currency based transaction exceeding the sum of One Thousand US Dollars (\$1000) or its Naira *Cash and
Currency Based
Transaction*

equivalent in the manner prescribed.

4. Subject to the prior approval of the Authority in respect of Other Lotteries in Section 23 (2) of this Law –

*Prohibition of
Vulnerable and
Underage Persons
in Lottery And
Gaming Activities*

- (a) all vulnerable and underage persons are prohibited from partaking in any lottery and gaming activity;
- (b) all wagers and winnings by underage and vulnerable persons are void; and
- (c) the gaming account of any person under the age of eighteen (18) years must be closed by the licensee.

5. A licensee in accordance with regulation 1, shall keep proper records of cash and currency based transactions for at least Five (5) years after the last transaction recorded in its register.

Record Keeping

6. All licensees shall –

*Procedure for
Self-Exclusion*

- (a) make adequate provisions, develop and post on their premises or websites or links, procedures for self-exclusion or links which shall include procedures for –
 - (i) removing self-excluded persons from the licenced establishment or premises or its remote platform, including procedures for obtaining the assistance of the Authority or any other relevant local law enforcement officer; and
 - (ii) preventing any person identified on the self-exclusion list from receiving any advertisement, promotion, or other targeted mailing relating to gaming activities, immediately after receiving notice from the self-excluded person.
- (b) permit any player to set an irrevocable period of self-exclusion for a minimum of ninety (90) days to a lifetime;
- (c) allow a player to be re-instated if he desires, however, the licensee shall ensure that he undergoes a minimum re-instatement period of fourteen (14) days;
- (d) provide a procedure for reinstatement of excluded persons, should they wish to commence gaming after the expiration of the ban period; and
- (e) provide banned or excluded players with clearly worded information that outlines the conditions of the ban or exclusion. The outline must contain –
 - (i) length of exclusion;
 - (ii) the closure process for any account opened by the same person during the exclusion;
 - (iii) requirements for reinstatement and renewal on expiration of the exclusion or ban;
 - (iv) the manner in which bonuses and remaining balances are handled;
 - (v) payments scheduled to be withdrawn from the player's account at a future date; and
 - (vi) provide the Authority with details of such excluded persons

and information as stated in subparagraph (5) above in the monthly reports.

7. (1) All licensees and their agents or affiliates must post visible signs on their facilities or remote platforms, warning against underage gaming. *Signage, Helpline or Advertisement*
- (2) Every licensee shall post signs accredited by the Authority on each of its premises stating provisions it has put in place for education and obtaining assistance with gaming related problems –
- (a) at each entrance and exit;
 - (b) near each credit location; and
 - (c) on its website or any other online platform.
- (3) Every licensee and agent shall make available to the general public, a printed statement approved by the Authority with information concerning where a player may get assistance for dealing with gaming addictions.
- (4) All licensees and operators of all lotteries and gaming activities –
- (a) must ensure that their staff, agents or affiliates within three (3) months of commencing employment, undertake an accredited responsible gaming programme and fresher course every other year; and
 - (b) must record, keep and submit a yearly register of responsible gaming trainings of its staff, date of training and nature of training conducted to the Authority.
8. (1) Subject to the Advertising Practitioners Council of Nigeria (or any other similar accredited body rules) no licensee, person or member of the general public shall broadcast, promote, publish, air, put out, host or circulate any advertisement or promotional materials, whether electronically, remotely or otherwise to the public where it – *Advertising*
- (a) encourages any person to contravene a gaming law;
 - (b) shows underage or vulnerable persons gaming;
 - (c) encourages or targets underage or vulnerable persons to wager through the selection of media or context in which they appear;
 - (d) is likely to appeal to underage or vulnerable persons, especially by reflecting or being associated with youth culture;
 - (e) exploits the susceptibilities, aspirations, credibility, inexperience or lack of knowledge of persons underage or vulnerable persons;
 - (f) is false or untruthful, particularly about the chances of winning or the expected return to a player;

- (g) suggests that wager is a form of financial investment;
 - (h) portrays, condones or encourages gaming behaviour that is socially irresponsible or could lead to financial, social or emotional harm;
 - (i) suggests that skill can influence games that are purely games of chance;
 - (j) promotes smoking or the abuse of the consumption of alcohol while gaming;
 - (k) implies that gaming promotes or is required for social acceptance, personal or financial success or the resolution of any economic, social or personal problems;
 - (l) contains endorsements by well-known personalities or celebrities that suggest gaming contributes to their success;
 - (m) exceeds the limits of decency;
 - (n) suggests that gaming can provide an escape from personal, professional or educational problems such as loneliness or depression;
 - (o) portrays gaming as indispensable or a staking priority in life;
 - (p) suggests that gaming can enhance personal qualities;
 - (q) links gaming to seduction, sexual success or enhanced attractiveness;
 - (r) portrays gaming in a context of toughness or link it to resilience or recklessness;
 - (s) suggests gaming is a rite of passage;
 - (t) suggests that solitary gaming is preferable to social gaming;
or
 - (u) exploits cultural beliefs or traditions about gaming or luck.
- (2) A licensee may consult the Authority for any advice or consent before it puts out any advertisement or promotions for its products.
- (3) A licensee must also put up information on social responsibility and the warning must include that gaming is not for persons under eighteen (18).
- (4) A responsible gaming symbol or message must-
- (a) remain or be flashed intermittently for at least ten percent (10%) of the duration of the adverts on television;
 - (b) be announced at the end of an advert on radio;
 - (c) remain in a visible part of the website;
 - (d) be clearly visible in proportion to a print advert;
 - (e) display hyperlinks to websites with more details; and
 - (f) be visible at the entrance of the premises.
- (5) The Authority may make further regulations, issue directives, orders and codes of practice to guide responsible gaming within the State.

9. (1) A licensee who contravenes or fails to comply with the provisions of these regulations is liable to pay a penalty of- *Offences and Penalties.*
- (a) One Million Naira (N1,000,000.00) for the first violation;
 - (b) Five Million Naira (N5,000,000.00) for the second violation and may have his licence suspended.
- (2) A licensee who commits a third violation shall be guilty of an offence and is liable on conviction to a minimum fine of Ten Million Naira (N10,000,000.00) or imprisonment for a term not exceeding three (3) years, and the revocation of his licence.

SECOND SCHEDULE

CASINO AND GAMING REGULATIONS

1. These regulations may be cited as the Casino and Gaming Regulations, 2021. *Citation*
2. In these regulations, unless it is otherwise expressly provided – *Interpretation*
 - “Authority” means the Imo State Lotteries and Gaming Authority in the Law;
 - “Cash” means local currency that circulates, and is customarily used and accepted as money in the State;
 - “Casino” means any building or part of a building in respect of which a licence has been issued, and to which members of the public authorised by the licensee have access for the purpose, among other things, of playing a prescribed game of chance;
 - “Cheat” means to unlawfully alter the elements of chance, method of selection or criteria which determine-
 - (a) the result of a game; or
 - (b) the amount or frequency of payment in a game.
 - “Chip” means a non-metal or partly metal representative of value, redeemable for cash, issued and sold by a licensee for use within the licensee’s licensed premises;
 - “Drop” means the total amount of money, chips, tokens and credit markets contained in the dropbox;
 - “Drop box” means a locked container permanently marked with the game, shift and numbered, corresponding to a permanent number of the table into which all currency exchange for chips or tokens or credit instruments at the table and all other documents pertaining to transactions at the table must be placed;
 - “Equipment” means any equipment, device, component or machine used remotely or directly in connection with gaming;
 - “Fill” means the issuance of additional chips to the table;
 - “Final action” in relation to any application, means the date when the Authority grants or refuses an application;

- “Games” mean games of chance, authorised under the licence to be played in the Casino;
- “Inspection officer” means an Inspector appointed by the Authority as defined under the Law;
- “Law” means the Imo State Lotteries and Gaming Authority Law;
- “Licence” means a casino licence;
- “Licensee” means an applicant to whom a casino licence has been issued;
- “Patron” means a person to be engaging in games at the licensee’s premises;
- “Token” means a metal or other representative of value, redeemable for cash, and issued and sold by a licensee for use in slot machines at table games or counter games at the licensee’s licensed premises, and any other word or expression has the meaning assigned to it in the Law.
- 3.(1) Any licence, registration, certificate of suitability, authorisation or consent granted by the Authority shall be deemed to be valid, subject to the Authority’s right to conduct an investigation on the suitability of the licensee to retain the licence where necessary. *General Applications*
- (2) The Authority shall have the right to call for information to be submitted to it within fourteen (14) days or any longer period as it may deem necessary to satisfy itself as to the continuous suitability of the licensee.
- (3) A person applying for a licence, registration, authorisation or consent shall satisfy the Authority that he is qualified to be granted such licence, registration, certificate, authorisation or consent.
- (4) The Authority shall not be liable for any act or omission done or conduct carried out in good faith in the execution of its duties under the provisions of these regulations.
- (5) An official, employee or agent of the Authority shall not be held liable for any act or omission done or conduct carried out in good faith in the execution of their duties.
4. (1) An application for a licence to establish or operate a Casino under these regulations shall be made in the manner prescribed by the Authority and accompanied by such documents and information as may be specified. *Application for a Casino Licence*

- (2) A person who –
- (a) knowingly makes any false statement of material fact in any application submitted to the Authority;
 - (b) omits to state in an application, any material fact required to be stated; or
 - (c) presents a misleading statement as a material fact; commits an offence and is liable on conviction to –
 - (i) a maximum fine of Five Million Naira (₦5,000,000:00) or imprisonment for up to six (6) months; or
 - (ii) fine and imprisonment; or
 - (iii) fine and non-custodial sentence
- (3) It is the duty of an applicant to ensure that all information in an application are true and complete at the time the Authority considers the application and should anything stated in an application change, the applicant shall promptly notify the Authority.
- (4) An application may, with the approval of the Authority, be amended prior to final consideration by the Authority.
5. (1) A written request for withdrawal of an application may be submitted at any time prior to final consideration by the Authority. *Withdrawal of Application*
- (2) The Authority may grant the request as it deems fit.
6. An applicant who may be disqualified under the Law may, prior to disqualification, be granted a reasonable period not exceeding sixty (60) days, as may be determined by the Authority, to rectify the disqualifying circumstances. *Rectification of Disqualifying Circumstances*
7. A person who is the direct or effective cause of any disqualifying circumstance of an applicant, shall not accept more for his interest in the applicant than such person paid for or such greater amount approved by the Authority. *Disqualified from Making Profit*
- 8.(1) An applicant for a licence to establish or operate a Casino shall through the Authority, submit with every application, the type of games proposed for the Casino and rules for the games. The rules shall include the maximum percentage of commission to be deducted in play and the odds to be paid. *Applicant for Casino Licence to Submit Rules for Proposed Games*
- (2) The Authority may approve or reject any game or rule so submitted, or approve same, subject to such amendments as may be considered necessary.

9. (1) A Casino licence issued under these regulations shall be in the manner prescribed by the Authority. *Form of Casino Licence*
- (2) A Casino licence shall be in the following categories;
- (a) category A for Hotel Casino;
 - (b) category B for Hotel Premise Casino;
 - (c) category C for Stand Alone Casino.

10. An applicant applying for a licence to be issued under the provisions of Regulation 8, shall pay to the Authority, the prescribed fee. *Casino Licence Fee*

11.(1) The licence renewal fee payable shall be paid to the Authority prior to the anniversary of the licence. *Casino Licence Renewal Fee*

(2) If the licence renewal fee payable is not paid in accordance with subparagraph (1), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of five percent (5%) of the licence renewal fee for every day during which the licence renewal fee remains unpaid:

Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable.

- (3) Where the General Manager or Chief Executive Officer is satisfied that failure of any licensee to make payment of the licence renewal fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, he may remit in whole or in part, any penalty payable under these Regulations.
- (4) The Authority may review the licence renewal fee prescribed in subparagraph (1).

12. (1) The Good Causes Levy payable under this Law shall be paid at the rate of five percent (5%) of the licensee's gross gaming revenue. *Tax/Levy*

- (2) For each table game, gross gaming revenue equals the closing bankroll plus credit slips for cash, chips or tokens returned to the Casino cage, plus drop, less opening bankroll and fills to the table.
- (3) For each gaming machine, gross gaming revenue equals metered win or loss.
- (4) For each card game and any other game in which the licensee is not a party to a wager, gross gaming revenue equals all money received by the licensee as compensation for conducting the

game.

(5) If in any period the amount of gross gaming revenue is less than zero, the licensee may deduct the excess in the succeeding tax periods until the loss is fully offset against gross gaming revenue.

(6) Where there is reasonable suspicion as to the authenticity of the gaming revenue declared by the licensee, the Authority may request verification by an independent financial auditor appointed by the Authority.

(7) Cost of verification in subparagraph (6) above shall be borne by the licensee if the suspicion of the Authority is confirmed.

(8) After confirmation of the false declaration, the licensee shall pay a penalty at a rate of five percent (5%) of the gaming revenue.

13. A licensee shall –

(1) not later than the fourteenth (14th) day of each month, submit a return in the specified form as provided by the Authority, containing such information as may be required in respect of its gaming operations during the preceding month; and

(2) simultaneously pay any tax/levy due in respect of the preceding month.

Tax/ Levy

14.(1) If the tax/levy payable under the Law is not paid as at when due, the licensee shall pay a penalty as prescribed by the Authority:

*Penalty for
Payment of
Tax/ Levy*

Provided that such penalty shall not exceed twice the amount of the Good Causes Levy in respect of which such penalty is payable.

(2) Where the Authority is satisfied that failure of a licensee to pay the tax/levy within the prescribed period was not intended to postpone liability for payment of the amount due, the licensee may remit in whole or in part, any tax/levy payable.

15. A Casino licence shall be subject to the conditions endorsed on it, including the following conditions –

*Conditions of
Licence*

(1) the casino may be kept open to the public for gaming twenty-four (24) hours a day, three hundred and sixty-five (365) days a year;

(2) all casino installations, equipment and procedures for security and safety purposes must be used, operated and applied in a manner which will best serve the interests of the public attending the licensed casino;

(3) the operations of the licenced casino must be conducted at all

times in an orderly manner;

- (4) all facilities and amenities in the licenced casino must be maintained at all times and in such condition as to provide for the comfort and convenience of the public attending the licenced casino;
- (5) adequate security, supervision and control must be maintained by the licensee on the licenced premises to provide for the security, safety and convenience of the patrons;
- (6) the licensee shall comply with all undertakings given by the Authority in its licence, including the regulations, requirements or terms and conditions issued by it;
- (7) the licence is a revocable privilege dependent on the licensee's continuance to comply with its conditions of licence;
- (8) the licensee shall in the conduct of its business, deal only with reputable third parties;
- (9) the Authority may impose on the licensee penalties for failure to comply with, or contravention of any term or condition of this licence which includes suspension, or revocation of the licence;
- (10) all games shall be played in accordance with rules approved by the Authority and the licensee shall supply a copy of such rules, free of charge to any person who takes part in the game;
- (11) only the premises specified in the licence shall be used for the purpose of playing any game approved by the Authority;
- (12) a copy of the licence shall be prominently displayed in a conspicuous place in the casino, and the word "Casino" shall be prominently displayed on the exterior of the premises licenced for the operation of a casino;
- (13) the maximum percentage of commission that may be taken by a licensee on prescribed games shall be the rolling average of twenty-five (25%) percent over 90 days, and the maximum odds that may be paid shall be, where applicable, 35 – 1 in roulette and in accordance with the accepted rules of play in respect of other games;
- (14) a licensee shall deliver to the Authority in the prescribed form, daily and monthly returns of gaming;

- (15) a licensee shall put adequate arrangements for the prevention of fraud on players in the casino and shall on request at any time, in the course of a play, permit an Inspector to enter the casino;
- (16) a licensee must have a central computer or such other approved monitoring system, connected to all gaming machines exposed for play, to record and monitor the activities of such machines.

- 16.(1) A disputed claim for payment of a gaming debt may be resolved by the Authority whenever a dispute arises between a patron and a licensee, as to the payment of alleged winnings or debt, or precise amount of the winnings or debt to the patron by the licensee, and if both parties are unable to resolve the dispute, then either party or both of them shall refer the dispute to the Authority for resolution. *Resolution of Disputes*
- (2) For the purposes of resolving the dispute, the Authority may conduct inquiries, inspect books or documents and question such persons as are necessary or relevant to the dispute.

Provided that the Authority shall afford both the patron and licensee an opportunity to present their cases prior to the resolution of the dispute.

- (3) After making a decision on the dispute, the Authority shall inform a Party aggrieved by its decision of his right of appeal.
 - (4) The Authority's decision on the dispute shall, except in the case of appeal, be final and binding on the parties.
 - (5) The party against whom the Authority has made a decision shall be obliged to pay the winnings or gaming debt within the period determined by the Authority except, where an appeal has been lodged.
17. Where a patron is obliged to pay a gaming debt in terms of an order made by the Authority and has not appealed the said order, but fails to make such a payment, the Authority may include such a patron's name in the list of excluded persons. *Non-payment by Patrons*
18. (1) The following shall be classified as casino employees for the purposes of these regulations - *Casino Employees*
- (a) table inspector;
 - (b) dealer or croupier;
 - (c) cashier;
 - (d) counter;
 - (e) change attendant;

- (f) host;
 - (g) floor attendant;
 - (h) security attendant;
 - (i) gaming machine attendant;
 - (j) gaming machine technician;
 - (k) surveillance personnel;
 - (l) gaming credit personnel;
 - (m) gaming debt collection personnel;
 - (n) internal audit personnel;
 - (o) accounting personnel;
 - (p) data processing personnel;
 - (q) bingo personnel; and
 - (r) any other position that, on written notification by the Authority is considered to be a casino position for purposes of these regulations.
- (2) A licensee shall, within fourteen (14) days of termination of the employment of a casino employee, notify the Authority in writing of such termination and the reasons.
- (3) Every casino employee shall have his or her registration card or certificate available for inspection in such manner as the board may determine at all times when such person is on duty.
- 19.(1) A licensee shall not keep or maintain any of the following equipment which has not been approved, registered and certified by the Authority –
- (a) roulette tables;
 - (b) roulette wheels;
 - (c) blackjack tables;
 - (d) craps tables;
 - (e) punto banco tables;
 - (f) baccarat tables;
 - (g) poker tables;
 - (h) gaming machines;
 - (i) dice; and
 - (j) such other equipment as the Authority may determine.
- (2) A licensee shall not distribute, maintain or repair any unlicensed gaming or associated equipment, device or game.
- (3) Only equipment, devices and games meeting the technical standards as determined by the Authority, shall be approved for distribution.
- (4) A licensee will be required to submit equipment for testing and certification, as requested by the designated testing laboratory of the Authority.

*Certification and
Registration of
Equipment, Devices
and Games.*

- (5) The licensee seeking approval of the device shall pay to the designated testing laboratory, the cost of inspection and investigation.
- (6) The testing laboratories in order to fully evaluate an equipment, device or game, shall carry out non-destructive testing on the equipment, device or game of a licensee.
- (7) The Authority may require that the licensee seeking approval of the device provides specialised equipment or the services of an independent technical expert to evaluate the device.
- (8) A licensee may at any time apply for the de-registration of registered equipment.
20. A licensee shall keep the records of equipment approved by the Authority. *Records of kept by Licensees*
21. (1) A licensee may extend credit, subject to such limits as the Authority may determine, to qualified patrons provided that prior to the extension of credit, the licensee obtains and documents in its records, sufficient information regarding the patron's identity, credit history and financial capabilities as required by the licensee's approved system of internal control. *Credit Extension*
- (2) A licensee who fails to deposit for collection, a negotiable instrument by the close of the banking day, following its receipt, or the banking day following the completion of a continuous and uninterrupted residence by the patron concerned in the accommodation facilities located at the same licenced premises of the licensee, whichever is the later, shall be deemed to be an extension of credit.
- 22.(1) Cash shall not be exchanged for cash except to enable the Transactions by patron to participate in gaming where cash is used as the stake or the purpose of converting such cash after participation in gaming. *Prohibited for Licensees*
- (2) A cheque or other negotiable instrument shall not be issued nor shall any transfer of funds be effected to or on behalf of a patron in exchange for cash, or other negotiable instrument, chips or tokens, unless the licensee is satisfied that the patron has genuinely participated in gaming.
- 23.(1) The records, books and accounts which licensees are under Regulations bound to keep, shall be in such form as the Authority may prescribe. *Records, Books and Accounts to be kept by Licensee*

- (2) All records required to be kept by a licensee under these Regulations shall be retained by the licensee for a period of at least Five (5) years. X X
- (3) A licensee shall keep generally accepted accounting records, maintain detailed records, supporting subsidiary records, identify revenue, expenses, assets, liabilities and equity including – X X
- (a) gaming machine analysis reports which by each machine, reflects turnovers and pay-outs and compare actual hold percentages to theoretical hold percentages on a daily, monthly, quarterly and annual rolling basis;
 - (b) the records required by the licensees approved system of internal control; and
 - (c) any other records that the Authority specifically requires to be maintained.
- 24 (1) A licensee shall, in order to comply with subparagraph (3) of this paragraph, after the end of each financial year, prepare annual financial statements, in accordance with statements of generally accepted accounting practices. *Audited Financial Statements*
X X
- (2) A licensee shall engage an independent auditor registered by the Institute of Chartered Accountants of Nigeria or Association of National Accountants of Nigeria, who shall audit the licensee's annual financial statements in accordance with generally accepted auditing standards. X X
- (3) A licensee shall submit to the Authority, two (2) copies of its audited annual financial statements, and any report communicating the results of the audit, including management letters, not later than Six (6) months, or such extended period as the Authority may determine, after the last day of the licensee's financial year.
- (4) The Authority may request additional information or documents from either the licensee or its auditor, through the licensee, regarding the financial statements or the services performed by the auditor.
25. A licensee shall keep at its licenced premises or registered offices and shall provide to the Authority on request, the following records or documents or its equivalent – *Other Records*
- (a) a copy of the memorandum and articles of association of the company, including any amendments;
 - (b) a copy of the company's certificate to commence business;
 - (c) a register of all current and former officers and directors;
 - (d) a register of all shareholders listing each shareholder's

name, address, the number of shares held and the date the shares were acquired; and

- (f) any other record that the Authority specifically requires to be maintained.

26. A licensee shall submit information in the manner and format, and at such intervals as the Authority may determine. *Returns to be Rendered*
27. A licensee shall keep in respect of each Casino, a reserve fund of Ten Million Naira (₦10,000,000.00). *Reserve Fund to be kept by Licensee*
28. (1) A person shall not hold or acquire any interest in a licensee as agent or nominee for an undisclosed principal or beneficial owner. *Financial Interests in Licensee*
- (2) A person who contravenes or fails to comply with the provisions of this paragraph, shall be guilty of an offence and liable on conviction to a fine not exceeding Five Million Naira (=₦5,000,000.00).
29. (1) A licensee shall establish and maintain administrative and accounting procedures for the purpose of determining the licensee's liability for taxes and fees under the Law and exercising effective control over the licensee's internal financial affairs. *Internal Controls*
- (2) The procedures must reasonably ensure that—
- (a) assets are safeguarded;
 - (b) financial records are accurate and reliable;
 - (c) transactions are performed only in accordance with the management's general or specific authorisation;
 - (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
 - (e) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.
30. (1) Chips and tokens must be designed, manufactured, and constructed in compliance with the Law and these Regulations so as to prevent counterfeiting of the chips and tokens. *Specifications for Chips and Tokens*
- (2) Chips and tokens must not deceptively resemble any current or past coinage of the State or any other Nation.
- (3) In addition to such other specifications as the Authority may approve –
- (a) the name of the issuing gaming establishment must be inscribed on each side of each chip and token, and the city or other area where the establishment is located must be

- inscribed on at least one side of each chip and token, other than chips used exclusively at roulette;
- (b) the value of the chip or token must be inscribed on each side of each chip and token, other than chips used exclusively at roulette;
- (c) the manufacturer's name or a distinctive logo or other identification mark of the manufacturer must be inscribed on at least one side of each chip and token, other than chips used exclusively at roulette; and each chip must be designed so that when stacked with chips and tokens of other denominations and viewed on closed-circuit television, the denominations of the chip can be distinguished from that of the other chips and tokens in the stack.
- 31.(1) A licensee that uses chips or tokens at its gaming establishment shall –
- Use of Chips and Tokens*
- (a) sell chips and tokens only to patrons of its gaming establishment and only at their request;
- (b) promptly redeem its own chips and tokens from its patrons;
- (c) post conspicuous signs at its establishment notifying patrons that the law prohibits the use of the licensee's tokens, and that these Regulations prohibit the use of the licensee's chips outside the establishment for any monetary purpose whatsoever; and
- (d) take reasonable steps, including examining chips and tokens and segregating those issued by other licensees to prevent sales to its patrons of chips and tokens issued by another licensee.
- (2) A licensee shall not redeem its chips or tokens if presented by a person the licensee knows or reasonably should know, is not a patron of its gaming establishment.
- 32.(1) The Authority shall have discretion under these for Regulations to demand varying levels of requirements of surveillance and security systems from a licensee.
- General Requirements, Surveillance and Security Systems*
- (2) A licensee shall install, maintain and operate at all times a surveillance system comprised of cameras, monitors, video recorders, and a video printer, that provides the coverage required by this Regulation.
- (3) The surveillance system must include, date and time, generators that display on each digital recording, the date and time of the recorded events and the displayed date and time must not obstruct the recorded view.
- (4) All equipment that may be utilised to monitor or record views

obtained by the surveillance system, must be and remain located in a room used exclusively for Casino surveillance purposes and the entrance to the surveillance room must be located away from the view of Casino employees and the general public.

- (5) The Authority and its agents shall at all times, be provided immediate access to the surveillance room and other surveillance areas.
- (6) The surveillance system and its equipment must be directly and securely wired in a way to prevent tampering and an auxiliary power source capable of providing uninterrupted power to the surveillance system in the event of a power loss, and provide sufficient lighting to operate the surveillance system must be available.
- (7) The licensee must create first generation copies of digital recording that are standard HD format or other format approved by the Authority.

33.(1) Every applicant for a licence shall submit a surveillance system plan to be approved by the Authority. *Surveillance System Plans; Alterations to Surveillance System*

- (2) The surveillance system plan must include a casino floor plan that shows the placement of all surveillance equipment in relation to the locations required and a detailed description of the casino surveillance system and its equipment.
- (3) An applicant or licensee shall not alter or modify the approved surveillance system without the prior approval of the Authority.
- (4) An applicant or a licensee shall submit to the Authority, an amended plan reflecting any alteration of the surveillance system no later than thirty (30) days prior to the proposed alteration or such shorter period as the Authority may allow.

34. (1) A licensee shall install, maintain, and operate at all times, a surveillance system that monitors and records clear unobstructed views of all areas and transactions within the – *Surveillance Systems: Count Rooms and Casino Cage*

- (a) room for purposes of hard count and soft count, any area where uncounted coins are stored during the drop and count process, including walls, doors, scales, wrapping machines, coin sorters, vaults, safes, and general work surfaces;
- (b) room for the hard count and the soft count, including walls, doors drop boxes, vaults, safes, and counting surfaces that must be transparent; and
- (c) casino cage, including customer windows, employees' windows, cash drawers, vaults, safes, counters, chip storage,

and fill windows.

- (2) All transactions within the room for hard count and soft count and casino cage, must be recorded with sufficient clarity to permit identification of each employee and his movements, and to permit identification of all currency) coins, and paperwork.
 - (3) The room for hard count and soft count shall have audio monitoring and recording capabilities.
 - (4) The soft and hard count room digital recordings must be retained for a minimum of Ninety (90) days.
- 35.(1) A licensee who operates table games or a card room shall install, maintain, and operate at all times, a Surveillance system that possesses the capability to monitor and record clear and unobstructed views of the following-
- (a) all table game and card room areas with sufficient clarity to permit identification of all dealers, patrons, spectators and pit;
 - (b) all table games or card table surfaces, including table bank trays, with sufficient clarity to permit identification of all chip, cash, dice and card values, and the outcome of the game;
 - (c) roulette tables and wheels, so as to permit views of both the table and the wheel on one monitor screen;
 - (d) all drop boxes and table numbers; and
 - (e) all card rooms or podium banks, including any drawers, cabinets and safes.
- (2) The surveillance system must have the capability to simultaneously view both the table game area and the table game surface.
36. A licensee who exposes gaming machines for play shall install, maintain, and operate at all times a surveillance system that possesses the capability to –
- (1) continuously monitor and record clear, unobstructed, over all, and continuous views of all areas that contain gaming machines with sufficient clarity to identify all patrons and employees; and
 - (2) monitor and record clear and unobstructed views of all slot change booths, including their cash drawers, counter tops, counting machines, customer windows, and employee windows, recorded with sufficient clarity to permit identification of all transactions, cash, paperwork, patrons and employees.
37. (1) The surveillance system must cover all areas of any security office in which any person may be detained, questioned, interviewed or interrogated by casino security officers.

*Surveillance
Systems: table
Games and Card
Rooms*

*Surveillance System:
Gaming Machines*

*Surveillance Systems:
Casino Security
Offices*

- (2) Security office coverage must be recorded at all times and must include both audio and video where a person is detained, questioned, interviewed or interrogated, and the signal must terminate in the surveillance room.
38. (1) A licensee shall establish and maintain a written log of any System Equipment, all casino surveillance, and retain the log for at least one (1) year after the date of the most recent entry in the log. *Casino Surveillance and System Equipment Malfunctions*
- (2) Each malfunction must be repaired within twenty-four (24) hours.
39. (1) In addition to any other digital recording requirements that are or may be imposed under these regulations, a licensee shall record all views, activities, and locations as the Authority may require, which shall also include all entrances and reception areas. *Surveillance System Recording Requirements*
- (2) A licensee shall record digitally and maintain a written log of all activities observed by casino surveillance personnel that appear unusual or irregular, or that violate or appear to violate any Law of the State, the Law, the Regulations or Rules promulgated under them and notify the Authority immediately he has knowledge of such activities.
- (3) A licensee must retain all digital recordings for at least Ninety (90) days after the recording is produced, unless a longer period is required under these Regulations, or by order of the Authority.
- (4) digital recordings must be made in real time or extended play time and not in a time lapse recording mode.
- (5) Every digital recording must be labelled by surveillance personnel with the date and time of the recording and the areas covered by the recording, and signed by the person who made the recording, by no later than the end of the shift during which the recording was made.
40. A licensee shall comply with the requirements set for in these Surveillance System regulations not later than fourteen (14) days prior to the start of gaming operations. *Compliance with Requirements.*

THIRD SCHEDULE

ONLINE AND RETAIL GAMING REGULATIONS

1. These Regulations will be cited as the online and retail gaming Regulations. *Citation*

2. In these regulations, unless the context otherwise requires – *Interpretation*
 - “Approved Accountant”, in relation to any online and retail gaming business means, an accountant approved by the Authority for the purposes of, and employed in that business;
 - “Bet-Slip ” includes, electronically generated slip denoting a bet or bets;
 - “Competition” means a competition held in the course of an online and retail gaming business;
 - “Law” means the Imo State Lotteries and Gaming Authority Law;
 - “Recognised club” means a race club and any other club recognised by the Authority;
 - “Sweepstakes” mean a form of gaming in which all the stakes are divided amongst all the winners;
 - “Totalsator” means the instrument, machine or contrivance commonly known as a totalsator and any other instrument, machine or contrivance of a like nature, or any scheme for enabling any number of persons to make bets with one another on the like principles.

3. An online and retail gaming licence under this regulation shall be issued to any person – *Issuance of an
Online and Retail
Gaming Licence*
 - (1) offering betting services through web, mobile, gaming terminals or retail shops;
 - (2) involved in betting operations that include pool betting, public online lottery, online sport betting, virtuals, online casino, keno; and
 - (3) involved in all or any form of gaming requiring the use of computer programming; randomizers; totalsator etc.

4. (1) An online and retail gaming licensee shall make an application for *Online and Retail
Gaming Agent's*

- an agent's licence to the Authority accompanied by a letter or other document, signed by or on behalf of the licensee, authorising a person to act or continue to act as his agent. *Licence*
- (2) The online and retail gaming agent's licence must specify the online and retail gaming licensee on whose behalf the agent is authorised to receive or negotiate bets.
- (3) An online and retail gaming agent is not authorised to receive or negotiate such bets on behalf of not more than three (3) online and retail gaming licensees as stated in the licence.
- 5.(1) An online and retail gaming licence will not be issued or renewed unless the Authority is satisfied that- *Suitability of Premises*
- (a) each premise specified in the application is to be used or is used for the purpose of the applicant's online and retail gaming business; and
- (b) those premises afford adequate accommodation for the proposed activities.
- (2) An online and retail gaming agent's licence in respect of any premises will not be issued or renewed unless the Authority is satisfied that the -
- (a) area of the shop or office in which bets are to be received or negotiated is not less than 4.5 square metres;
- (b) shop or office is furnished with a counter with at least two lockable drawers in which documents can be safely kept, and with at least four seats for the use of stakers;
- (c) shop or office is provided with proper means of ventilation and lighting;
- (d) premises are not situated in a residential area provided by the Government subject to the approval of the Authority; and
- (e) walking distance between the premises and any other premises in respect of which a pools agent's licence is in force is not less than 150 yards.
6. (1) An online and retail gaming agent's licence must not be issued to a person unless the applicant has been trained by the licensee and has sufficient understanding of the betting business. *Conditions for the Grant of an Agent's Licence*
- (2) An online and retail gaming agent's licence must not be issued or renewed unless the application for the issue or renewal is accompanied by one guarantor.
7. (1) The Authority will not approve the issuance or renewal of any online and retail gaming licence until it has approved the rules that accompany the application. *Approval of Rules for Competitions*

- (2) Every competition must be conducted in accordance with the rules previously approved by the Authority.
- (3) At any time during the validity of an online and retail gaming licence -
 - (a) any rule governing the conduct of competitions by the licensee may be altered only with the prior approval of the Authority; and
 - (b) further sets of rules for the conduct of competitions by the licensee may be adopted only with the same approval.

8.(1) Every online and retail gaming licence and all agents' licence must be in the form as prescribed by the Authority.

*Form and Duration
of Online and
Retail Gaming
Licences*

- (2) A new licence will come into force on the date it is activated, and a licence which is renewed will come into force on the day after it would otherwise have expired.

9. Without prejudice to regulation 8 above, the Authority will specify and charge fees for the issuance or renewal of licences.

*Fees for Issue or
Renewal of
Licences*

10.(1) Every online and retail gaming and agent's licence will be subject to the conditions set out in the terms and conditions of the licence.

*General Conditions
to which Licences
are Subject*

- (2) The conditions imposed by these regulations in respect of any licence will apply in addition to any special conditions endorsed on it.

- (3) In these regulations "approved receipt" in relation to any online and retail gaming business means, a receipt approved by the Authority for the purpose of that business.

11. (1) If any person -

Offences

- (a) with intent to deceive, for the purposes of these regulations or any condition attached to a licence, produces, furnishes, sends or otherwise makes use of any register, account, printed bet slip or other document which is false; or
- (b) in furnishing any information for the purposes of these regulations or any condition attached to a licence, makes any statement which the person knows to be false, will be guilty of an offence and liable on conviction to:
 - (i) a maximum fine of Five Million Naira (₦5,000,000:00) or imprisonment for a term not exceeding three (3) years; or
 - (ii) fine and imprisonment; or
 - (iii) fine and non-custodial sentence.

- (2) If an online and retail gaming licensee contravenes any condition of the licence, without prejudice to the power of revocation in this Law, the licensee will be guilty of an offence and be liable on conviction to:
- a maximum fine of Two Hundred and Fifty Thousand Naira (₦250,000:00) or imprisonment for a term not exceeding three (3) months; or
 - fine and imprisonment; or
 - fine and non-custodial sentence.

- (3) Where an offence under these regulations is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other relevant officer of the body corporate, the officer as well as the body corporate, will be deemed to be guilty of the offence and liable on conviction to –
- a maximum fine of Five Million Naira (₦5,000,000:00) or imprisonment for a term not exceeding 3 (three) years; or
 - fine and imprisonment; or
 - fine and non-custodial sentence.

12. Where the Authority is satisfied that a recognised club will carry on an online and retail gaming business only by means of totalisators, or sweepstakes organised and controlled by the club, it may waive the fee which would have been payable for the issuance or renewal of an online and retail gaming licence.
- Partial Exemption
for Totalisators
and Sweepstakes
of Recognised
clubs*

13. A person shall not be regarded as an approved accountant under this Regulation –
- if the person is an employee of a licensee of the online and retail gaming business;
 - unless such a person either-
 - is a member of the Institute of Chartered Accountants of Nigeria or Association of National Accountants of Nigeria; or
 - has carried on public practice as an accountant for a period of five (5) years with a practicing licence in Nigeria.
- Qualification for
Approved
Accountant*

14. A licensee shall apply to the Authority to register an approved accountant on behalf of the online and retail gaming business. The application shall specify the name of the accountant sought to be approved and registered and once registered, no other accountant except the approved accountant shall certify the returns of the online and retail gaming business for the purposes of these Regulations.
- Registration of
Approved
Accountant*

FOURTH SCHEDULE
REMOTE GAMING REGULATIONS

1. These Regulations shall be cited as the Remote Gaming Regulations, 2021 *Citation*
2. In these Regulations, unless the context otherwise requires- *Interpretation*

“Law” means the Imo State Lotteries and Gaming Authority Law;

“Licence” means a licence under regulation 7 of this Regulation;

“Remote gaming” includes ‘pooled prize gaming’ where all or part of the money paid to play the game, known as the gaming fee is paid into a pool from which the prizes are later paid to the winning players.
3. In this Regulation, remote gaming shall be a game in which persons participate through the use of internet, telephone, television, radio, electronic device or other technology for facilitating communication. *Remote Gaming*
4. A remote gaming provider means a business which operates remote gaming and contracts directly with the State customers who participate in lotteries and gaming activities. *Remote Gaming Provider*
1. A State customer shall be – *State Customer.*
 - (a) a person who resides in the State;
 - (b) a body corporate registered in Nigeria but has its headquarters or administrative, liaison or branch office in the State; and
 - (c) a person or body corporate reasonably designated as a State customer by the Authority.
2. In determining subparagraph 5(c), the Authority shall consider the following – *Considerations of the Authority for the Designation as State Customer.*
 - (a) the up-to-date and audited records of the player, kept by the remote gaming providers;
 - (b) the registered address of the player at the time of play; however, where there is no address provided, the player shall be registered as a State customer;
 - (c) verified information of the player by the remote gaming provider where the player provides a non-Imo State address; and
 - (d) where a verification system in subparagraph (c) results in conflicting information as to whether the player is an Imo State

resident or not, then the player will be determined to be an Imo State resident if the information provided by the player such as the bank statement, driver's licence, Imo State Residents Registration identity card, national identity card or utility bills, indicates an Imo State address regardless of the player's claim.

7. (1) A proprietor of a remote gaming provider must register with the Authority at least thirty-one (31) days before allowing State customers participate in remote gaming and notify the Authority of any changes or inaccuracies in the information provided during registration. *Registration.*
- (2) A proprietor of a remote gaming provider shall be issued a licence by the Authority.
- (3) Where a proprietor of a remote gaming provider fails to register according to subparagraph (1), he shall be guilty of an offence and liable on conviction to –
- (a) a minimum fine of Ten Million Naira (₦10,000,000.00) or
 - (b) imprisonment for up to three (3) years; or
 - (c) fine and imprisonment; or
 - (d) fine and non-custodial sentence.
8. (1) A remote gaming provider shall pay to lay the Authority, a gaming fee also referred to as the levy which shall be calculated based on the applicable rate for various gaming licence categories. *Gaming Fee*
- (2) The Authority shall charge Good Causes Money on the remote gaming provider's revenue from remote gaming played by the State customer regardless of the location of the remote gaming provider.

- (3) The gaming fee in subparagraph (1), shall include the participation charge to be paid by the State customer to the remote gaming provider.
- (4) Notwithstanding when payment is made by the State customer, the gaming provider shall make the appropriate gaming payment to the Authority as stated in subparagraph (1).
- (5) Where a remote gaming provider allows a State customer to play a free game with an opportunity to win prize money, the gaming provider shall pay the appropriate gaming fee as stated in subparagraph (1) to the Authority.
- (6) Where a remote gaming provider fails to make payment as specified in subparagraph (1), it shall be liable to pay a penalty on the amount of any gaming fee outstanding at the rate of ten (10%) per cent of the gaming fee for each day of default:

Provided that such penalty shall not exceed twice the amount of the gaming fee payable.

9. (1) A proprietor of a remote gaming provider may appoint any person as a representative in the State to conduct operations for the purposes of managing the Good tax/levy.

*Appointment and
Licensing of
Representatives*

- (2) A remote gaming provider's representative must be licensed with the Authority.
- (3) For the purposes of subparagraph (1), a representative may have a liaison or an administrative office.
- (4) A representative shall not receive or negotiate any bets on behalf of the remote gaming provider.
- (5) Notwithstanding the arrangement in subparagraph (1), the gaming provider will be liable for paying tax/levy and any penalties arising from such.

10. (1) A remote gaming provider must notify the Authority in writing within fourteen (14) days of its intention to de-register.

De-registration

- (2) Where a remote gaming provider has deregistered, it ceases to operate activities liable to a levy.
- (3) Where the remote gaming provider fails to notify the Authority as stated in subparagraph (1), it shall be liable to pay the gaming fee charged for the previous month.

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correct printed copy of the said Bill.



BARR. CHINELO ADAORA EMEGHARA
Clerk of the House of Assembly
Imo State of Nigeria

Assented to by me this 26th day of May, 2021



SEN. HOPE UZODINMA
Governor
Imo State of Nigeria

Assented to by me thisday of, 2021

SEN. HOPE UZODINMA
Governor
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this
Day of, 2021.



RT. HON. PAUL EMEZIEM
Speaker
Imo State House of Assembly