

ARRANGEMENT OF SECTIONS

Section

**PART I
PRELIMINARY**

1. Short title and commencement
2. Interpretation

**PART II
ADMINISTRATION**

3. Establishment of Authority and appointment of staff
4. Powers and Functions of Authority
5. Management of Authority

**PART III
LICENCING**

6. Requirement for a licence
7. Licensee to have a place of business
8. Class of licence
9. Eligibility requirements for applicants
10. Application for licence
11. Confidentiality of Authority
12. Collaboration with other Agencies
13. Payment of fees and penalties
14. Issue of licence
15. Refusal of licence
16. Conditions for issue and retention of licence
17. Compliance Officer and Reporting Officer
18. Publication of licensees
19. Validity and duration of licence

PART IV
ENFORCEMENT

- 20. Restriction on licence
- 21. Suspension of licence
- 22. Revocation of licence
- 23. Providing online gaming services without a licence
- 24. Transaction effected prior to suspension or revocation of licence

PART V
ADMINISTRATION

- 25. Restriction on use of certain terms and names likely to mislead
- 26. Display of licence
- 27. Renewal of licence
- 28. Surrender of licence
- 29. Duties of licensee
- 30. Audit requirements of licensee
- 31. Player registration, protection and fair gaming
- 32. Responsible gaming practices of licensee
- 33. Responsible gaming practices of players
- 34. Disposing of or acquiring interest in a licensee

PART VI
SUPERVISION AND INSPECTION

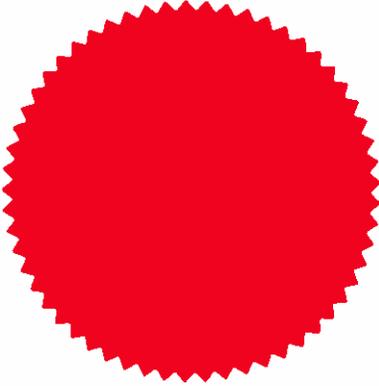
- 35. Regulator
- 36. Powers and duties of Regulator
- 37. Examination and supervision
- 38. Preservation of confidentiality

PART VII
APPEALS

- 39. Appeals Tribunal.
- 40. Appeals.

PART VIII
MISCELLANEOUS

41. Immunities.
42. Regulations.



I assent,

HYLEETA LIBURD, M.H., O.B.E.
Deputy Governor General

1st day of May, 2025

ISLAND OF NEVIS

No. 2 of 2025

AN ORDINANCE to establish an effective and comprehensive regime to regulate the online gaming industry, to prevent fraud and misuse, to promote responsible gaming within Nevis and for matters connected therewith or incidental thereto.

BE IT ENACTED by the King's Most Excellent Majesty by and with the advice and consent of the Nevis Island Assembly and by the authority of same as follows:

PART I PRELIMINARY

1. Short title and commencement

(1) This Ordinance may be cited as the Nevis Online Gaming Ordinance, 2025.

(2) This Ordinance shall come into force on such date as the Minister may, by Order, appoint by notification in the Official Gazette of St. Christopher and Nevis.

2. Interpretation

In this Ordinance, unless the context otherwise requires:

“Administration” means the Nevis Island Administration;

“applicant” means a person who has applied for a licence to provide online gaming services;

“Attorney-at-law” means a person whose name has been entered on the roll of attorneys pursuant to the Legal Profession Act No. 33 of 2008;

“Authority” means the Nevis Gaming Authority established under Section 3;

“beneficial owner” means the natural person who ultimately owns or controls or who exercises ultimate effective control over a company or corporation or the natural person on whose behalf a transaction is being conducted;

“bet” means to risk a sum of money or other item of value on the outcome of a future event;

“Board” means the Board of Directors of the management company;

“company” means a company incorporated, re-domiciled or registered under the Nevis Limited Liability Company Ordinance, Cap. 7.04;

“corporation” means a corporation incorporated, re-domiciled and registered under the Nevis Business Corporation Ordinance Cap. 7.01;

“Court” means the High Court of Justice established by the Supreme Court Order 1967;

“documents” include information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

“dollars” or *“\$”* means United States Dollars unless expressly stated otherwise in this Ordinance;

“Federation” means the Federation of Saint Christopher (St. Kitts) and Nevis;

“government official” includes the Deputy Governor-General or former Deputy Governor-General, Premier or former Premier;

“licence” means a licence granted by the Authority to provide online gaming services under this Ordinance;

“licensee” means a person who has been issued a licence under this Ordinance;

“management company” means the company which shall manage the Authority under this Ordinance;

“Minister” means the Minister for the time being having responsibility for Finance within the Administration;

“online gaming” includes but is not limited to, virtual casino games, sports betting, poker, lotteries and any other game of chance conducted over the internet and played on any electronic devices including personal computers, mobile phones, tablets and other devices;

“online gaming operator” means a person or entity engaged in the business of offering, conducting and operating online gaming services;

“online gaming supplier” means a person or entity engaged in the business of providing good, software, hardware or services to an online gaming operator;

“Online Gaming Server” means any main frame computer or set of computers installed or maintained by the Licensee that accepts, processes, stores and validates transactions arising out of online gaming and which manages, monitors and controls the entire system of online gaming;

“online gaming services” means the provisions of services related to online gaming by an online gaming operator or an online gaming supplier;

“Online Gaming Website” means the internet domain registration or URL address of the licensee through which online gaming is conducted;

“person” means any natural or legal person;

“player” means an individual participating in online gaming activities offered by a licensee;

“Police” means the Royal St. Christopher and Nevis Police Force;

“senior management staff” includes a managing director, president, chief executive officer, manager, compliance officer or individual with a similar title who holds a high-ranking position within the licensee.

PART II ADMINISTRATION

3. Establishment of the Authority and appointment of staff

(1) There is established a Nevis Online Gaming Authority that, with the Minister, shall function as the licensing authority for online gaming services provided under this Ordinance and the Authority shall be managed by the management company.

(2) The staff of the Authority shall be recruited, appointed and managed by the management company and all such staff appointments shall be made on the basis of merit, integrity, qualification and professional competence as determined by the management company.

(3) Without prejudice to the generality of subsection (2) the staff of the Authority shall include the following positions:

(a) a Chief Executive Officer who shall be responsible for the overall administration and management of the Authority and shall report to the Board;

(b) a Compliance Officer who shall oversee all matters related to compliance with this Ordinance and any regulations made under it;

(c) a Technical officer who shall be responsible for the development, maintenance and security of the Authority's technological infrastructure, including systems for licensing and compliance monitoring as well as cyber security;

(d) a Finance and Administration Officer who shall manage the financial affairs and administrative functions of the Authority;

(e) such other officers and employees as may be required for the effective performance of the Authority's functions including but not limited to, licensing officers, cybersecurity specialists, communications officers, data analysts and administrative support staff.

(4) The staff of the Authority shall be subject to a code of conduct and shall be required to take an oath or affirmation of secrecy and impartiality at the commencement of employment.

(5) The salaries, fees and allowances payable to, and the other terms and conditions of employment and service of the officers and employees of the Authority shall be such as may be designated by the management company of the Authority.

4. Powers and Functions of the Authority

(1) The Authority shall have authority for the implementation and enforcement of this Ordinance, with jurisdiction over all licensees participating in online gaming including responsibility and power to:

(a) receive and review applications for licences to provide online gaming services;

(b) make recommendations to the Minister with respect to the granting, refusal, suspending or revoking such licences;

(c) monitor, review and audit the activities of licensees to ensure compliance with this Ordinance;

(d) provide a report of its activities to the Minister on a quarterly basis;

(e) address complaints from players and ensure that licensees resolve disputes fairly;

(f) collect all application and licence fees and monetary penalties imposed by this Ordinance;

(g) make recommendations to the Minister as to appropriate measures to control or curb illegal online gaming;

(h) any other duties that are consistent with the foregoing duties.

(2) A person or licensee aggrieved by a decision made pursuant to delegated authority shall have the right to appeal that decision to the Authority for its review and the procedures for said appeal shall be as set out in Regulations made by the Minister under this Ordinance.

5. Management of the Authority

(1) The Authority shall be managed by the management company as of the date of its establishment.

(2) The management company shall be a local company incorporated under the Companies Ordinance of Nevis.

(3) The management company shall oversee the administrative, operational and compliance functions of the Authority and implement Authority policies and procedures.

(4) The management company may contract directly for services of experts, agents and consultants to assist with the carrying out of its duties and responsibilities under this Ordinance.

(5) Subject to the provisions of this Ordinance and any Regulations made hereunder, the management company shall be responsible for:

(a) the day-to-day administration and operations of the Authority.

(b) The recruitment, appointment and management of the staff of the Authority in accordance with Section 3;

(c) the development and maintenance of technical systems for licensing, monitoring and enforcement;

(d) the preparation and implementation of operational policies, subject to approval of the Board;

(e) the collection and accounting of licensing fees and other revenue due to the Authority;

(f) the provision of support services including finance, human resources, legal, compliance and information technology, and

(g) any other function delegated to it by the Board.

(6) The management company shall act under the direction and supervision of the Board and it shall report to the Board on the performance of its functions and comply with any lawful direction issued by the Board.

(7) The management company shall not, directly or indirectly, hold a licence under this Ordinance or have any financial interest in a licensee or applicant.

(8) The management company and its officers, employees and subcontractors shall be bound by the same confidentiality and data protection obligations applicable to the Authority and its staff.

PART III LICENCING

6. Requirement for a licence

(1) No person shall provide, carry on or engage in the provision of online gaming services unless that person holds a valid licence issued under this Ordinance.

(2) No person shall operate an Online Gaming Server nor an Online Gaming Website without a licence issued under this Ordinance.

7. Licensee to have a place of business

(1) A licensee may be:

(a) a company, or a corporation established in Nevis, which shall be required to have a registered office in Nevis; or

(b) an entity incorporated or established under the laws of a jurisdiction other than Nevis, and registered in Nevis as a foreign company under the Companies Ordinance.

(2) A licensee shall not change its registered office without written notification to the Authority of its intention to change its registered office, payment of the prescribed fee and upon approval of the Authority.

(3) Where the Authority grants approval to a licensee for a change of its registered office then the licensee shall notify the Authority of such change of registered office within 30 days of such change taking effect.

8. Class of licence

(1) There shall be 2 classes of licences, as follows, which may be applied for and issued by the Authority:

(a) Business to Consumer Licence (B2C) to an online gaming operator which will permit the licensee to offer online gaming services directly to players;

(b) Business to Business Licence (B2B) to an online gaming supplier which will permit the licensee to provide critical supply of services, gaming systems and software to B2C operators.

(2) A licence applied for and issued under (1) (a) and (b) above, may cover multiple online gaming forms.

(3) A licence issued under this Ordinance shall authorise the licensee, for the period specified in the licence, to carry on the services based on the specific class of licence applied for and issued.

(4) The Authority may from time to time amend the classes of licences by adding to or removing from the classes outlined under subsection (1).

9. Eligibility requirements for applicants

(1) An applicant for a licence under this Ordinance shall be:

(a) a company, or

(b) a corporation

(2) An applicant for a licence under this Ordinance must satisfy the fit and proper requirements under section 10 (7) of this Ordinance for the issuance of such licence.

(3) An individual who is a beneficial owner, director or senior management staff of a licensee must satisfy the fit and proper requirements under section 10(7) of this Ordinance and be subject to ongoing fitness and propriety assessments while that person remains in any such role.

10. Application for licence

(1) A person who requires a licence under this Ordinance shall apply in writing to the Authority in the prescribed form relating to the class of licence being applied for.

(2) An applicant for a licence under subsection (1) shall:

(a) submit an application in the prescribed form to the Authority;

(b) tender with the application a non-refundable fee as prescribed pursuant to this Ordinance, as well as the applicable annual license fee; and

(c) demonstrate that it intends to engage in the provision of online gaming services;

(3) An application submitted under subsection (2) must be accompanied by the documentation specified in the prescribed form or any other information as the Authority may require.

(4) An application for a licence and all documents submitted pursuant to this Ordinance in support of the application must be signed by an authorised officer of the applicant.

(5) In considering an application for a licence, the Authority shall conduct such investigation as it may deem necessary to ascertain:

(a) the validity of the documents submitted with the application;

(b) the financial condition and history of the applicant;

(c) the ownership, structure, control and management of the applicant;

(d) the nature of the business of the applicant to ensure the appropriate class of licence is being applied for;

(e) the background and experience of the persons who are to constitute the applicant's senior management staff.

(6) The Authority may not recommend that a licence be granted unless it is satisfied that:

(a) the applicant has sufficient expertise in relation to the class of licence it has applied for;

(b) the applicant is a fit and proper person to carry on such business.

(7) In determining for the purpose of this Ordinance whether an applicant is a fit and proper person, regard shall be had to all the circumstances including the applicant's:

(a) honesty, integrity and business and professional reputation;

(b) probity, competence and soundness of judgment for fulfilling the responsibilities undertaken;

(c) competence and capability in the area of the online gaming industry; and

(d) financial soundness of the applicant in the case of a licensee which is a local company.

(8) Without prejudice to the generality of the provisions under subsection (7), regard shall be had to the previous conduct and activities in business of the person in question and in particular to any evidence that the person has:

(a) committed an offence involving fraud, dishonesty or violence, or

(b) engaged in any business practices appearing to be deceitful, oppressive or otherwise improper.

(9) In reviewing applications for licence, the Authority shall apply rules of due diligence, anti-money laundering and counter financing of terrorism, no less stringent than the standard established by the laws of the Federation of St Kitts and Nevis generally.

(10) For the purposes of reviewing applications, the Authority may introduce Regulations governing the procedures and policies by which such applications will be assessed.

11. Confidentiality by Authority

The Authority shall keep all information, records, documents, reports, statement, memoranda or other data supplied to it by an applicant and used by the Authority in the course of its review or investigation of an application for a licence or renewal of licence confidential.

12. Collaboration with other Agencies

Notwithstanding Section 11, the Authority may liaise with other agencies and shall conduct joint examinations and inspections of applicants and licensee where the need arises with any of the following:

- (a) Ministry of Finance;
- (b) Inland Revenue Department;
- (c) Financial Intelligence Unit;
- (d) Royal St. Christopher and Nevis Police Force;
- (e) White Collar Crime Unit;
- (f) Bureau of Standards;
- (g) The Financial Services Regulatory Commission; or
- (h) any other Ministry, Department or agency of Government authorised by the Administration.

13. Payment of fees and penalties

(1) All relevant application and license fees are payable at the time of submitting an application for a license.

(2) Fees paid under this Ordinance shall be payable to the management company which manages the Authority.

14. Issuance of licence

(1) The Authority, after consideration of an application, may approve the application if it is satisfied that:

- (a) the applicant satisfies the requirements of this Ordinance in respect of the application and will, upon issuance of the licence, be in compliance with this Ordinance;
- (b) the applicant satisfies the fit and proper criteria to carry on online gaming services;
- (c) the issuing of the licence is not against public policy.

(2) Where the application is approved, the Authority shall, within 7 days of such approval and payment of the requisite fee, recommend that the Minister issue a licence to an applicant.

(3) The Minister shall within 7 days after receipt of a recommendation from the Authority, issue a licence to the applicant.

(4) A licensee under this Ordinance shall not be required to be licensed under the Licences for Business and Occupations Act, Cap. 18.20.

(5) A licence issued under this Ordinance is not transferable.

(6) No person to whom a licence is issued under this Ordinance shall transfer or assign that licence to another person.

(7) New majority ownership or control of an existing licensee shall require a new application for a licence to the Authority.

15. Refusal of licence

(1) The Authority may recommend that the Minister refuse to issue a licence to an applicant under this Ordinance where that applicant fails to satisfy the requirements for the issuance of a licence.

(2) Where the Minister refuses to grant a licence in accordance with subsection (1), the Minister shall give reasons for the refusal and inform the applicant of its decision within 7 days of receipt of the recommendation.

(3) An applicant whose licence is refused under this section, may submit any requested or additional information to the Authority which would allow it to satisfy the requirements for the issuance of a licence.

16. Conditions for issuance and retention of licence

(1) A licence issued by the Minister shall specify the class of licence granted.

(2) A licence issued by the Minister shall be subject to the conditions that the licensee:

(a) carries on business only in accordance with the class of licence issued;

(b) informs the Authority by notice in writing within 30 days of any change, or proposed change, in the information contained in, or supplied with the last application for a licence;

(c) informs the Authority of any change of address of the licensee;

(d) shall, if a company, at all times have at least one director who must be an individual.

(3) The Minister may amend a condition or conditions of a licence if the Authority recommends that it is necessary or desirable to make such amendment for the proper conduct of online gaming services by the licensee or that the amendment is otherwise necessary in the public interest.

(4) If the Minister decides to amend a condition or conditions of a licence, the Minister shall promptly give written notice of the amendment to the licensee of the change and provide reasons for the amendment.

(5) Any amendment to the licence of a licensee made by the Minister shall take effect on the date it is approved by the Minister.

17. Compliance Officer and Reporting Officer

A licensee shall appoint a Compliance Officer and a Reporting Officer in accordance with the provisions of the Financial Services Regulatory Commission (Minimum Guidelines for Compliance and Reporting Officers) Regulations, No. 11 of 2018.

18. Publication of licensees

The Authority shall publish a list of licensees at such time and in such place as the Minister may prescribe in Regulations. The list shall contain the following information:

- (a) the name of the licensee;
- (b) the address of the registered office of the licensee;
- (c) the contact information of the licensee;
- (d) the class of licence issued to the licensee and the validity and duration of such license;
- (e) the status of the licensee and if suspended, restricted, revoked or expired.

19. Validity and duration of licence

A licence issued under this Ordinance shall be valid from the date of the first issue and shall expire on the anniversary date of its issuance unless suspended or revoked by the Minister in accordance with this Ordinance.

**PART IV
ENFORCEMENT**

20. Restriction on licence

Where the Authority is satisfied that a licensee:

- (a) has contravened the provisions of this Ordinance, or
- (b) has failed to comply with the conditions of its licence,

the Authority may recommend that the Minister restrict the licence of the licensee by the imposition of new or additional conditions on the licensee or require the taking of such action by the licensee as the Authority considers appropriate.

21. Suspension of licence

(1) The Authority may, if it thinks necessary as a matter of urgency for the protection of the public or as a result of any investigation in accordance with the Ordinance or Regulations made under this Ordinance, recommend that the Minister suspend the licence of a licensee for such period, as the Authority shall recommend to the Minister.

(2) Where a license is suspended under subsection (1) the Authority shall record the reasons for suspension and notify the licensee accordingly and that licensee shall, for the purpose of this Ordinance, be deemed not to be licensed from the date of notification of the suspension.

(3) Notice under subsection (2) shall be served at the licensee's registered office and shall be published in the Gazette and on the official website of the Authority.

22. Revocation of licence

(1) The Authority may recommend that the Minister revoke any licence to carry on online gaming services if the licensee:

- (a) has not commenced business within 90 days after the issuance of its licence;
- (b) has failed to comply with the conditions or restrictions of its licence;
- (c) is in breach of any duty or obligation imposed upon it by this Ordinance;
- (d) has ceased to carry on business under its licence in excess of 6 months;
- (e) is carrying on business in an unlawful manner;
- (f) has provided false or misleading information in respect of its application under this Ordinance or fails to inform the Authority where there is a material change in respect of the information so supplied;
- (g) fails to pay its annual fee to renew its licence, or
- (h) is no longer a fit and proper person.

(2) In addition to the powers conferred on the Authority under subsection (1), the Authority may also:

- (a) issue a written warning to the licensee;
- (b) issue a cease and desist order which requires the licensee to cease or desist from the practice or violation specified in the order, and
- (c) impose new or additional conditions on the licensee.

(3) When the Minister intends to revoke a licence under subsection (1), he shall give written notice by email or letter to the licensee at its registered office or to the email address provided with its license application, and that notice shall specify the grounds upon which the Minister proposes to make the revocation and shall require the licensee to submit a written statement of objection to the revocation within 30 days of receipt of the notice.

(4) A licensee aggrieved by any decision of the Minister under this section may, within 30 days after providing a written statement of objection to the revocation, apply to the Appeals Tribunal established under this Ordinance.

(5) Where the licensee is dissatisfied with the decision of the Appeals Tribunal, the licensee may apply to the Court.

(6) The Authority shall publish a notice of the revocation of a licence of a licensee in the Gazette and on the official website of the Authority.

(7) The licensee, on the revocation of its licence, shall surrender the licence to the Authority.

23. Providing online gaming services without a licence

(1) If the Authority has reasonable cause to suspect that:

(a) a person is carrying on online gaming services without a licence granted under this Ordinance; and

(b) evidence of contravention of section 7(1) is found on any premises within the Federation,

then the Authority may lay information on oath before a Magistrate as regards its suspicions.

(2) Upon filing of the information in subsection (1), the Magistrate may, by warrant, authorise the representative of the Authority named in such warrant to enter and search such premises with the assistance of the Police and seize any computers, laptops, books, accounts, records, vouchers and other documents, cheques, securities and cash as may be found on the premises relating to the conduct of online gaming services to ascertain whether the person is carrying on those without a licence.

(3) A warrant issued under subsection (2) may authorise the officer to:

(a) detain the books, computers, laptops, accounts, records, vouchers and other documents, cheques, securities and any cash for a period not exceeding 30 days;

(b) make copies of the books, accounts, records, vouchers and other documents and cheques, securities and cash; and

(c) retain the copies of the books, accounts, records, vouchers and other documents and cheques, securities and any cash.

(4) Where under this section a person has power to enter premises that person may, if necessary, use reasonable force to achieve entry.

(5) A person who obstructs the representative of the Authority named in the warrant in the exercise of any power conferred under this section commits an offence and is liable on summary conviction to a fine of \$5,000.00 or to imprisonment for a term of six months or to both such fine and imprisonment.

24. Transactions effected prior to suspension or revocation of licence

The suspension or revocation of a licence under this Ordinance does not void or affect any agreement, transaction or arrangement relating to the provision of online gaming services entered

into by the licensee before suspension or revocation of the licence and does not affect any right, obligation or liability arising under any such agreement, transaction or arrangement.

PART V ADMINISTRATION

25. Restriction on use of certain terms and names likely to mislead

(1) No person other than a licensee shall:

(a) use any word, either in English or in any other language, in the description or title under which they carry on business in or from within Nevis that, in the opinion of the Authority, suggests online gaming services;

(b) make any representation in any document or in any other manner that is likely to suggest that they are carrying on online gaming services.

(2) A licensee shall not be granted or continue to hold a licence under a name which:

(a) is identical to that of any company, firm, business, other licensee that so nearly resembles that name as to be misleading, or

(b) falsely suggests the patronage of or connection with some government official or Minister.

(c) in the opinion of the Authority is calculated to suggest falsely that the licensee has special status in relation to or derived from the Administration, or has the official approval of, or acts on behalf of the Administration or any of its departments or officials;

(3) The Minister may refuse to grant a licence to or revoke the licence of a person who contravenes subsections (1) and (2).

(4) A person who contravenes subsections (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding \$50,000.00 or to imprisonment for a term of 2 years or to both such fine and imprisonment.

26. Display of licence

(1) A licensee shall display and shall keep displayed a copy of its licence granted under this Ordinance in a conspicuous place on the website promoting the business of the licensee.

(2) A licensee that contravenes this section shall pay an administrative penalty in the sum of \$2,500.00 and a further penalty of \$1,000.00 per day during which it is in breach of the requirement under subsection (1).

27. Renewal of licence

(1) A licensee shall apply to the Authority for a renewal of its license at any time within 60 days prior to the expiration of its license.

(2) The licensee shall submit the application for renewal together with the non-refundable prescribed renewal fee and any applicable late fee to the Authority.

(3) Notwithstanding the prior approval of a licence, a licensee may not be granted a renewal of that licence where the Authority determines that the level of compliance with this Ordinance, its Regulations or any related enactments by a licensee are not satisfactory.

(4) Where the Authority recommends that the Minister refuse to renew a licence, it shall notify the licensee of the decision and provide reasons for the refusal.

(5) The Authority shall deliver that notice of refusal to renew a licence to the licensee not later than 30 days after the date of receipt of the application for renewal.

(6) A licence in respect of which the prescribed renewal fee remains unpaid on the anniversary date of its issuance shall lapse forthwith but, if within a period of 30 days after such anniversary, the person who held the licence prior to its lapse, pays the prescribed renewal fee and an administration fee equivalent to ten percent of the prescribed renewal fee, the Authority may renew the licence for the period ending on the next anniversary date of the issuance of the initial licence.

(7) Where a license has lapsed by reason of non-payment of the annual renewal fee, an administrative fee of ten per cent of the annual renewal fee, shall accrue every 30 days until the annual renewal fee is paid.

28. Surrender of licence

(1) A licensee who ceases to carry on online gaming services may surrender its licence to the Authority upon production of:

(a) evidence satisfactory to the Authority that its operations have ceased;

(b) if the licensee is a company wound up voluntarily, evidence that it is solvent and able on demand to pay all its debts in full.

(2) In the case of the surrender of licence in accordance with paragraph (b) of subsection (1), the Authority may apply to the Court for an order that the licensee be wound up either by the Court or subject to the supervision of the Court and where the Court so orders, the provisions of the Companies Ordinance relating to the winding up of companies by or subject to the supervision of the Court shall apply *mutatis mutandis*.

(3) An insolvent licensee may apply to Authority to surrender its licence and the Authority may, in its absolute discretion, approve the surrender by the licensee of its licence on such terms and conditions as it considers appropriate.

(4) Where a licensee surrenders its licence to the Authority and that licensee subsequently intends to engage in online gaming services then that licensee shall comply with the application requirements under this Ordinance for the issue of a licence.

(5) Where a licensee surrenders its licence under this section, no refund of any fee or any portion of such fee shall be permitted.

29. Duties of licensee

(1) A licensee shall, in respect of its online gaming services maintain financial records in Nevis that:

- (a) are sufficient to show and explain its transactions;
- (b) will at any time, enable its financial position to be determined with reasonable accuracy;
- (c) will enable its financial statements to be audited in accordance with this Ordinance.

(2) A licensee shall maintain its financial records at its registered office in Nevis.

(3) A licensee that contravenes this section shall be subject to an administrative penalty of \$15,000.00 and a daily penalty of \$1,000.00 for so long as the breach continues.

(4) A licensee shall retain all financial records for a period of at least five years after the termination of the business relationship to which such records relate.

(5) A licensee shall keep and maintain financial and operational records and shall submit financial and operational reports to the Authority upon request by the Authority and in the absence of a specific request to do so, the licensee shall submit such reports to the Authority on an annual basis.

(6) Annual reports provided to the Authority by a licensee under subsection (5) shall include detailed information on revenue, player data and compliance measures recorded during the period under review.

30. Audit requirements of licensee

(1) A licensee may be required to undergo independent audit from time to time.

(2) A licensee shall, within 3 months of the end of each financial year submit to the Authority financial statements which shall include at a minimum:

- (a) a statement of its financial position;
- (b) a statement of its income;
- (c) a statement of its cash flow;
- (d) a statement of equity, and
- (e) the notes to its financial statements.

(3) Upon receipt of the audited financial statements and accounts as required under subsection (2), the Authority may, by written notice to the licensee, require the licensee to provide further information or clarification about any matter referenced in the audit report.

(4) A licensee that fails to submit the audited financial statements and report or any further information required under this section shall pay the Authority an administrative penalty of \$500.00 for every day that the required documents or information remains outstanding.

31. Player registration, protection and fair gaming

(1) A licensee shall implement and maintain:

(a) fair gaming practices and ensure that all games and betting outcomes are random and unbiased;

(b) mechanisms for players to set personal limits, self-exclusion and access responsible gaming resources;

(c) measures to protect the personal and financial information of players including data encryption and privacy policies.

(2) A licensee shall not permit an individual to engage in online gaming on its online gaming website unless that person is registered as a player and for registration to take place, that individual must provide his identity, date of birth and place of residence.

(3) A licensee shall not allow an individual to be registered as a player until that individual's identity has been authenticated under the licensee's approved control system.

(4) A licensee shall provide players with all online gaming rules as well as the cost to the player and any other applicable fees.

(5) A licensee shall include mechanisms on its online gaming website that are designed to detect and prevent unauthorized use of its platform and to detect and prevent fraud, money laundering and collusion.

32. Responsible gaming practices of licensee

(1) A licensee shall display its licence in a clear, conspicuous and accessible manner on its online gaming website.

(2) A licensee shall display on the entry screen of its online gaming website a warning to persons who access the website of the possibilities of addiction to online gaming.

(3) A licensee shall not knowingly authorize any of the following individuals to establish an account or knowingly allow them to engage in online gaming on its online gaming website:

(a) an individual who is less than 18 years old;

(b) an individual whose name appears on any official local, regional or international watch list;

(c) an individual who has been convicted of money laundering.

(4) A licensee shall provide such mechanisms on its online gaming website that are designed to reasonably verify that a person who is seeking access or an existing player is 18 years of age or older.

(5) An individual who wishes to engage in online gaming offered by a licensee must satisfy the verification requirements provided by the licensee on its online gaming website before that individual can establish an account and engage in online gaming.

(6) A player under the age of 18 years who wins a prize or prizes by his participation in online gaming offered by a licensee on its online gaming website shall forfeit that prize or prizes to the Authority.

(7) A licensee which permits an individual listed under subsection (3) (a) (b) or (c) to participate in online gaming on its online gaming website contrary to the provisions of that subsection commits an offence and shall be liable on conviction to a fine not exceeding \$50,000.00.

(8) A licensee shall maintain a self-exclusion list of players who have voluntarily requested to be self-excluded.

(9) A licensee which permits an individual on the self-exclusion list to continue to engage in online gaming commits an offence and shall be liable to pay an administrative penalty of \$8,000.00 to be paid to the Authority.

33. Responsible gaming practices of players

(1) A player may request to be self-excluded from the online gaming website of a licensee.

(2) Where a player makes a request to be self-excluded from the online gaming website of a licensee, that player may not be reinstated for a period of 3 months from the date of self-exclusion.

(3) A player who is listed on a self-exclusion list maintained by the licensee but who continues to engage in online gaming with that licensee shall not be eligible to collect any winnings from such activities.

(4) A player may set personal limits on the amount he may wager in online gaming and that player may amend or revoke that limit from time to time by giving notice to the licensee.

34. Disposing of or acquiring interest in licensee

(1) A person owning or holding any share or interest, whether legal or equitable, in a licensee shall not sell, transfer, charge or otherwise dispose of his interest in the licensee, or any part of his interest unless the prior written approval of the Authority has been obtained.

(2) A person shall not, whether directly or indirectly, acquire an interest in a licensee unless the prior written approval of the Authority has been obtained.

(3) A licensee shall not, unless the prior written approval of the Authority has been obtained:

(a) cause, permit or acquiesce in a sale, transfer, charge or other disposition referred to in subsection (1);

(b) issue or allot any shares or cause or permit or acquiesce in any other reorganization of its share capital that results in a person acquiring a significant interest in a licensee or a person who already owns or holds a significant interest in the licensee, increasing or decreasing the size of his interest.

(4) An application to the Authority for approval under subsections (1), (2) or (3) shall be made by the licensee.

(5) The Authority shall not grant approval under this Section unless it is satisfied that, following the disposition or acquisition, the licensee will continue to meet the criteria for licensing specified under this Ordinance and any person who will acquire a significant interest in the licensee satisfies the fit and proper criteria under this Ordinance.

(6) A person who contravenes subsections (1) or (2) and licensee that contravenes subsection (3) shall be subject to an administrative penalty of \$15,000.00 and a daily penalty of \$1,000.00 if the breach continues.

PART VI

SUPERVISION AND INSPECTION

35. Regulator

(1) The Minister shall appoint an individual to be known as the Regulator to supervise and regulate licensees under this Ordinance.

(2) The Regulator shall assist the Authority in carrying out its functions and duties and ensure the proper administration of this Ordinance and compliance by licensees with the provisions of this Ordinance.

36. Powers and duties of Regulator

(1) The Regulator shall be responsible for:

(a) supervising licensees and maintaining a general review of the operations of licensees;

(b) examining or causing an examination to be made of each licensee from time to time in order to ascertain whether or not the requirements of this Ordinance have been complied with in relation to the carrying on of online gaming services;

(c) investigating any contravention of this Ordinance that he/she has reasonable grounds to believe has or may have been committed by a licensee, its directors, owners or senior management staff;

(d) examining accounts, books, records and audited financial statements of a licensee;

(e) examining and making recommendations to the Authority with respect to applications for licences.

(2) In the performance of duties under this Ordinance and in order to verify compliance with the provisions of this Ordinance by a licensee, the Regulator shall be entitled at all reasonable times:

(a) to have access to files and records of a licensee to conduct inspection of the licensee;

(b) to require the officers of a licensee to provide information and explanations in relation to the affairs of the licensee;

(c) request any relevant information from the licensee either annually or on a regular basis.

37. Examination and supervision

(1) A licensee shall be subject to inspection and examination by the Regulator acting on behalf of the Authority on a regular basis.

(2) The Regulator shall conduct off-site supervision of the business of the licensee for the purpose of ensuring that the provisions of this Ordinance and the anti-money laundering, countering the financing of terrorism and proliferation laws are being complied with.

(3) In the performance of the duties assigned and exercise of powers under this Ordinance, the Regulator shall be entitled at all reasonable times during an examination of a licensee:

(a) to have access to such books, records, vouchers, documents, cash and securities of the licensees;

(b) to request from the manager or any officer designated by the manager of the licensee such information or explanation as he deems necessary in accordance with the examination;

(4) The Regulator shall be permitted by a licensee to conduct an inspection without giving prior notice to the licensee of his intention to conduct that inspection.

(5) The Regulator shall be at liberty to request information from a licensee in furtherance of his duties under this Ordinance without having to go onsite to make such request and in response to a request made in this manner, the licensee shall have the option to submit the requested information electronically or hard copy.

(6) A licensee which fails to comply with any request made under this section shall be liable to payment of an administrative penalty in the sum of \$10,000.00 on account of such non-compliance.

(7) A person who, while an inspection or examination is being conducted:

(a) assaults or obstructs the Regulator, or officer of the Authority in the performance of his functions under this section;

(b) uses any threatening language to the Regulator or officer of the Authority in the performance of his functions under this section, or

(c) prevents or attempts to prevent, by the offer of any gratuity, bribe or other inducement, the Regulator or officer of the Authority from performing his functions under this section

commits an offence and is liable on summary conviction to a fine not exceeding \$25,000.00.

38. Preservation of confidentiality

No person who, in his capacity as Regulator or officers of the Authority, has acquired knowledge or information in relation to the business of a licensee shall disclose to any person any information obtained in relation to the licensee except:

(a) with the written authorisation of the licensee or its authorized representative;

(b) for the purpose of the performance of his duties within the scope of his employment in conformity with the provisions of this Ordinance;

(c) when lawfully required to make disclosure by a court of competent jurisdiction within the Federation; or

(d) under the provisions of any law of the Federation.

**PART VII
APPEALS**

39. Appeals Tribunal

(1) There is hereby established an Appeals Tribunal to receive, consider and determine appeals submitted by licensees aggrieved by a decision of the Authority.

(2) The Appeals Tribunal shall be comprised of three individuals appointed by the Minister as follows:

(a) an Attorney-at-Law with a minimum of 10 years admission to practice in the Federation;

(b) an independent individual with the requisite skill set and knowledge of the online gaming industry, and

(c) an independent individual with experience in finance.

(3) The Appeal Tribunal shall regulate its own procedure.

(4) Members appointed to the Appeals Tribunal shall serve for a period of 2 years and may be eligible for reappointment to serve for another 2 years after which they may no longer be eligible to serve having completed two terms.

40. Appeals

(1) An applicant aggrieved by a decision of the Minister to refuse its application for a licence, may, upon payment of the specified fee, apply to the Appeal Tribunal within 7 days of being notified of the decision and the Tribunal shall hear and determine such an appeal within 30 days.

(2) A licensee aggrieved by a decision of the Minister to revoke its licence may, upon payment of the specified fee, apply to the Appeal Tribunal within 30 days of the date of filing an objection with the Authority in relation to the revocation.

(3) The Appeal Tribunal shall consider an appeal submitted by a licensee and notify the licensee of its decision on the matter within 30 days of receipt of that licensee's application.

(4) A licensee shall have the right to appeal to the Court from any decision of the Appeal Tribunal.

(5) In respect of (1) and (2) above, the specified fee shall be \$10,000 which shall be refundable in the case of a successful appeal.

PART VIII MISCELLANEOUS

41. Immunities

Neither the Regulator nor any member, employee or staff of the Authority shall be liable for anything done or omitted in the discharge or purported discharge of their functions under this Ordinance unless it is shown that the act or omission was not done in good faith.

42. Regulations

The Minister may make Regulations for giving effect to the provisions of this Ordinance and without limiting the generality of the foregoing, may make Regulations respecting:

- (a) the forms to be used by applicants for a licence;
- (b) the criteria for eligibility for obtaining a licence;
- (c) fees payable under this Ordinance;
- (d) penalties payable under this Ordinance;
- (e) the handling, maintenance and recording of player information;
- (f) record keeping requirements of licensees;
- (g) capital and liquidity requirements of licensees;
- (h) anti-bribery and corruption controls;

- (i) data protection and security;
- (j) any other matter required to be prescribed under this Ordinance.



.....
HON MICHELLE SLACK-CLARKE
President

Passed in the Nevis Island Assembly this 29th day of April, 2025



.....
MS MYRA A. WILLIAMS
Clerk of the Nevis Island Assembly