

other person whom the Commission reasonably believes is required to be investigated, refuses to submit to any and all investigations required by the Commission for the purposes of assessing suitability.

Casino operator other than natural person

13 (1) Unless otherwise authorised by the Commission in writing, no corporation shall be eligible to apply for or hold a casino licence unless that corporation has its registered office in Bermuda.

(2) Where an applicant is a—

- (a) person other than a natural person; or
- (b) corporation with a corporate director,

the requirements and obligations set out in the Act and in any regulations made thereunder shall apply mutatis mutandis to any natural persons with de facto or de jure control of the applicant including any directors and officers, shadow directors, and shareholders.

(3) Each director and officer of a corporate casino licensee shall be required to apply for and hold a special employee licence unless otherwise agreed by the Commission.

Persons prohibited from applying

14 (1) Notwithstanding the provisions set out in Regulation 4(1) above, the following persons shall not be eligible to apply for a casino licence—

- (a) any person under the age of 18 at the time of submitting the application for a casino licence;
- (b) any person with an unspent conviction in any jurisdiction for any offence—
 - (i) involving dishonesty;
 - (ii) involving violence or threats of violence;
 - (iii) involving forgery, fraud, bribery, corruption, perjury or the assistance in any such offence;
 - (iv) involving the distribution of any controlled substance;
 - (v) involving the use of firearms, imitation firearms, or other prohibited or dangerous weapons;
 - (vi) involving sexual assault;
 - (vii) motivated by racial, sexual, or other prejudice;
 - (viii) related to gambling; or
 - (ix) related to money laundering or terrorist financing;
- (c) an undischarged bankrupt;
- (d) any person who has been refused a casino licence by the Commission or has had a casino licence revoked by the Commission in the 3 years prior to the proposed application for a casino licence.

(2) Where an applicant is a corporation, that applicant shall be ineligible if any director or officer would be ineligible if applying in his personal capacity, unless the Commission waives such ineligibility in writing.

(3) Where there is a current or pending charge in any jurisdiction the accused person shall not be ineligible under paragraph (1), however the Commission may stay an application for a casino licence until the determination of such charges.

(4) Where an application for a casino licence is stayed under paragraph (3), the Commission shall be entitled to determine any other application for a casino licence without reference to the stayed application.

General conditions

15 (1) By filing an application for a casino licence, an applicant agrees to—

- (a) abide by the provisions of the Act and any rules, regulations, codes or policies made pursuant to the Act;
- (b) waive any liability of the Commission, its members, employees and agents for any and all claims arising out of or in connection with the application for a casino licence process, including any disclosure or publication of materials or information in any manner other than a wilful unlawful disclosure or publication of material that the person knew was privileged;
- (c) provide all information and execute all releases as required by the Commission;
- (d) provide a bond or letter of credit as required by the Act or these Regulations; and
- (e) accept any and all risks of adverse publicity, embarrassment, criticism or other action, or financial loss which may result from such action, with respect to an application for a casino licence and agrees to waive any claim for damages against the Commission, its members, employees and agents as a result thereof.

(2) Upon the written request of the Commission an applicant shall provide such further or supplemental information within such time period as may be set out in the written notice.

(3) Where any application for a casino licence is found to be deficient, the Commission may, but shall not be required to, notify the applicant and the applicant shall remedy such deficiencies within the time period prescribed by the Commission.

Duty to notify of material change

16 (1) An applicant for a casino licence shall have an ongoing obligation to inform the Commission of any change in circumstances that may render the applicant ineligible, unqualified or unsuitable to hold the casino licence or may impact the opinion of the Commission in its assessment of the proposed casino or integrated resort.

(2) Any failure to update the Commission as required by paragraph (1) shall be grounds for the refusal of an application for a casino licence or, where a casino licence has been granted, shall be grounds for disciplinary action.

Prevention of corruption provisions etc.

17 (1) No applicant for or holder of a casino licence may give or provide, or offer to give or provide, directly or indirectly, any compensation or reward or any percentage or share of the money or property played or received through gaming, eGaming or bookmaking, to any relevant official for purposes of—

- (a) influencing or attempting to influence any act or decision of the relevant official in his official capacity;
- (b) inducing or attempting to induce the relevant official to do or omit to do any act in violation of the lawful duty of such relevant official;
- (c) securing or attempting to secure an improper advantage; or
- (d) inducing or attempting to induce the relevant official to use his influence with the government or instrument of government to affect or influence any act or decision of such government or instrument of government in relation to gaming.

(2) For the purposes of paragraph (1), compensation or reward shall include offering or delivering to a relevant official any complimentary services that are other than a service or discount that is offered to members of the general public in like circumstances.

(3) During the period in which a relevant official holds office and for 2 years after his retirement from office, no casino licensee may accept the provision of any goods or services by that relevant official other than in the ordinary course of the relevant official's duties.

(4) For the purpose of paragraph (3) "casino licensee" shall include an applicant for a casino licence, a provisional licence holder, or any affiliate, intermediary, subsidiary or holding company thereof.

(5) Without prejudice to any other provision of law, any applicant or licensee who contravenes paragraph (1) or (3), shall—

- (a) be refused a casino licence, if no casino licence has been granted; or
- (b) be subject to disciplinary action if a casino licence has been granted.

(6) The prohibitions set out in paragraph (3) may be permitted by the Commission at its sole discretion by prior notice in writing provided that the applicant or licensee is able to satisfy the Commission that in the particular circumstances, the proposed prohibited activity is not, and does not appear to be, inconsistent with the policy of transparency and the prevention of corruption and bribery.

Certification of documents

18 (1) An applicant should not provide originals of documents unless the document was created to be provided to the Commission as part of the application for a casino licence or an original is specifically requested by the Commission.

(2) Where original documents are provided the Commission shall be entitled to retain such documents for such period as it shall see fit.

(3) When providing certified copies of documents—

- (a) the person certifying the document must be an attorney with a valid practising certificate in the jurisdiction in which the certification takes place, and the attorney—
 - (i) must certify that he has been provided with the original document and that the copy document is a true copy of the original document; and
 - (ii) must provide his full name and contact details and must sign and date the document.
- (b) if the document is not in English an applicant must also provide an English translation and the translation company must certify—
 - (i) that it is a true and accurate translation of the original document;
 - (ii) the date of the translation; and
 - (iii) the full name and contact details of the translation company or if an individual the full name and contact details of that individual.

Privileged documents or information

19 (1) No applicant may refuse to disclose any document or information on the grounds that such document or information is privileged.

(2) Refusal of disclosure of any document or information based on privilege may result in the refusal of a casino licence.

Grounds for refusal

20 Without prejudice to the obligation of an applicant to satisfy the requirements of the Act and these Regulations, and without prejudice to any other grounds for refusal, it shall be grounds for refusal of a casino licence if an applicant—

- (a) submits any information which he knows or ought reasonably to know is false, inaccurate or misleading;
- (b) encourages or permits any person to submit information which the applicant knows or ought reasonably to know is false, inaccurate or misleading; or
- (c) fails to inform the Commission as soon as practicable upon discovering that any information submitted to the Commission is false, inaccurate or misleading.

Amendment to application for a casino licence

21 (1) An application for a casino licence may be amended, with the permission of the Commission, in relation to—

- (a) the RFP Process, at any time prior to the conclusion of the licensing hearing; or
- (b) any other matter, at any time prior to the grant or refusal of a casino licence under section 38 of the Act.

(2) When seeking permission to amend, the applicant must provide full details of the proposed amendment.

(3) Where the amendment relates to information available prior to the submission of the application for a casino licence, the applicant must provide full details as to why that information was not included in the original application for a casino licence.

Withdrawal of application for a casino licence

22 (1) An application for a casino licence may be withdrawn with the permission of the Commission.

(2) An application to withdraw under paragraph (1) shall be made by providing the Commission with a written request to withdraw along with an explanation as to the reason for the withdrawal in such form as the Commission may from time to time provide.

(3) The Commission may grant permission to withdraw, and may do so with or without prejudice and upon such terms as it sees fit.

(4) Permission to withdraw shall be provided by notice in writing and such notice shall state the date upon which the application for a casino licence shall be deemed withdrawn.

(5) The applicant shall continue to be liable to pay such fees or costs payable pursuant to the Act or any regulations until such date as the application for a casino licence is deemed withdrawn.

Third party agents

23 Any person engaged or instructed by the Commission shall be entitled to the benefit of any release, waiver or other immunity enjoyed by the Commission and shall have such powers as are granted to the Commission for the purposes of the engagement.

PART III

RFP PROCESS

Request for Proposal

24 (1) As part of the application for a casino licence the Commission shall invite applicants to provide such information as the Commission shall see fit in order for it to form an opinion pursuant to section 34 of the Act, and such invitation shall be in the form of a Request For Proposal ("RFP") document.

(2) The RFP Document issued by the Commission may—

- (a) stipulate essential minimum requirements to be complied with by applicants for a casino licence;
- (b) set forth the evaluation criteria to be applied in considering applications for a casino licence and the weight to be attached to each criterion; and
- (c) contain specific conditions or requirements which shall be binding on the applicants and the Commission may, upon failure to comply, refuse to consider an application for a casino licence.

Response to Request for Proposal

25 (1) An applicant for a casino licence shall respond to the RFP Document referred to in Regulation 24 by submitting a Response to the RFP in the form set out in the RFP Document.

(2) It shall be incumbent on the applicant to provide any and all information necessary for the Commission to form an opinion on the proposed integrated resort and casino.

(3) The Commission shall not be required to request information from the applicant in order to remedy any deficiencies in the application for a casino licence.

(4) The applicant shall ensure that its proposal includes sufficient material to satisfy the Commission that the proposed integrated resort and casino meets all requirements set out in the Act and in any regulations.