**The Malawi Gazette Supplement, dated 17th January, 2025, containing Regulations, Rules, etc. (No. 2A)**

GOVERNMENT NOTICE NO. 4

GAMING AND LOTTERIES ACT

(NO. 34 OF 2022)

GAMING AND LOTTERIES (ADVERTISING AND MARKETING) REGULATIONS, 2025

IN EXERCISE of the powers conferred by section 91 of the Gaming and Lotteries Act, 2022, I, VERA KAMTUKULE, Minister of Tourism, on the recommendation of the Authority, make the following Regulations—

Citation

1. These Regulations may be cited as the Gaming and Lotteries (Advertising and Marketing) Regulations, 2025.

Interpretation

2. In these Regulations, unless the context otherwise requires

"licensee" means a holder of a licence under the Act;

"mobile advertising" means an advertisement that appears on mobile devices including, but not limited to, smartphones, tablets and computers; and

"outdoor advertising" means a form of advertisement that reaches consumers when they are outside their homes including billboards, bus benches, interior or exterior of public or private transportation or in public transportation areas.

Application

3.—(1) These Regulations shall apply to—

(a) all licensees; and

(b) any person providing any service to, or on behalf of, or in any way in collaboration with, a licensee.

(2) These Regulations shall apply to all forms of advertising, including print advertising, broadcast advertising, transit advertising, outdoor advertising, online advertising, direct mail advertising and mobile advertising.

Prohibition to publish an unauthorized advertisement or marketing material

4.—(1) A person shall not promote, advertise, publish, or cause to be published any advertisement or marketing material with respect to any betting, gaming or lottery operation, unless the operation is duly authorized under the Act.

(2) For purposes of subregulation (1), any advertisement of a gaming and betting machine or device, or betting, gaming and lottery activity, licensed premises or website at which betting, gaming or lottery activities are available shall include a statement warning against the dangers of addictive and compulsive betting, gaming or lottery in the following words—

"Gaming and betting are addictive and can be harmful to your life".

(3) Where betting, gaming or lottery advertisement is carried in a language other than English, the statement in subregulation (2) shall be translated into that language and added to the advertisement.

(4) A person who contravenes this regulation shall be liable to an administrative penalty of up to K10,000,000.

Advertisement to be vetted

5. The Authority shall vet and approve, in writing, any advertisement made pursuant to the Act before it is disseminated to the public.

Prohibitions with respect to advertisement, etc.

6. A person who develops an advertisement or marketing material on betting, gaming or lotteries shall ensure that the advertisement does not—

(a) portray, condone or encourage behaviour that is criminal or socially irresponsible or that could lead to financial, social or emotional harm, or directly or indirectly encourage anti-social or violent behaviour;

(b) suggest that betting, gaming or lottery can be a solution to social, educational, professional or personal problems;

(c) suggest that betting, gaming or lottery can be an alternative to employment, a solution to financial concerns or a form of financial investment;

(d) portray betting, gaming or lottery as socially attractive or suggest that it can improve self-image or self-esteem, or is a way of gaining control, superiority, recognition or admiration;

(e) portray betting, gaming or lottery in a context of toughness or link it to resilience or recklessness;

(f) portray betting, gaming or lottery as indispensable or as taking priority in life, for example over family, friends or professional, or educational commitments;

(g) suggest that solitary betting, gaming or lottery is preferable to social betting, gaming or lottery;

(h) suggest that skill can influence the outcome of a game that is purely a game of chance;

(i) provide false or untruthful information about the chances of winning or expected return from betting, gaming or lottery;

(j) contain any lewd or indecent language, images or actions;

(k) exploit cultural beliefs or traditions about gaming or luck; or

(l) make reference to instantly available consumer credit services, or any other ways of providing credit to players.

Protection of children and vulnerable persons

7.—(1) An advertisement or marketing material shall be socially responsible, with particular regard to the need to protect children and other vulnerable persons from harm or exploitation.

(2) An advertisement or marketing material shall prominently display, for its entire duration, a sign indicating the minimum age to participate in the betting, gaming or lottery activities being promoted.

(3) An advertisement or marketing material shall not—

(a) be directed towards children or vulnerable persons;

(b) encourage or target children or vulnerable persons to play a game;

(c) feature children;

(d) contain language and symbols, or use animations or characters, that appeal to children or vulnerable persons in any way;

(e) use role models, social media influencers, celebrities or entertainers who may reasonably be expected to appeal to children; or

(f) exploit the susceptibilities, aspirations, credibility, inexperience or lack of knowledge of children or vulnerable persons, or present betting, gaming or lottery as a sign of maturity or move to adulthood.

Usage of data about players

8. A licensee shall not use any statistical data about players, or groups of players, based on patterns and demographics, or other data, or metadata, to urge or induce vulnerable persons, or any persons, fitting the profile of a person with a gaming problem to play.

Information to be displayed

9. An advertisement or marketing material under the Act shall clearly display—

(a) the name of the licensee;

(b) a reference that the advertisement or marketing material has been vetted and approved by the Authority; and

(c) a warning statement as prescribed in regulation 4(2).

Placement of advertisement or marketing materials

10. An advertisement or marketing material shall not be placed or displayed at—

(a) venues where the audience may reasonably be expected to be children;

(b) educational institutions, or at facilities where children usually convene; and

(c) places of worship.

Display to include material information when space is limited

11.—(1) Where an advertisement or marketing material is limited by time, or space, it shall include as much material information as is practical, and shall direct players to an easily accessible alternative source where all the material information is prominently displayed.

(2) Where the advertisement or marketing material is of digital nature, the material information shall be displayed no further than one click away from the advertisement or marketing material itself.

Unsolicited advertisement, etc.

12.—(1) A licensee or its agent shall not engage in any activity that involves the sending of unsolicited advertisement or marketing material, whether it is through its own operation or by the intervention of third parties.

(2) A person who contravenes this regulation shall be liable to an administrative penalty of up to K15,000,000.

Marketing schemes

13.—(1) Any marketing scheme purporting to grant any advantage or opportunity to a player shall not be misleading and shall—

(a) be clear as to the extent of the commitment the player should make to take advantage of any offer;

(b) not omit or hide material information, or present it in a manner which is unclear, unintelligible or ambiguous;

(c) provide all material information, including wagering, or deposit requirements, which should be fulfilled by a player in order to become entitled thereto; or

(d) include terms and conditions referring to all material information relating to the scheme, which shall be expressly agreed to by the players before being enrolled in the scheme and shall thereafter always be readily available and accessible to the player who has subscribed to the scheme.

(2) A licensee shall design the marketing scheme in such a way that players are able to constantly chart their progress towards fulfilling the requirements of the marketing scheme in order to benefit from any opportunity or advantage granted by the marketing scheme.

Made this 22nd day of November, 2024.

V. KAMTUKULE
*Minister of Tourism*

(REF. NO. MOT/DOT/1/12/1)

GOVERNMENT NOTICE NO. 5

# GAMING AND LOTTERIES ACT

(NO. 34 OF 2022)

## GAMING AND LOTTERIES (ELECTRONIC MONITORING SYSTEM) REGULATIONS, 2025

IN EXERCISE of the powers conferred by section 91 of the Gaming and Lotteries Act, 2022, I, VERA KAMTUKULE, Minister of Tourism, on the recommendation of the Authority, make the following Regulations—

Citation

1. These Regulations may be cited as the Gaming and Lotteries (Electronic Monitoring System) Regulations, 2025.

Interpretation

2. In these Regulations, unless the context otherwise requires

"data" means information shared between a monitoring system and a licensee's network;

"interconnection" means the physical or logical linking of a licensee's network to the monitoring system of the Authority, for the purpose of allowing real time submission of data;

"interface points" means the point of interconnection between a licensee's network and the monitoring system;

"licensee" means a holder of a licence under the Act;

"monitoring system" means an electronic, mechanic or other instrument, device, equipment or apparatus which is used, or can be used, whether by itself or in combination with any other instrument, device, equipment or apparatus, to monitor the activities of licensees and permit holders, as established in accordance with regulation 4;

"processing" in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data; and

"submission" includes automated, real time electronic delivery of data through common platforms linked between a licensee's network and the monitoring system.

Objectives

3.—(1) The main objective of these Regulations is to provide for a framework for discharging monitoring functions of the Authority using the electronic monitoring system.

(2) Without prejudice to the generality of subregulation (1), the specific objectives of these Regulations shall be to—

(a) provide for the establishment and utilization of an electronic monitoring system by the Authority;

(b) consolidate the monitoring functions of the Authority in the areas regarding quality of service, revenue assurance, fraud detection and management, and other applicable regulated areas;

(c) ensure the security of data submitted for the use of the Authority's monitoring system;

(d) determine the scope of data submitted to the Authority's monitoring system; and

(e) outline the processing scope of data submitted to the Authority's monitoring system.

Establishment of the Authority's electronic monitoring system

4.—(1) The Authority shall establish a system using any established technology for monitoring and ensuring compliance, by licensees, with the Act.

(2) The Authority may engage another person to provide technical assistance for the establishment, management or maintenance of the monitoring system provided that the person engaged, pursuant to this regulation, shall not be a licensee or in any way, be connected to a licensee.

(3) The Authority shall interconnect its monitoring system with a licensee's network, in accordance with these Regulations, to facilitate submission of data to the Authority.

(4) The Authority shall implement its monitoring system in a manner that does not compromise or cause damage, in any way, to a licensee's network.

Linking monitoring system to licensee's network

5.—(1) The Authority shall establish, in coordination with a licensee, appropriate—

(a) interface points for the monitoring system; and

(b) links between the licensee's network and the monitoring system.

(2) A licensee shall

(a) integrate the monitoring system through the interface points provided by the Authority;

(b) ensure real time submission of data between its network and the monitoring system, at all times;

(c) seek approval of the Authority of any proposed changes or modification in its network that would affect the operation of the monitoring system; and

(d) comply with any orders made by the Authority, pursuant to the Act.

Authority to ensure interoperability of monitoring system network

6. (1) A licensee shall ensure interoperability of its network with the monitoring system of the Authority.

(2) Where the monitoring system does not interoperate with a licensee's network, the licensee shall bear the cost of making sure that there is interoperability.

Licensee to submit information and data to the Authority

7. (1) A licensee shall, on request from the Authority and within seven days of receipt of such request

(a) submit, periodic reports, statistics and other data in the manner and format as specified by the Authority; and

(b) comply with any directive by the Authority, in order to facilitate the establishment or operation of the monitoring system.

(2) A licensee shall allow the Authority or a person authorized by the Authority, access to any of its information and facilities or equipment at any reasonable time, or whenever an emergency situation exists, for the purposes of verifying the licensee's compliance with these Regulations.

(3) A licensee who contravenes this regulation shall be liable to an administrative penalty of up to K20, 000, 000.

Interface points

8. (1) The Authority shall, in order to interconnect its monitoring system with a licensee's network, specify interface points using industry's best practices.

(2) The Authority shall, pursuant to subregulation (1), submit an interconnection request to the licensee which shall

(a) be in writing;

(b) specify the data and the format for interconnection; and

(c) specify any other information deemed necessary by the Authority.

(3) A licensee shall, within the period and at interface points specified by the Authority, interconnect with the Authority's monitoring system.

(4) Each party shall bear the cost of establishing the interface points where the interconnection between the monitoring system and the licensee's network are interfacing.

(5) Where there are incompatibilities between the systems of the licensee and the Authority, the licensee shall bear the cost of establishing compatibility for the connection.

Links to the Network Operating Centre

9.—(1) The Authority shall facilitate and establish a secured link to the interface points under regulation 8 and its Network Operating Centre.

(2) The Authority shall deploy secure, appropriate, reliable and efficient technology for linking the interface points to the monitoring system.

(3) The Authority shall bear the cost of the virtual private network establishing the connectivity between the interface points and maintaining the link between the interface points with the licensee's network and the Network Operating Centre.

(4) A licensee shall be responsible for the cost of the virtual private network link and bandwidth from the licensee's network to the interface point.

(5) For purposes of this regulation, "Network Operating Centre" means the central point where the Authority—

(a) monitors links between a licensee's network and the Authority's monitoring system;

(b) establishes its data centre for the monitoring system; and

(c) processes data submitted to the monitoring system to generate monitoring reports.

Scope of data processing

10.—(1) The Authority shall ensure that data submitted, collected, recorded and processed by its monitoring system includes—

(a) raw data records;

(b) switch counters; and

(c) any other data that can be used for monitoring purposes.

(2) The Authority shall process data anonymously, where the processing of such data by the monitoring system may result into identification of a person.

(3) For purposes of this regulation, "switch counter" means any technical information generated in a licensee's network elements, which can be used to—

(a) monitor the licensee's network performance; and

(b) evaluate the quality of service provided by the licensee to its players.

Use and processing of data

11.—(1) The Authority shall process data of a licensee submitted, or recorded by the Authority's monitoring system, for the following purposes—

(a) enforcing compliance in the areas of—

(i) revenue assurance;

(ii) fraud detection and management;

(iii) player protection;

(iv) illegal activities elimination; and

(v) responsible gaming enforcement;

(b) resolution of interconnection disputes, or any other disputes related to the scope of the information, recorded by the monitoring system;

(c) resolution and mediation of player and licensee disputes related to the information transmitted and recorded by the monitoring system; and

(d) any other purposes related to monitoring and enforcement functions of the Authority under the Act.

(2) When processing the data under subregulation (1), the Authority shall ensure that

(a) the data is relevant to the monitoring mandate of the Authority;

(b) the data is adequate for the purpose for which it is being mined;

(c) the processing is done in a lawful manner in accordance with the objectives of these Regulations; and

(d) the data is processed fairly, without discriminating any licensee.

Unlawful interference with the monitoring system

12. (1) A person who willfully removes, destroys or damages any installation, software, hardware, or any other element of the monitoring system commits an offence and shall, upon conviction, be liable to a fine of K20,000,000 and imprisonment for two years.

(2) A person who, without lawful authority

(a) secures access to any program or data transmitted or held on the monitoring system with intent to commit or facilitate the commission of an offence;

(b) does a direct or indirect act which the person knows will cause unauthorized modification of any program or data transmitted or held on the monitoring system;

(c) secures access to the monitoring system or intercepts or causes to be intercepted, directly or indirectly, data transmitted or held on the monitoring system, through any function of the system;

(d) discloses any password, access code or other means of gaining access to the monitoring system to an unauthorized person;

(e) employs any protocol, standard or device on its interconnection with the Authority's monitoring system or that is designed or has the effect of rendering the licensee's network or monitoring system incapable of interconnection or interoperability;

(f) knowingly, engages in any conduct which causes the network transmitting data to the monitoring system, or any part of the monitoring system, to malfunction, record or transmit distorted data, or cease to function effectively; or

(g) contravenes any provision in these Regulations,

commits an offence and shall, upon conviction, be liable to a fine of K20,000,000 and imprisonment for two years.

(3) In addition to any penalty for which a person is liable for an offence under this regulation, the person shall also be liable to pay compensation for the damage or loss occasioned as a result of the commission of the offence.

Unlawful disclosure of information

13. (1) The Authority or any other person authorized by the Authority to exercise powers and functions under these Regulations shall not use or disclose—

(a) any information regarding any player or any licensee for purposes other than those provided by these Regulations, unless the player or the licensee gives prior written consent to such other use; or

(b) the content of any data or information transmitted or intended to be transmitted over the monitoring system, unless required to do so by a court order.

(2) A person who contravenes subregulation (1) commits an offence and shall, upon conviction, be liable to a fine of K10, 000,000 and imprisonment for twelve months.

Administrative penalty

14. The Authority may impose the following administrative penalties on a defaulting licensee for contravention of these Regulations—

(a) issuance of a compliance order;

(b) issuance of a cease and desist order;

(c) suspension of a licence;

(d) revocation of a licence; or

(e) any other penalty that the Authority considers necessary.

Transitional arrangement

15. (1) All existing licensees shall, within three months of establishing the electronic monitoring system, comply with the requirements of the Regulations.

(2) The Authority may, where no good cause is shown for non-compliance with subregulation (1)—

(a) suspend the licence; or

(b) in the case of continued non-compliance, revoke the licence.

Made this 22nd day of November, 2024.

V. KAMTUKULE
*Minister of Tourism*

(REF. NO. MOT/DOT/1/12/1)

GOVERNMENT NOTICE NO. 6

GAMING AND LOTTERIES ACT

(NO. 34 OF 2022)

GAMING AND LOTTERIES (INTERNET GAMING) REGULATIONS, 2025

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IN EXERCISE of the powers conferred by section 91 of the Gaming and Lotteries Act, 2022, I, VERA KAMTUKULE, Minister of Tourism, on the recommendation of the Authority, make the following Regulations—

## PART I PRELIMINARY

Citation

1. These Regulations may be cited as the Gaming and Lotteries (Internet Gaming) Regulations, 2025.

Interpretation

2. In these Regulations, unless the context otherwise requires

"control system" means software, hardware, systems and standards that affect the outcome of the authorized internet gaming;

"key person" means a director of an applicant company, shareholder with not less than five per cent shareholding, an employee holding a managerial position and any position that the Authority may deem to be a key position;

"material change" means a significant change in information previously provided to the Authority;

"nominated account" means an account nominated by a player held with a financial institution for the movement of funds in relation to internet gaming and shall include a cheque or credit card account but does not involve cash transaction;

"player" means a person who participates in an internet gaming activity; and

"player account" means an account against which a licensee has a right to debit the amount of a bet or wager or credit winnings.

Application

3. These Regulations shall apply in respect of

(a) internet gaming activities licensed under the Act; and

(b) players based within Malawi.

## PART II LICENSING

Application for internet gaming licence

4. (1) A person who has an existing sports betting, gaming or National Lottery licence may apply for an internet gaming licence.

(2) An application for an internet gaming licence shall be submitted to the Authority in a form as specified in Form 1 of the *First Schedule*.

(3) An application made under subregulation (2) shall be accompanied by a personal declaration form by key persons as set out in Form 2 of the *First Schedule*.

Issue or rejection of internet gaming licence

5. (1) The Authority may, upon receipt of an application under regulation 4(2) and upon considering the application

(a) issue a licence to the applicant to conduct internet gaming as set out in the *Third Schedule*; or

(b) reject the application and give reasons for the decision.

(2) The Authority shall issue a licence referred to in subregulation (1) (a), after the applicant has paid the licence fee as set out in the *Second Schedule*.

Investigations

6. An applicant for a licence shall, where the applicant has a new technical partner, be subjected to probity investigations to determine the technical partner's suitability.

Conditions attached to a licence

7. The Authority may impose conditions to the licence issued under regulation 5 in respect of

(a) the technical standards and method of operation of internet gaming;

(b) the technical specification and standards for internet gaming software and equipment;

(c) nature and specifications of internal control systems and procedures; and

(d) any other condition as the Authority may deem appropriate.

Duration of internet gaming licence

8. The validity period of an internet gaming licence shall be tied to the validity of the other existing sports betting, gaming or National Lottery licence and may only be renewed for further periods upon the licensee renewing the existing licence.

PART III OPERATIONS

Physical location of servers

9. (1) A licensee may have its primary server and financial control system located within Malawi.

(2) A licensee shall, where servers are located outside Malawi, have its mirror servers located within Malawi.

*(3)* A licensee shall, within the hosting environment, address at least the following critical areas, as specified in the *Fourth Schedule*

(a) location of servers;

(b) building facilities;

(c) building safety and security;

(d) disaster recovery; and

(e) internal access procedures.

(4) A primary server and financial control system shall, at a minimum, contain all information relating to all players including game history, financial history and current liabilities and the information shall be maintained for a minimum period of seven years.

(5) For purposes of this regulation, "financial control system" means a computer system containing replicated near real time financial and player data from the internet gaming activity.

Architectural topology

10. A licensee shall submit a plan of the hosting environment with an architectural topology for approval by the Authority prior to operations.

Contingency and recovery plan

11. (1) A licensee shall put in place business continuity plans and disaster recovery plans to ensure ability to operate on an ongoing basis and limit losses of severe business disruption for the duration of a licence.

(2) The business continuity plans and disaster recovery plans under subregulation (1) shall

(a) cover all critical business processes; and

(b) take into account different types of plausible scenarios.

(3) A licensee shall annually review its business continuity plans and disaster recovery plans so that they are consistent with its current operations and business strategies and the licensee shall, within seven days of completion of the review, submit a copy of a report to the Authority.

(4) A licensee shall annually test the business continuity plans and disaster recovery plans to ensure that the licensee would be able to execute them in the event of severe business disruption and the licensee shall, within seven days of completion of the test, submit a copy of a report to the Authority.

Administration centre

12. A licensee shall maintain, within Malawi, a physical administration centre with key persons in finance, administration and technical.

Player identification

13. (1) A licensee shall require a player, wishing to participate in internet gaming, to submit one of the following documents to the licensee

(a) national identity card;

(b) in case of a non-Malawian citizen, a passport; or

(c) any other identity or document as may be approved by the Authority.

(2) A licensee shall not accept any wager from a player until the player's identity has been authenticated in accordance with the approved control systems.

Player registration

14. (1) A licensee shall register a player before the player is allowed to play internet gaming.

(2) A player shall register by completing and submitting application form which shall include the following—

(a) full names;

(b) date of birth;

(c) national identity number or passport number or any other proof of identity as the Authority may approve;

(d) residential and postal address of the player;

(e) confirmation that the player is at least eighteen years; and

(f) player's nominated account details.

(3) The registration form shall contain a clear statement concerning under age play and responsible gaming.

(4) A licensee shall not register a player unless the player's identity has been authenticated in accordance with the licensee's approved control systems.

(5) A player shall, upon being registered, only be permitted to have one active player account at a time.

(6) A licensee shall issue a player, who has created an account with the licensee, with an individual account user name and password for access to his or her account.

(7) A licensee who contravenes this regulation shall be liable to an administrative penalty of up to K8,000,000.

Refusal to register

15. A licensee may refuse to register a person as a player in an authorized game under a name that is obscene, indecent or offensive.

Nominated account

16. (1) A player shall not participate in an internet gaming unless the player has a nominated account with a bank, financial institution or system operator for the movement of the funds.

(2) The account in subregulation (1) shall be nominated by a player during the registration process under regulation 14.

(3) A licensee may accept payments from a player by any of the following methods—

(a) debit cards or stored value accounts;

(b) electronic or wire transfer;

(c) recharge vouchers;

(d) mobile phone transfers; or

(e) any other method approved by the Authority.

(4) For purposes of this regulation

"bank" bears the meaning assigned thereto under the Banking Act; Cap. 41:01

"financial institution" bears the meaning assigned thereto under the Financial Services Act; and Cap. 45:05

"system operator" bears the meaning assigned thereto under the Payment Systems Act. Cap. 74:01

Acceptance of wager

17. A licensee shall not accept a wager from a player in internet gaming unless a player account has been established in the name of the player and there are adequate funds in the account to cover the amount of the wager.

Separation of accounts

18. A licensee shall open a separate account for player balances to be separately identifiable at all times.

Access of player account by licensee

19. A licensee may only have access to the player account in order to

(a) debit the player account with the amount of a wager for internet gaming;

(b) credit the player account with the amount of winnings;

(c) credit the player account with the amount of bonuses;

(d) when requested by a player, transfer the funds from player account to nominated account;

(e) close the player account if it has remained inactive for a period of more than one hundred and eighty days; or

(f) effect manual adjustments duly authorized by the licensee's management, a report of which shall be submitted to the Authority within twenty-four hours.

Remittance of balances

20. (1) Where a licensee has closed a players account under regulation 19 (*e*), the licensee shall within five working days remit any balance to the player's nominated account.

(2) A licensee who contravenes subregulation (1) shall be liable to an administrative penalty of up to K5,000,000.

Interrupted or incomplete games

21. (1)Where a player's participation in a game is interrupted due to a failure in the operating or telecommunications system or as a result of any system error, the gaming system shall provide a mechanism for a player to

(a) resume his or her participation in a game when the gaming system is restored in the same state as immediately before interruption;

(b) complete an incomplete game; or

(c) discontinue his or her participation in that game.

(2) Where participation in the game cannot be continued, within a reasonable time or at all, the game shall be terminated.

(3) Where participation in the game has been terminated as contemplated in subregulation (2), a licensee shall

(a) refund the amount wagered in the game to the players;

(b) if a player has accrued credit at the time the game was interrupted, pay to the player the monetary value of such credit; and

(c) resolve any matter arising from the termination.

(4) Where a licensee is unable to resolve the matter, the licensee shall

(a) within forty-eight hours, report to the Authority of the circumstances of the incident; and

(b) not conduct a further game, if the game is likely to be affected by the same error or fault.

(5) The Authority shall investigate the incident reported under subregulation (4) and provide a determination within forty-eight hours of the receipt of the report.

(6) The Authority may, after investigating the incident, direct a licensee to

(a) refund the amount wagered in the game to the players;

(b) if a player has accrued credit at the time the game was interrupted, pay to the player the monetary value of such credit; or

(c) undertake whatever measures the Authority considers appropriate in the circumstances.

## PART IV PRIZES

Prizes

22. (1) Where a player wins a monetary prize, a licensee shall immediately credit the amount of the prize to the player account.

(2) Where a player wins a non- monetary prize, a licensee shall have the prize delivered personally or by certified mail to an address provided by the player.

(3) In the event that a licensee has for good reasons failed to deliver personally or by certified mail to an address provided by the player under subregulation (2), the licensee shall give the player a written notice of an address at which the prize may be collected and costs for collection of the prize shall be borne by the licensee.

(4) In the event a non-monetary prize is not collected within sixty days after notification of the place at which it may be collected, a licensee may dispose of the prize by public auction or tender or in some other manner approved by the Authority.

(5) Alicensee shall pay expenses of the disposal from the proceeds of the sale and remit the remainder of the proceeds to the Fund.

## PART V CONTROL SYSTEMS

Standards, specifications and guidelines

24. (1) The Authority shall establish technical standards, specifications and guidelines in relation to gaming equipment and systems.

(2) Gaming equipment and systems, whether under the direct control of a licensee or a third party, shall form part of the control systems and subject to regulations relating to control systems.

Establishment of control systems

25. (1) A licensee shall establish and maintain control systems for the purposes of exercising effective control of its operations.

(2) The control systems established under subregulation (1) shall include, at a minimum, the following—

(a) a computer software;

(b) general procedures to be followed for the conduct of games as well as the terms and conditions of play;

(c) procedures and standards for the maintenance, security, storage and transportation of internet gaming equipment;

(d) procedures for—

(i) recording gaming transactions and the payment of winnings to players;

(ii) using and maintaining security facilities;

(iii) appointing and conducting system security audit; and

(iv) such other information as the Authority may require; and

(e) technical standards which shall include, at a minimum, the following requirements—

(i) internet random number generator;

(ii) internet report;

(iii) internet network infrastructure and computer systems;

(iv) internet wagering application;

(v) internet system integrity; and

(vi) internet games (general requirements).

Approval of control systems

26. (1) A licensee shall, at least ninety days before the commencement of internet gaming operations, submit an application to the Authority, for the approval of the control systems.

(2) Every authorized game shall be conducted using the approved control systems.

(3) A licensee shall make a submission for approval of a control system change to the Authority and the submission shall contain particulars of the proposed material changes of the approved control system.

Failure to report changes

27. Where a licensee fails to seek an approval of a material change to the approved control system pursuant to regulation 26(3), the Authority may—

(a) immediately suspend or revoke the licence; and

(b) impose, for each material change that was not approved, an administrative penalty of up to K10,000,000.

Decision by the Authority

28. (1) The Authority shall consider a control systems submission or control systems change submission, as the case may be, and shall, within ninety days

(a) approve the proposed control systems or proposed change of the approved control systems; or

(b) refuse to approve the proposed control systems or proposed change of the approved systems and give reasons for the decision.

(2) The Authority shall, within seven days of making a decision, serve a licensee with a written notice of the Authority's decision.

Direction to change control system

29. (1) The Authority may, by written notice, direct a licensee to change its approved control system within the time and the manner stated in the notice.

(2) Where a licensee fails or refuses to comply with the Authority's direction made pursuant to subregulation (1), the approval for the licensee's control system shall be revoked.

Continuous compliance monitoring program

30. The Authority shall subject a licensee to a continuous compliance monitoring program which shall assess whether

(a) a control system being used by the licensee

(i) is functioning in accordance with the standards against which the control system was measured at the time it was first approved; and

(ii) has not been materially changed from the time it was first approved unless such material change has also been approved;

(b) there are any indications of money-laundering, fraud or collusion in relation to the licensee's operations;

(c) the licensee is meeting its obligations to players in a timely manner;

(d) the licensee's live output of authorized games is fair and random; and

(e) other licence conditions are being complied with.

Design and implementation of continuous compliance monitoring program

31. (1) A licensee shall design and implement a continuous compliance monitoring program which shall take into consideration

(a) features of the control system owned by the licensee;

(b) the volume and quality of data available for the period in question; and

(c) whether the licensee is subject to other independent auditing or monitoring programs.

(2) The Authority may discuss with a licensee the design and implementation of a suitable continuous compliance monitoring program and any changes that may be required to the program from time to time.

Standards for design, use and maintenance of website

32. (1) A licensee shall have a website with a homepage where games will be accessed.

(2) The homepage of the website contemplated under subregulation (1) shall, at a minimum, contain

(a) the name and registered address of a licensee;

(b) hyperlink on terms and conditions of the games being offered;

(c) a notice stating that no player below the age of eighteen is permitted to participate in internet gaming;

(d) a link to a recognized filtering program to enable the licensee prevent children from accessing internet gaming;

(e) a statement that a licensee's operations are regulated by the Authority;

(f) hyperlinks to the games offered and their rules;

(g) hyperlinks to the procedures adopted by a licensee for the registration of a player and the control of player accounts;

(h) licensee's customer care contact details;

(i) the Authority's contact details, including toll free line; and

(j) any other information that the Authority may require.

(3) A licensee shall display on the screen, at all times during a game, a counter which automatically updates and shows a player account balance.

(4) A licensee may not offer full screen games, unless a real time clock is displayed on the screen at all times and players are given the facility to exit the game.

(5) For purposes of this regulation, "counter" means online placement on the webpage that displays player account balance.

Standards for security, access and maintenance

33. (1) A licensee may only provide, on its website, games that

(a) are tested and certified by an accredited gaming testing laboratory;

(b) have pre-approved return to player rates; and

(c) meet any other requirement as may be determined by the Authority.

(2) A licensee shall submit to the Authority, for approval, the games contemplated in subregulation (1) before offering the games on the licensee's website.

(3) A licensee shall install virus scanners and virus detection programs on all pertinent information systems.

(4) The programs contemplated in subregulation (3) shall be updated regularly to scan for new strains of virus.

(5) A licensee shall put in place security controls for changes to information processing facilities and systems in order to reduce the risk of security or system failures.

(6) A licensee shall secure player account numbers stored on the system from unauthorized use.

(7) A licensee shall install a firewall which shall be a separate computer system or systems with the following characteristics

(a) only firewall-related application shall reside on a firewall;

(b) only a limited number of accounts shall be present on a firewall; and

(c) all data pockets addressed to a firewall shall be rejected if they arrive on interfaces to networks that are outside the baseline envelope.

(8) The firewall shall

(a) be configured such that all connections to and from the internal network go through the firewall;

(b) reject all connections except those that have been specifically approved by the relevant system administrators; and

(c) have strong user authentication.

(9) The system shall

(a) provide the facility to users to change their passwords;

(b) restrict the echoing of passwords when they are entered; and

(c) limit the number of failed logon attempts to three and the rate at which logon attempts can be made to ten minutes.

(10) A licensee who contravenes subregulation (2) shall be liable to an administrative penalty of up to K10, 000,000.

## PART VI ADMINISTRATIVE AND ACCOUNTING PROCEDURES

Establishment of administrative and accounting procedures

34. (1) A licensee shall establish and maintain administrative and accounting procedures for the purpose of exercising effective control over its internal affairs.

(2) The administrative and accounting procedures under subregulation (1), shall, at a minimum, ensure that

(a) the licensee's assets are safeguarded;

(b) financial controls are in place;

(c) financial records are accurate and reliable;

(d) transactions performed are in accordance with management's authorization and approval;

(e) transactions are recorded accurately to ensure proper assessment of revenue; and

(f) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent and qualified personnel.

Approval of administrative and accounting procedures

35. (1) A licensee shall, at a date determined by the Authority and before operations commence, submit an application for approval of administrative and accounting procedures, to the Authority.

(2) An application under subregulation (1), shall be

(a) made in a format and manner approved by the Authority; and

(b) accompanied by all the required documentation.

(3) The proposed internal control systems shall, at a minimum, include the following

(a) an organizational chart including, segregation of functions and responsibilities;

(b) a description of the duties and responsibilities of each position shown on the organizational chart;

(c) accounting systems and procedures and a chart of accounts; and

(d) administrative systems and procedures;

(4) The Authority shall, within a reasonable time, consider the application and make a determination on whether to

(a) approve the proposed administrative and accounting procedures;

(b) reject the proposed internal control systems; or

(c) request for additional information.

Amendment to approved administrative and accounting procedures

36. (1) A licensee shall apply, in writing, to the Authority for approval of any amendments or changes to its administrative and accounting procedures.

(2) A licensee shall not amend or change its administrative and accounting procedures without the approval of the Authority.

(3) A licensee who contravenes subregulation (2) shall be liable to an administrative penalty of up to K10,000,000.

## PART VII REPORTING OF SUSPICIOUS ACTIVITIES

Rules and procedures for suspicious transactions

37. (1) A licensee shall establish specific rules and procedures, approved by the Authority, to enable the licensee to recognize and prevent suspicious transactions in connection with the deposit of monies illegally obtained and the withdrawal of such monies from player accounts.

(2) The rules and procedures contemplated in subregulation (1) shall, at a minimum, include

(a) provisions for a licensee to know its players;

(b) protocols for a licensee to recognize, address and prevent suspicious or possible fraudulent transactions; and

(c) a system to monitor and report to the Authority and the Financial Intelligence Authority suspicious transactions or large currency transactions concerning players' accounts.

(3) The monitoring system under subregulation (2), shall be capable of detecting

(a) potential money laundering activities by analyzing transactions and user profiles in real time and associating those with risk profiles;

(b) unusual betting patterns associated with money laundering; and

(c) attempts to evade thresholds prescribed under the Financial Crimes Act.

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(4) A licensee shall always have under its employment appropriately trained personnel who shall be responsible for notifying the relevant authority of such activities.

Reporting of unlawful acts

38. (1) In the event that a licensee becomes aware of, or reasonably suspects that

(a) a person has obtained a benefit for himself or herself or another person by a dishonest or unlawful act affecting the conduct or playing of an authorized game; or

(b) there has been an unlawful act which has affected the conduct or playing of an authorized game,

the licensee

(i) may withhold a prize in the game; and

(ii) shall within twenty-four hours, or as soon as practicable, report to the Authority on all facts known about the matter.

(2) A licensee who has withheld a prize under subregulation (1) shall not conduct a further game if the recurrence of the conduct under subregulation (1) is likely.

(3) The Authority shall immediately investigate the matter and may direct the licensee to

(a) pay the prize to the player;

(b) refund the amounts wagered in the game to the player;

(c) retain the prize or amounts won; or

(d) take any other action as the Authority deems fit.

(4) Where a licensee fails to comply with subregulation (1) (*b*) (ii), the Authority may suspend or revoke the licence issued.

## PART VIII PROBLEM GAMBLING

Display of notice of warning

39. (1) A licensee shall display, at all times, a hyperlink on any screen where the games are played, a notice containing a warning

(a) of the addiction possibilities of internet gaming; and

(b) that internet gaming could be harmful if not controlled and kept in moderation.

(2) A licensee shall always ensure that it has adequate personnel who are properly trained to monitor and provide advice on problem gambling.

(3) A homepage of the licensee's website shall clearly display a link to the licensee's responsible gaming policy and a notice directing a player to mental health professionals and the Authority's toll-free line.

(4) A licensee's responsible gaming policy shall contain, at a minimum, the following

(a) advice that the site provides information on problem gambling, and a link to that information including help-line numbers;

(b) a list of player protection measures that are available on the site and access to these measures;

(c) a link to a simple self-assessment process to determine a risk potential; and

(d) information and links to the Authority's website and toll-free line.

(5) A licensee shall provide the same age restriction, responsible gambling and player protection information and links as on the real money page for its free play games page.

(6) For purposes of this regulation, "problem gambling" means gambling that is disruptive or damaging to a player or a player's family and interferes with the player's daily life.

Self exclusion

40. (1) A licensee shall have on its website a link where a player may register for self-exclusion.

(2) A player may register, on the Authority's website, to be self-excluded from internet gaming.

(3) A licensee shall prominently display, on any screen of its website, links to the Authority's website which contains information on player exclusion and forms to be used by a person who wishes to register for self-exclusion.

(4) The Authority may not reinstate a player who is self-excluded unless a period of twelve months has elapsed from the date of self-exclusion.

(5) A player may, after the expiry of twelve months from the date of self-exclusion, request the Authority, in writing, to terminate the self- exclusion.

(6) A licensee shall not send promotional materials to a player who has registered for self-exclusion during the exclusion period.

(7) A licensee shall deactivate a player account during the player's exclusion period.

Limiting bets or wagers

41. (1) A player may set a limit on the amount the player may deposit or wager.

(2) A player who has set a limit pursuant to subregulation (1) may

(a) increase or decrease the limit; or

(b) revoke the limit.

(3) A player shall, by a written notice to a licensee, increase or revoke the limit set pursuant to subregulation (2).

(4) A notice increasing or revoking the limit shall take effect not more than five working days from the date a licensee received the notice.

(5) A licensee shall not accept a wager from a player during the notice period referred to in subregulation (4).

## PART IX MISCELLANEOUS

Languages for posting rules, etc.

42. A licensee shall post the rules of the games, terms and conditions and other notices in the English and Chichewa languages.

Disclosure of player's information

43. (1) A licensee or an employee or other person engaged in duties related to the conduct of an authorized game on behalf of the licensee shall not, without authorization of the player—

(a) disclose information about the name, or other identifying particulars, of a player; or

(b) use information about a player for a purpose other than the purpose for which the information was given.

(2) Notwithstanding subregulation (1), disclosure of information shall not apply to a person who discloses information—

(a) for purposes of the Act or any other law applicable within Malawi; or

(b) pursuant to an approval of the Authority.

## FIRST SCHEDULE (reg. 4(2))

### FORM 1

### APPLICATION FOR AN INTERNET GAMING LICENCE

1. Name of an applicant (body corporate under which internet gaming will be conducted):
.....
.....

2. Type of the existing licence and date issued:
.....

3. Contact Details of the applicant

(*a*) Postal address :.....

(*b*) Physical Address :.....

(*c*) Telephone Number (land line and mobile) :.....

(*d*) E-mail Address :.....

4. Full particulars of all partners, directors and secretary (if any) of the applicant:

(*a*) .....
(*name and address*)

.....
(*description, i.e. director, secretary, etc*)

(*b*) .....
(*name and address*)

.....
(*description, i.e. director, secretary, etc*)

(*c*) .....
(*name and address*)

.....
(*description, i.e. director, secretary, etc*)

(*d*) .....
(*name and address*)

.....
(*description, i.e. director, secretary, etc*)

(*e*) .....
(*name and address*)

.....
(*description, i.e. director, secretary, etc*)

5. Have any of the persons named in paragraph 4 ever been:

(a) convicted of any criminal offence involving fraud or dishonesty;

.....

.....

(b) declared bankrupt, or entered into any agreement with creditors? If so, give particulars

.....

.....

.....

6. Physical address of business premises:

.....

.....

7. Name of the authorized representative

.....

(*a*) Postal Address :.....

(*b*) Physical Address:.....

(*c*) Telephone Number (land line and mobile) :.....

(*d*) E-mail Address :.....

8. As a condition of this application, kindly provide a business plan on the investment of the internet gaming including

(a) viability and financing of the operation;

(b) acceptability of key assumptions used in financial protections;

(c) experience and expertise in internet gaming;

(d) details of the technology and gaming equipment;

(e) management competence;

(f) implementation schedule; and

(g) mitigation of problem gambling.

9. Is the applicant a wholly owned or a subsidiary of another company? If a subsidiary, please give details of the holding company.

.....

.....

.....

10. List all investors or shareholders who own five percent (5%) or more of the holding company.

.....

.....

.....

.....

11. What do you expect will be the amount of the gross turnover for the first twelve months of the internet gaming business in respect of which this application is made?

.....

.....

.....

12. This application shall be submitted to the Authority in duplicate and shall be accompanied by

(a) a copy of the company's Memorandum and Articles of Association;

(b) a certified copy of the certificate of incorporation of the company;

(c) Personal Declaration Forms for each director or a shareholder with five percent (5%) or more ownership of or controlling interest in the applicant's company;

(d) Release Authorization Form;

(d) proof of payment of application fees; and

(e) detailed information about the service provider's equipment and services to be offered to the licensee.

Date :.....

Name of person filling the form :.....

(signature) :.....

(Designation) :.....

FOR OFFICIAL USE ONLY

Date on which the application was received

.....

*Attachments received*

.....
.....
.....
.....
.....
.....

Name and signature of the receiving officer of the Authority

.....

FORM 2 reg. 4(3) (*a*)

Attach photo here

PERSONAL DECLARATION FORM FOR KEY PERSONS*

Name .....

.....

(*Please give name of the Applicant body corporate*)

Completed forms must accompany any formal application to the Authority and should be typed or completed in block capitals in black ink.

NOTES:

A Personal Declaration Form must be completed by each person who

(a) is a director or secretary of an applicant company or of any holding company;

(b) is the holder of (or is an officer of an organization which holds) five percent (5%) or more of the issued share capital of an applicant company or of any parent company;

(c) is providing, or will provide, financial backing for internet gaming operations;

(d) is, or will be, in actual and effective control of the business;

(e) is, or will be, in actual and effective control of the gaming activity;

(f) acquires (or is a key person of an organization which acquires) five percent (5%) more of the issued share capital of a company (or any holding company); or

(g) is otherwise requested to do so by the Authority.

Under the Gaming and Lotteries Act (No. 34 of 2022), the Authority must satisfy itself about anyone applying for licences under the Act and any person associated with the applicant in the conduct of the businesses for which the licences are required.

Note:

1. Declarants are advised that information sought in this declaration will be used only for the purpose of satisfying the Authority that the Declarant is "fit and proper." The Authority reserves the right to check or verify the information given by Declarants with any Governmental, quasi-governmental, statutory, or regulatory department, body or agency in Malawi or overseas. Declarants are required to sign a release authorization form to enable the Authority to obtain such necessary information. The release authorization form is hereto attached.

2. Declarants are assured that any information contained in this declaration or obtained in order to verify any answer to questions in this declaration will be kept strictly confidential and used for the purposes set out above.

3. Where appropriate information about a Declarant is not available to the Authority from Malawi sources, the Declarant must make available to the Authority evidence of good character or conduct from other official sources. Such a Declarant must ensure that the Authority has appropriate information available to enable it to assess the character of the Declarant adequately.

4. Where this declaration is made by an individual because of his or her directorship with, or employment by, or association with, the company, please supply that company's name at the head of the page.

1. Full name of key person :.....

2. Former names (if different from 1.) :.....

.....

3. (*a*) Postal address :.....

.....

Physical address:.....

.....

(*b*) If you have lived anywhere else in the last five years, please give details

.....

.....

.....

.....

4. (*a*) Date and place of birth:

   Day ..... Month ..... Year .....Place .....

   (*b*) Nationality .....

   (*c*) National Identity Card number/ Passport number.....

5. Are you currently a director or secretary of any company, or a member of any partnership or consortium in Malawi or abroad, other than the one in connection with which this declaration is being made? ☐ Yes ☐ No

   If yes, please list the companies, firms, partnerships, and consortia, giving the name and address of each, and the nature of the business it carries on. Please also give the place and date of incorporation and state whether you are a director or secretary. In the case of partnerships, the names and contact details of your partners should be shown.

   (a) Company's Name

   .....

   Address .....

   .....

   Place and Date of Incorporation .....

   .....

   (b) Partners

   .....

   *Full Names* *Contact Details*

   .....

   *Full Names* *Contact Details*

   (*Continue on a separate sheet if necessary*)

6. Have you ever been a director or secretary of a company, or a member of a partnership or consortium in Malawi or abroad other than those listed in reply to question 5 above? Yes ☐ No ☐

   If yes, please list the companies, firms, partnerships, and consortia, whether or not they are still trading. In the case of companies, please state whether you were a director or secretary, and in the case of partnerships, the names and contact details of the persons who were your partners.

   .....

   .....

   .....

   .....

   (*a*) Company's Name .....

   ..... .....

   *Director* *Secretary*

(*b*) Partners

.....

*Full Names* *Contact details*

.....

*Full Names* *Contact details*

.....

*Full Names* *Contact details*

(*Continue on a separate sheet if necessary*)

7. Are any of the companies named in the replies to questions 5 and 6 the subject of a winding-up petition, wound-up voluntarily or otherwise, or placed in the hands of a liquidator, administrator or receiver, while you were in office? Yes ☐ No ☐

If yes, please give details below

.....

.....

.....

.....

8. List all companies in Malawi or abroad, in which you have held an interest of five percent (5% ) or more in the past five years, giving names, address, nature of business and date and place of incorporation. (Add another sheet if necessary)

| *No.* | *Name of Company* | *Nature of Business* | *Address* | *Place of Incorporation* | *Date of Incorporation* |
|---|---|---|---|---|---|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

9. Were any of the partnerships named in the replies to questions 6 the subject of a bankruptcy petition or did any of them enter into any composition or scheme of arrangement with its creditors? Yes ☐ No ☐

.....

.....

Is there any outstanding liability (including any contingent liability) arising from the trading of these partnerships? Yes ☐ No ☐

If yes, please give details below:

.....

.....

10. Have you any financial interest in the business in connection with which this declaration is being made? Yes ☐ No ☐

    If yes, please give details below

| *Amount to be invested* | *Source of Funds* |
|---|---|
| | |
| | |
| | |

11. Will you be an active participant in the management or operation of the proposed business? Yes ☐ No ☐

    If yes, please give full details below.

    .....

    .....

    .....

12. Have you made any arrangements for persons, firms or companies to advance money or other equity to you to assist in financing your investment in the proposed business? Yes ☐ No ☐

    If yes, please give full details of the names and addresses of such persons, firms or companies, and explain how the money or equity will be secured. Please also give details of the method of repayment and the interest rates agreed.

    .....

    .....

    .....

    .....

    .....

13. If there is any further information relating to your finance, which should be considered, please give details below:

    .....

    .....

    .....

    .....

14. Have you any reason to believe that any prosecution against you might be pending?

    If yes, please give details below

    .....

    .....

    .....

15. Have you or any company or partnership declared at in questions 5, 6, 7 or 8 ever applied to any governmental or statutory body in Malawi or abroad for any licence connected with the provision of gaming or betting activities? Yes ☐ No ☐

If yes, identify the subject of the application.

.....

.....

.....

16. Please give full details below including name and address of statutory body, nature of licence, date and reference number of the application and the result.

Statutory body :.....

Address :.....

Date and Ref No. :.....

Results :.....

Nature of application :.....

17. Please give details of all banks at which you have (or have had) an account during the last five years, stating names and numbers of all accounts, whether individual or joint. You should then complete the authorization on the last page of this form in respect of each bank. The Authority reserves the right to seek references and other information from the bank managers.

(*a*) Name :.....

Address :.....

Account number :.....

(*b*) Name :.....

Address :.....

Account number :.....

18. Please give full names, email address and phone numbers of two (2) referees. These should be responsible people to whom you are well known (but not related) and should not be connected with the business for which you are making this declaration. (i.e. they should not be lawyers or accountants working on behalf of the applicant.)

| *Full names* | *Email address* | *Phone numbers* |
|---|---|---|
| | | |
| | | |

19. Have you been associated, in any way, with any other application to the Authority? Yes ☐ No ☐

If yes, please give details, including the Authority's reference number.

.....

.....

20. If there is any further information that you wish to provide in support of your declaration, please give details here

.....

.....

.....

21. Please attach a certified copy of your National Identification Card/Passport and one recent passport sized photograph signed and dated on the back.

I certify that to the best of my knowledge and belief, the information I have given in this declaration is correct.

..... .....
*Signature* *Date*

*It is an offence under section 84 of the Gaming and Lotteries Act to make a false statement or declaration in an application for a licence punishable by a fine of K20,000,000 and imprisonment for five years.*

*This form is applicable where there are new key persons.

RELEASE AUTHORISATION FOR AN INDIVIDUAL*

TO WHOM IT MAY CONCERN

I..... (full name in block letters) bearing National Identification Number/Passport Number/Driver's Licence Number) ..... hereby authorize you to provide the Malawi Gaming and Lotteries Authority with whatever information they may request upon presentation of an original copy of this form.

..... .....
*Signature* *Date*

*Applicable where there are new key persons

SECOND SCHEDULE Reg. 5

FEES

| | *LOCAL APPLICANT* | *FOREIGN APPLICANT* |
|---|---|---|
| (a) Licence fee/Renewal fee . . | K 100,000,000 | USD 50,000 |
| (b) Monthly levy* . . . . | 12.5% of gross gaming revenue | 12.5% of gross gaming revenue |

*(1) Gross gaming revenue shall be calculated by deducting total winnings from total wagers.

*(2) Where a licensee records a negative gross gaming revenue on a particular gaming date, the negative result shall

(a) be recorded a zero in the levy calculations for that month; and

(b) not be offset against future total gross gaming revenue.

THIRD SCHEDULE reg.5

LICENCE TO CONDUCT INTERNET GAMING

The Malawi Gaming and Lotteries Authority in exercise of the functions conferred on it by the Gaming and Lotteries Act, 2022 ('the Act') hereby issues to..... a licence to conduct INTERNET GAMING subject to the conditions attached hereto. The licence is issued under Section 26 of the Act.

The licence shall have effect from ..... to ..... unless suspended or revoked pursuant to the provisions of the Act, the Regulations and the licence conditions.

Given under my hand and seal of the Malawi Gaming and Lotteries Authority

This..... day of ..... 20.....

.....

*Chairperson, Malawi Gaming and Lotteries Authority*

FOURTH SCHEDULE reg. 9(3)

CRITICAL AREAS WITHIN THE HOSTING ENVIRONMENT OF THE SERVERS

(a) Location

(i) Proximity to supplies of information technology, telecommunications, and related products and services;

(ii) Proximity to services for consumer/ business/ staff requirements;

(iii) Reliability of power supply and telecommunication services/ staff requirements);

(iv) Bandwidth availability;

(v) Ease of access to building, including parking and traffic consideration; and

(vi) Occupants of adjacent buildings or offices.

(b) Building facilities

(i) Compliance of server room to international standards;

(ii) Redundancy of power and telecommunication feeds;

(iii) Off-line power facilities which include, but not limited to, uninterrupted power supply and generator power.

(iv) Reliability of alternative power sources;

(v) Off-line power facilities are manual or automatic switchover;

(vi) Frequency of testing of off-line power facilities;

(vii) Emergency lighting systems;

(viii) Access lifts or loading bays;

(ix) Sufficient internal cabling, wiring or outlets;

(x) Adequate workshop and office space for customers;

(xi) Satellite access; and

(xii) Microwave line of sight.

(c) Building safety and security

(i) Perimeter boundary fences;

(ii) Use of security guards whether own or contracted;

(iii) Access controls whether electronic or physical;

(iv) Alarm systems;

(v) Response of security systems to power failure tested;

(vi) Video surveillance which covers general premise, secure areas and approaches;

(vii) Monitoring of personnel access to sensitive areas;

(viii) Anti-surveillance measures on-site or remote listening devices, electronic surveillance of computer activity;

(ix) Other tenants;

(x) Contractors in use especially cleaners;

(xi) Access to telecom and power distribution;

(xii) Access to other plant and equipment rooms, including elevator and air condition;

(xiii) External and internal wall construction;

(xiv) Security level of door, windows, fire escapes, delivery bays and other points of entrance;

(xv) Fire suppression system;

(xvi) Air conditioning;

(xvii) Lighting protection; and

(xviii) Occupational, health and safety requirements.

(d) Disaster Recovery

(i) Disaster recovery capability; and

(ii) Business continuity plan.

(e) Internal Procedures

(i) Entry regulations and controls for staff and visitors;

(ii) Maintenance of access registers or logs;

(iii) Handling of alarm notifications, both technical and security;

(iv) Authorization of contractors;

(v) Emergency requests for access;

(vi) Standard security/ inspection checks;

(vii) All time operation or out of hours procedure;

(viii) Presence of key person or availability of call out list;

(ix) Emergency procedures which include evacuation and fire procedures;

(x) Security clearance; and

(xi) Personnel training.

Made this 22nd day of November, 2024.

V. KAMTUKULE
*Minister of Tourism*

(REF. NO. MOT/DOT/1/12/1)

GOVERNMENT NOTICE NO. 7

GAMING AND LOTTERIES ACT

(NO. 34 OF 2022)

GAMING AND LOTTERIES (NATIONAL LOTTERY) REGULATIONS, 2025

ARRANGEMENT OF REGULATIONS

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REGULATION

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SCHEDULES

IN EXERCISE of the powers conferred by section 91 of the Gaming and Lotteries Act, 2022, I, VERA KAMTUKULE, Minister of Tourism, on the recommendation of the Authority, make the following Regulations—

Citation

1. These Regulations may be cited as the Gaming and Lotteries (National Lottery) Regulations, 2025.

Interpretation

2. In these Regulations, unless the context otherwise requires

"draw" includes any arrangement for determining, on one occasion, a person who has won a prize in a National Lottery;

"game" means a game that forms part of a National Lottery; and

"secure area" means an area designated pursuant to regulation 26.

Application for a National Lottery Licence

3.—(1) A person may, following a notice inviting applications in accordance with section 32 of the Act, submit an application for a licence for the operation of a National Lottery, in the form as set out in Form 1 of the *First Schedule*.

(2) The Authority shall, pursuant to the notice under subregulation (1), issue a request for proposal and guidelines which may state—

(a) the evaluation criteria to be used;

(b) any fees to be paid;

(c) the timeframe for the submission of the applications; and

(d) any other information that may be deemed necessary by the Authority.

(3) The application under subregulation (1) shall be accompanied by—

(a) a personal declaration form by key persons as set out in Form 2 of the *First Schedule*;

(b) a release authorization form as set out Form 3 of the *First Schedule*;

(c) an application fee as set out in Part I of the *Second Schedule*; and

(d) any other information as requested by the Authority.

Issue or rejection of application for National Lottery Licence

4.—(1) The Authority may, upon considering the application for a National Lottery Licence and upon satisfying requirements under the Act—

(a) issue a licence to a successful applicant, to conduct a National Lottery, in the form as set out in the *Third Schedule*; or

(b) reject the application and give reasons for the decision.

(2) An applicant who has been issued a licence under subregulation (1) shall pay to the Authority a licence fee, as set out in Part I of the *Second Schedule*.

Renewal of a National Lottery Licence

5. A licensee may, three months before the expiry of a licence, apply for renewal of a National Lottery Licence for such further period as the Authority may determine.

Annual fees

6.(1) A licensee shall pay an annual fee to the Authority on each anniversary of the issue of the licence, as set out in Part I of the *Second Schedule*.

(2) The Authority shall revoke a licence if the licensee fails to pay the annual fee.

Performance guarantee

7.(1) A licensee shall, before commencing its operations, furnish the Authority with a performance guarantee, as set out in Part II of the *Second Schedule*, for the purposes of securing the payment of financial obligations payable under the Act and the licence.

(2) A performance guarantee shall secure

(a) the payment by the licensee of all monies due in terms of the licence as well as the payment of any penalties imposed by the Authority on the licensee; and

(b) the licensee's fulfilment and performance of all its contractual commitments and obligations through-out the licence term and up until the last official date of claiming prizes.

(3) Where the Authority has not renewed a licence, the balance of the performance guarantee shall be returned to the licensee at the expiry of the licence term, not later than the first anniversary of the expiry date, provided that the licensee shall have discharged all its obligations by such a date.

(4) A licensee shall bear the cost of issuing and maintaining a performance guarantee.

Game format, frequencies and prize structures

8.(1) A licensee shall, before introducing any type of game on a market, submit that game to the Authority, for approval.

(2) A licensee shall, for each type of game under subregulation (1), provide to the Authority

(a) a description of the game type and game design including

(i) the game format, method and indicative rules;

(ii) how the game is to be delivered to the participant;

(iii) the prize structure, including the relationship between first, second and other prizes;

(iv) odds and pay-out ratio, including likely level of jackpot prizes;

(v) frequency of playing;

(vi) where appropriate, themes or play symbols;

(vii) the number of games running in parallel; and

(viii) use of electronic media game shows; and

(b) details of the

(i) positioning of the game in the market;

(ii) market segment it is expected to appeal to, and why;

(iii) expected breakdown of sales by market segment;

(iv) expected frequency and value of purchases by market segment; and

(v) number of simultaneous games of the same type that are expected to be suitable for the Malawian market.

Prize payment arrangements

9. A licensee shall, before commencing its operations, provide to the Authority details of how

(a) participants shall ascertain that they have won;

(b) prizes may be paid out by agents, including their values;

(c) participants shall claim prizes other than those paid by agents;

(d) prizes shall be paid;

(e) quick prizes, other than those paid by agents, shall be paid;

(f) the privacy of winners shall be protected;

(g) winners who waive their right to remain anonymous shall be treated; and

(h) the counselling and advisory services intended to be offered to winners of large prizes shall be undertaken.

Sale of lottery tickets

10. A licensee shall sell National Lottery tickets

(a) at the offices of the licensee;

(b) by sales agents appointed or contracted by the licensee;

(c) through automatic vending machines authorized by the licensee;

(d) online; or

(e) by such other means or places as may be determined or designated by the licensee, from time to time.

Information required on lottery tickets

11. A National Lottery ticket shall, among other things, contain

(a) the name and the address or principal office of a licensee;

(b) a statement that the game is licensed by the Authority;

(c) a statement on how to obtain the rules of the relevant game;

(d) statement on responsible gambling;

(e) the name of the game and a statement that it forms part of the National Lottery;

(f) the price of a ticket;

(g) the game and draw for which the ticket is valid;

(h) the method by which a participant can ascertain whether the ticket is a winning ticket; and

(i) the minimum age of participants in the lottery together with a statement that prizes are not payable to any person under the age of eighteen years.

Online and instant validation terminals

12.—(1) A licensee shall ensure equitable distribution, countrywide, of on-line and instant validation terminals.

(2) The Authority shall approve the number of terminals and the network coverage under the licence.

Use of vending machines etc. to sell tickets

13. Where a licensee or its agent makes use of attended vending machines or similar apparatus to sell tickets in the National Lottery, the vending machine or similar apparatus shall, at all times, be attended to by the licensee, agent or a person authorized by the agent.

Validation of tickets

14. A licensee shall describe in detail how its system shall

(a) validate winning tickets, and where appropriate, support the payment of prizes by agents;

(b) recognize the redeeming agent code based on the sign-on;

(c) provide appropriate messages to the redeeming agent indicating what action to take;

(d) update all necessary records to reflect the payment of the prize;

(e) provide how winning ticket details shall be entered into the system;

(f) present security features and procedures associated with the payment of prizes; and

(g) handle local validations of low tier instant winning tickets, if applicable.

Levy to the Authority

15.—(1) A licensee shall pay to the Authority, a levy of an amount equivalent to the percentage of the gross revenue less payment of winnings, as set out in Part III of the *Second Schedule*.

(2) Where a licensee records a negative gross revenue on a particular gaming date, the negative result shall—

(a) be recorded a zero in the levy calculations for that month; and

(b) not be offset against future total gross revenue.

(3) In addition to the payment of the levy under subregulation (1), a licensee shall submit a return sheet indicating the gross revenue generated in that particular month.

Conducting a draw

16.—(1) Where a licensee's game involves conducting a draw, the draw shall—

(a) have its draw equipment inspected immediately before, and after, the draw; and

(b) be open to the public.

(2) The draw equipment shall be inspected and certified by an independent agent, at least every three months.

Prize payments

17. A licensee shall

(a) ensure that all monies due to prize winners are paid in full; and

(b) provide, to the Authority

(i) details of how the licensee shall ensure that funds required to meet obligations to prize winners and potential prize winners are safeguarded; and

(ii) a description of the prize payment process.

Right to a prize

18. (1) The right of any winner to a prize shall not be assignable.

(2) Where a prize winner dies before the collection of his or her prize, the prize shall be paid into the estate of the deceased prize winner.

(3) A prize to which a winner is otherwise entitled may only be paid to another person through an order of a court.

Publication of winning numbers

19. A licensee shall publicize nationally all winning lottery numbers in either print or electronic media, immediately after conducting a draw.

Unclaimed prizes

20. (1) A licensee shall undertake to find and make payment to prize winners.

(2) A licensee shall, upon the expiry of a period of not less than ninety days following any draw, retain any unclaimed prizes which shall be paid into the Fund.

Reports submitted to the Authority

21. A licensee shall, for each game, after the last date on which prizes may be claimed, prepare a report to be submitted to the Authority, showing the number of

(a) tickets generated;

(b) tickets sold;

(c) prizes awarded in the game; and

(d) unclaimed prizes, if any.

Liability of licensee for tickets generated

22. For purposes of determining the levy pursuant to regulation 14, a licensee shall be deemed to have sold all tickets generated by the licensee or any employee or agent of the licensee and shall so be liable to the Authority.

National Lottery logo

23. (1) A licensee shall submit to the Authority, for approval, its prototype National Lottery logo.

(2) A licensee shall ensure that its approved National Lottery logo and the logo for the Authority appear on all

(a) National Lottery play slips and tickets;

(b) equipment provided by, or on behalf of, the licensee and used at retail outlets in connection with the National Lottery;

(c) signage at retail outlets indicating the premises as a National Lottery outlet;

(d) documents containing information on the National Lottery and all its constituent lotteries;

(e) advertisements, promotional and point of sale materials in respect of a National Lottery or any game; and

(f) sponsorship by the licensee in respect of a National Lottery or any game.

Usage of the words "National Lottery"

24. During the validity of a National Lottery Licence, a licensee shall be entitled to use the words "National Lottery" as an identification and endorsement for any constituent lotteries operated under the licence.

Approval of codes of practice

25. A licensee shall prepare and submit to the Authority, for approval within two months of the issue of the licence, a code of practice dealing with—

(a) the method of informing participants about the National Lottery, its games and rules or procedures;

(b) procedures for paying out prizes, including locations for claiming prizes;

(c) procedures for handling participants complaints;

(d) procedures for maintaining the confidentiality of winners who opt not to disclose their identities;

(e) procedures for notifying unsuccessful claims; and

(f) advertising and public relations in respect of the National Lottery, every game and any authorized lottery ancillary activities.

Secure areas

26.—(1) A licensee shall designate a secure area, within its main operating premises, for purposes of maintaining the security of the National Lottery or any game.

(2) A licensee shall submit to the Authority, for inspection, a list of secure areas before the licensee promotes the first game.

(3) The Authority may, at any time, specify additional areas to be designated as secure areas.

(4) A licensee shall

(a) install and maintain closed circuit television;

(b) keep a register of persons permitted to enter a secure area;

(c) ensure that no person enters or leaves a secure area, unless indicated in the register referred to in paragraph (b); and

(d) maintain a record of all entries into a secure area, which shall have the times and dates for entry and leaving the area.

Information on fraud, etc

27.—(1) A licensee shall, within twenty four hours, inform the Authority, in writing, of any—

(a) material fact that gives rise to suspicion that there might be fraud or irregularity in connection with the National Lottery; or

(b) incident that might reasonably be expected to adversely affect the proper running, reputation or image of the National Lottery.

(2) A licensee shall, within seven days after the incident, provide the Authority with a written report of the

(a) nature and impact of the incident;

(b) action taken to address its immediate consequences; and

(c) action taken to ensure that the incident does not occur again.

(3) A licensee who contravenes this regulation shall be liable to an administrative penalty of up to K8,000,000.

Licensee's rules or procedures

28. (1) A licensee shall, before putting any game on the market, prepare and submit to the Authority, for approval, rules or procedures for each game.

(2) The Authority shall, in writing, approve or reject any rules or procedures submitted pursuant to subregulation (1).

(3) Where the Authority rejects any rules or procedures, it shall provide reasons for the rejection.

(4) A licensee shall not amend the rules or procedures approved pursuant to subregulation (2), without the prior written consent of the Authority.

(5) A participant shall be subject to the rules or procedures as approved by the Authority under this regulation.

Agent commission

29. A licensee shall determine the commission payable to agents for the sale of lottery tickets, subject to the written approval of the Authority.

Internal control systems

30. A licensee shall

(a) develop internal control systems to ensure propriety and integrity of the National Lottery; and

(b) furnish the Authority with any internal control systems developed under paragraph (a).

Retail distribution network

31. A licensee shall provide a comprehensive retail distribution network which achieves a balance between geographical distribution and the commercial viability of the National Lottery.

Updated systems and technologies

32. (1) A licensee shall provide and operate up-to-date systems and technologies in order to maximise the objectives of the National Lottery and provide efficient and reliable services to all participants and agents.

(2) The systems under subregulation (1) shall include a central computer system, agent terminals, communication methods as well as supporting systems for activities such as security, internal control and accounting.

Maximization of returns

33. Within the period of the validity of a licence, a licensee shall

(a) develop strategies for sustaining interests in the National Lottery;

(b) maximize revenues for the statutory objectives; and

(c) develop National Lottery awareness.

Employment

34. A licensee shall, before commencement of its operations, furnish the Authority with details of how it proposes to meet the requirements relating to

(a) use of local and expatriate staff, identification of the number and type of expatriate positions;

(b) transfer of skills from expatriate staff to local staff;

(c) experience and qualifications of its key directors and managers;

(d) commitment to good corporate governance;

(e) treatment of staff in the event of revocation, suspension or expiry of a licence;

(f) ability to recruit, train, motivate and retain the most competent staff; and

(g) any other information as determined by the Authority.

Lottery system

35. (1) A licensee shall ensure that its central system and other equipment used in the National Lottery are fit for purpose.

(2) A licensee shall

(a) accept or cancel plays whether manual or play- slips;

(b) produce or cancel tickets for on-line games;

(c) provide on-line update of a central database of tickets sold;

(d) validate claims and pay prizes for on-line, instant and other games;

(e) manage activation and settlement of agents accounts, including reimbursement of prize payments;

(f) retain up to date details on agents' activities; and

(g) provide accurate details for monitoring of a licensee's activities by the Authority.

(3) A licensee shall ensure that its central system interaction with each proposed terminal shall have the capability with regard to the following, among others

(a) ability to send and receive individual messages to, and from, host computer system;

(b) remote diagnostic capabilities;

(c) method of loading software, duration of the download process and the method of verification that all terminals have the current and valid version of the software; and

(d) the ability of the central system to monitor the status of each terminal and to disable or enable each terminal.

Financial reporting

36. (1) A licensee shall annually submit to the Authority financial statements, returns and other records relating to the National Lottery, in such manner as the Authority may prescribe.

(2) A licensee shall keep proper accounts and records of the transactions and affairs of the licensee to explain the financial operations and financial position of the licensee.

(3) A licensee may apply to the Authority for an extension of time within which to submit the financial statements, returns or records pursuant to subregulation (1).

(4) A licensee who contravenes this regulation shall be liable to an administrative penalty of up to K20,000,000.

General offences and penalties

37. A person who

(a) with the intent to defraud, takes or converts to his or her own use or to use of any other person, any proceeds from a lottery operated by the licensee;

(b) fraudulently or unlawfully holds himself or herself out as an agent of the licensee;

(c) as an incentive or inducement to enter into a contract, or as a condition or consequence of entering into a contract, gives a guarantee or promise to a person to the effect that the person will win a prize or share of a prize in a National Lottery; or

(d) conducts or promotes a scheme under which a guarantee or promise is given to a person participating in the scheme to the effect that the person will win a prize or share out of a prize in a National Lottery,

commits an offence and shall, upon conviction be liable to a fine of K20, 000,000 and to imprisonment for two years.

## FIRST SCHEDULE (reg. 3)

### FORM 1

### APPLICATION FOR A NATIONAL LOTTERY LICENCE

To: The Director General
Malawi Gaming and Lotteries Authority
P.O. Box 3062
Blantyre

1. In accordance with the Gaming and Lotteries Act and the Regulations made thereunder I, (contact person),

Name :.....

Designation :.....

Phone number :.....

E-mail address :.....

Contact address :.....

.....

National identity card number/ passport number ..... , duly authorized in that behalf by the body corporate specified in paragraph (2) hereby apply *(for and on behalf of the said body corporate) for a licence to conduct a National Lottery in the Republic of Malawi under Section 31 of the Gaming and Lotteries Act.

2. Name of a body corporate under which the management of the National Lottery will be conducted

.....

.....

Date and place of incorporation, if available*.....

3 Full names of all directors of the applicant

| *Name* | *Address & Position* | *National Identity number/ passport number* | *Date of Birth* | *Place of Birth* |
|---|---|---|---|---|
| | | | | |
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| | | | | |
| | | | | |

4. Have you or any of the person named above ever been

(a) convicted of any criminal offence involving fraud or dishonesty; and

(b) bankrupt, or entered into any agreement with creditors? If so, give particulars.

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5. State the type of games that you wish to promote during the term of the licence you are applying for

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6. What do you expect will be the amount of the gross turnover for the first twelve months of the National Lottery business in respect of which this application is made?

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7. Is the applicant a wholly or partly owned subsidiary of another body corporate?
Yes ☐ or No ☐

If 'yes' please give details of all holdings, subsidiary and associate entities of the holding body corporate in the table provided below

| *Name of body corporate* | *Registration Number and place of incorporation* | *Nature of business and relationship to applicant e.g holding body corporate, subsidiary body corporate* | *Shareholding percentage* |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

Note: A corporate 'family tree' diagram detailing the relationship of all bodies corporate listed above to the applicant must accompany this application form.

8. Is the applicant a parent body corporate or a part of a group of bodies corporate?
Yes ☐ or No ☐

If yes, please give details of all subsidiary and associate bodies corporate of the group in the table below

| *Name of body corporate* | *Registration Number and place of incorporation* | *Nature of business* | *Shareholding percentage of body corporate, subsidiary or associate entities* |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

Note: A corporate 'family tree' diagram detailing the relationship of the applicant body corporate to subsidiaries and associated entities must accompany this application form.

9. Is any shareholder a political office holder? Yes ☐ or No ☐

10. Names, addresses of shareholders holding five percent (5%) or more of the issued share capital of the applicant

| *Name* | *Address* | *Shareholding percentage* |
|---|---|---|
| | | |
| | | |
| | | |

11. Number of other shareholders with less than five percentage (5%) of the issued share capital of the applicant:

.....

12. Provide names and addresses of any lenders, mortgagees or other persons providing finance in respect of this application, type of facility, amount of facility, repayment period, repayment terms (if applicable) or letter of guarantee from the financial institution.

| *Name* | *Address* | *Account/ Ref. No.* | *Type of Facility* | *Amount of Facility* | *Repayment Period* | *Repayment Terms* |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

13. Provide details and attach any technical agreements which the applicant has entered into to facilitate the conduct of the National Lottery operation

.....

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.....

.....

14. Has the applicant or any other applicant named in this application or any director, manager or officer of such body corporate while acting as such ever been convicted of an offence? Yes ☐ or No ☐

If yes, please give details that should include court at which convicted, date of conviction, offence and penalty

.....

.....

.....

.....

15. Is there any reason to believe that a prosecution against any of the named bodies corporate, directors or officers may be pending? Yes ☐ or No ☐

If yes, give details

.....

.....

.....

.....

16. Details of all bank accounts, including foreign accounts, held by the applicant at any time during the last five years

| *Bank* | *Account No.* | *Account Name* |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

17. Names and addresses of the applicant's lawyers and consultants.

| *Name* | *Address* |
|---|---|
| | |
| | |

DECLARATION

I certify that to the best of my knowledge and belief, the information I have given in this application is complete and correct. I understand that the Authority requires that it be informed if any information supplied within is subject to change at a later date.

Full Name :.....

Date :..... Signed :.....

THE FOLLOWING MUST ACCOMPANY THIS FORM

(a) certified copies of audited financial statements of the company that will finance the proposed operations of the applicant for the last three years;

(b) details of any substantial hinge in the financial position of the company that will finance the operations of the applicant since the last audited statements;

(c) a copy of the latest tax clearance certificate of the applicant;

(d) details of any joint venture arrangements between the applicant and any party;

(e) a copy of the Memorandum and Articles of Association of the applicant and its certificate of incorporation, if available;

(f) certified copies of National Lottery Licences currently or previously held by the applicant, its affiliates or any director or office bearer anywhere in the world; and

(g) completed personal declaration forms.

NOTE

Applicants should use attachments in instances where the space provided on the form is insufficient.

(*Under section 84 of the Gaming and Lotteries Act, it is an offence to make a false statement or declaration when making an application under the Act and if found guilty, an applicant shall be liable to a fine of K20,000,000 and to imprisonment for five years*).

GAMING AND LOTTERIES ACT

(ACT NO. 34 OF 2022)

GAMING AND LOTTERIES (NATIONAL LOTTERY) REGULATIONS, 2025

FORM OF UNDERTAKING*

I/WE.....of.....(addr ess) do solemnly SWEAR/ AFFIRM and UNDERTAKE as follows

1. THAT I am /We are the applicant(s) referred to in the application attached hereto and marked with the letter ''A'' (hereinafter in this declaration referred to as the "application").
2. THAT the particulars set out in the application are true and correct in each and every respect.
3. THAT I/WE hereby undertake to incorporate a company in Malawi as soon as the decision is communicated to me/us by the Authority, that the application is successful and that the Authority shall, accordingly, issue the licence to the company when it is incorporated.

AND I/WE MAKE this solemn undertaking conscientiously believing the same to be true and by virtue of the Oaths, Affirmations and Declarations Act (Cap. 4:07).

.....

*Signature*(s)

Done at .....this ..... day of ....., 20.....

Before me: .....

*Commissioner for Oaths*

*This Form of Undertaking shall only apply to an applicant that has not yet been incorporated in Malawi.

FORM 2

MALAWI GAMING AND LOTTERIES AUTHORITY

[ ] ("the Company")

(see note 3 below)

(PERSONAL DECLARATION FORM)

Pursuant to the Gaming and Lotteries Act, 2022 ("the Act") the Authority has an overriding statutory duty to ensure that the National Lottery operations are run with all due propriety, and that the interests of participants are protected. It must, therefore, ensure that all personnel involved in the activities of the National Lottery operation are fit and proper to carry out those activities undertaken by them.

Note:

1. *Declarants are advised that information sought in this declaration will be used only for the purpose of satisfying the Authority that the Declarant is "fit and proper." The Authority reserves the right to check or verify the information given by Declarants with*

*any Governmental, quasi-governmental, statutory, or regulatory department, body or agency in Malawi or overseas. Declarants are required to sign a release authorization form to enable the Authority to obtain such necessary information. The release authorization form is hereto attached.*

*Declarants are assured that any information contained in this declaration or obtained in order to verify any answer to questions in this declaration will be kept strictly confidential and used for the purposes set out above.*

2. *Where appropriate information about a Declarant is not available to the Authority from Malawi sources, the Declarant must make available to the Authority evidence of good character or conduct from other official sources. Such a Declarant must ensure that the Authority has appropriate information available to enable it to assess the character of the Declarant adequately.*

3. *Where this declaration is made by an individual because of his or her directorship with, or employment by, or association with, the company, please supply that company's name at the head of the page.*

1. PERSONAL INFORMATION

1.1 (*a*) Declarant's full name: Surname :.....

Forenames :.....

(*b*) Any previous surname: Surname :.....

(i) date changed :.....

(ii) reason for change :.....

(*c*) Any previous forename: Forenames :.....

(i) date changed :.....

(ii) reason for change :.....

(*d*) Date and place of birth :.....

1.2 (*a*) Declarant's Spouse

Full name: Surname :.....

Forenames:.....

(*b*) Any previous surname: Surname:.....

(i) date changed :.....

(ii) reason for change :.....

(*c*) Any previous forename: Forenames :.....

(i) date changed :.....

(ii) reason for change :.....

(*d*) Date and place of birth :.....

1.3 (*a*) Declarant's nationality :.....

(*b*) Country of residence :.....

(*c*) Any change of nationality :.....

(i) previous nationality :.....

(ii) date changed :.....

(*d*) Any change in country of residence

(i) previous country of residence :.....

(ii) date changed :.....

1.4 (*a*) Current private address(es):

.....

.....

(*b*) Any other private address(es) used by the Declarant in previous five years and dates:

.....

.....

1.5 Give details of professional qualifications including date of qualifications

.....

.....

2. DECLARANT'S EMPLOYMENT AND DIRECTORSHIP DETAILS

2.1 Please supply a list of the names of your principal employers during the last five years and the dates during which you worked for them, together.

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2.2 Please state your reasons for leaving each place of employment in 2.1.

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2.3 If you have ever been dismissed for any reason during your working career, provide full details.

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.....

2.4 Please state names, nature of business and date of commencement (and if appropriate, termination) of the directorship of every company of which you are now or have within the last five years been a director.

.....

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3. DECLARANT'S POSITION WITH COMPANY AND EXPERIENCE DETAILS

3.1 Position held or to be held in the company

.....

.....

3.2 Give details of position described in 3.1

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.....

4. GOOD REPUTATION OF THE DECLARANT

Note 1: Any legal or other process referred to in this section includes any analogous process under the law of another country.

Note 2: if the answer to any question in this section is "yes" please provide full details.

4.1 Has at any time during the last five years any company referred to in question 2.1 above, or any company of which you are now or at any time have been a (other than listed companies of whose shares you hold or have held less than three percent) been put into compulsory liquidation or had an administrator or other receiver appointed whilst you were a shareholder or a director or within six months of your ceasing to be a shareholder or director?

Yes☐ or No☐

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4.2 Has at any time during the last five years any firm in which you have held a partnership or proprietorship been wound up whilst you were a partner or held proprietorship or within one year of your ceasing to be a partner or proprietor?

Yes☐ or No☐

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4.3 For each of the companies/firms referred to in reply to questions 4.1 and 4.2, state the date of commencement of liquidation, administration or receivership and the amount involved together with an indication of the outcome or current position.

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4.4 Have you at any time been a party to a deed of arrangement or any form of voluntary arrangement? Yes ☐ or No ☐

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4.5 Have you or any company of which in the last five years you were a director ever paid any penalty to the Malawi Revenue Authority? Yes ☐ or No ☐

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4.6 State whether

(a) you have ever been declared bankrupt or had your estate sequestered.

(b) you are currently the subject of bankruptcy proceedings or proceedings for sequestration of your estate.

If so, state the court by which you were adjudged bankrupt and if discharged, the date and conditions on which you were granted your discharge.

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4.7 State whether you have ever been dismissed or requested to resign or removed from any fiduciary office or position of trust, whether or not remunerated.

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4.8 State whether you have ever been disqualified from acting in the management or of the affairs of any company, partnership or unincorporated association.

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4.9 State whether, in connection with the formation or management of any company, partnership or incorporated association, you have been adjudged by a court in Malawi or elsewhere to be civilly liable for any fraud, misfeasance, or wrongful trading or other misconduct by you towards such a body or towards such a body or towards any members or creditors of such a body.

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4.10 Has a company of which you were a director at the time of the offence been convicted in Malawi or elsewhere of any offence involving fraud or dishonesty or an offence involving fraud or dishonesty or an offence under legislation (whether or not of Malawi) relating to companies, building societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection? If so state the court by which the company was convicted, the date of conviction and full particulars of the offence and penalty imposed.

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4.11 Are you currently or have you ever been the subject of any investigation by the Police or tax authorities or any government body? Yes ☐ or No ☐

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4.12 Are you now or have ever been obligated to pay a fine or penalty imposed by reason of your conduct of your tax affairs, or that of any agent acting on your behalf? Yes ☐ or No ☐

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5. CRIMINAL CONVICTIONS OR CAUTIONS

5.1 State whether you have convictions or have been cautioned for any criminal offence (other than motoring offences) in Malawi or elsewhere.

If so, state the court by which you were convicted, the date of conviction and full particulars of the offence and penalty imposed and/or full particulars of the offence for which you were cautioned.

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6. DECLARATION

I confirm that having made due enquiry the information supplied is complete and correct to the best of my knowledge and belief.

Signed: ..... Date:.....

(*Under section 84 of the Gaming and Lotteries Act, it is an offence to make a false statement or declaration when making an application under the Act and if found guilty, an applicant shall be liable to a fine of K20,000,000 and to imprisonment for five years*)

RELEASE AUTHORISATION FOR AN INDIVIDUAL

TO WHOM IT MAY CONCERN

I..... (full name in block letters) bearing National Identification Number/Passport Number/Driver's Licence Number) .....hereby authorize you to provide the Malawi Gaming and Lotteries Authority with whatever information they may request upon presentation of an original copy of this form.

Signed: ..... Date:.....

FORM 3

RELEASE AUTHORISATION

To: All courts, probation departments, employers, educational institutions, banks, financial and other institutions, all agencies without exception, both foreign and domestic, and to whom else this authorization may be duly presented.

From :.....

.....

.....

..... .....
(*Incorporation/ registration number*) (*Telephone number*)

As a requirement of submitting an application for a National Lottery Licence in Malawi, the above-named company agrees to allow the Malawi Gaming and Lotteries Authority (the Authority) to conduct an investigation into the background of the company.

The company hereby authorizes the Authority and any person authorized by original letter of authority signed by the Authority's Directory General to inspect and obtain copies of__

(a) any credit report, other report, legal or commercial, information derived from those reports that has any bearing on the company's credit worthiness, credit history, credit standing or credit capacity;

(b) any loan information, cheque account records, savings deposit records, safe deposit box records, passbook records and bank statement sheets pertaining to the company provided to the Authority under a letter of authority from the company to its bankers;

(c) any records relating to investigations of the operations or activities of the company conducted by any crime investigation agencies, corporation regulatory agencies or any gaming or lottery regulatory bodies;

(d) any records relating to any present or past civil or criminal court proceedings to which the company is a party; and

(e) any other document, record or correspondence pertaining to the company.

You are hereby authorized to release to the Authority or any of its authorized agents, all the documents, reports and information requested by any of them.

I/We confirm that I/we shall have no claim against any such person who makes any such disclosure to the Authority or any person authorized by the Authority, whether in respect of any breach or confidence or statutory or other duties whatsoever or for defamation or any analogous right in any jurisdiction, whether or not such information disclosed shall be true or false and whether or not any person acted negligently or reasonably in obtaining or disclosing it or had committed any breach of any duty (statutory or otherwise) in obtaining or retaining any such information. I/we hereby irrevocably waive any such claims which I/we might otherwise have.

The terms of this authority and waiver shall be incapable of revocation.

This Authorization shall supersede and countermand any prior request or authorization to the contrary. A photocopy of this Authorization will be considered as effective as the original.

Dated the….. day of .....20.....

The Common Seal of ..... was hereto affixed in

| | |
|---|---|
| ..... | ..... |
| (*Director*) | (*Secretary*) |
| ..... | ..... |
| (*signature*) | (*signature*) |

SECOND SCHEDULE (regs. 3, 4 and 6)

PART I

FEES

| | | *LOCAL APPLICANT* | *FOREIGN APPLICANT* |
|---|---|---|---|
| (a) | Request for Proposal (RFP) fee . . | K 500,000 | USD 250 |
| (b) | National Lottery Licence application fee. . | K 1,000,000 | USD 500 |
| (c) | National Lottery Licence fee . . . . | K 100,000,000 | USD 50,000 |
| (*d*) | Annual Fee . . . . . | K 10,000,000 | USD 5,000 |

PART II (reg. 7)

PERFORMANCE GUARANTEE

Performance Guarantee . . . . USD 50,000

PART III (reg. 15)

LEVY

Monthly Levy ..... 12.5% of gross revenues less prize payments

THIRD SCHEDULE (reg.4 (*a*))

LICENCE TO CONDUCT A NATIONAL LOTTERY

The Malawi Gaming and Lotteries Authority in exercise of the functions conferred on it under the Gaming and Lotteries Act, 2022 ('the Act') hereby grants to ..... a licence to conduct a National Lottery, subject to the conditions attached hereto. The licence is issued under section 31 of the Act.

The licence shall have effect from ..... to ..... unless suspended or revoked pursuant to the provisions of the Act, the Regulations and the licence conditions.

Given under my hand and seal of the Malawi Gaming and Lotteries Authority

This ..... day of ..... 20 .....

.....
*Chairperson, Malawi Gaming and Lotteries Authority*

Made this 22nd day of November, 2024.

V. KAMTUKULE
*Minister of Tourism*

(REF. NO. MOT/DOT/1/12/1)

GOVERNMENT NOTICE NO. 8

GAMING AND LOTTERIES ACT

(NO. 34 OF 2022)

# GAMING AND LOTTERIES (SPORTS BETTING) REGULATIONS, 2025

## ARRANGEMENTS OF REGULATIONS

REGULATION


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4. Evaluation of applications
5. Issue or rejection of sports betting licence
6. Renewal of licence
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8. Contingency and recovery plan
9. Administration centre
10. Player registration
11. Age verification mechanism
12. Refusal to register
13. Modes of payment
14. Acceptance of wager
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REGULATION

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SCHEDULES

IN EXERCISE of the powers conferred by section 91 of the Gaming and Lotteries Act, 2022, I, VERA KAMTUKULE, Minister of Tourism, on the recommendation of the Authority, make the following Regulations—

Citation

1. These Regulations may be cited as the Gaming and Lotteries (Sports Betting) Regulations, 2025.

Interpretation

2. In these Regulations, unless the context otherwise requires

"applicant" means a person that applies for a license under these Regulations and may include an affiliate, director, or managerial employee of the applicant company or a person who holds more than five percent ownership interest in the applicant company;

"player" means an individual who is eighteen years of age and above having a valid sports betting account with a sports betting licensee;

"sports betting account" means a ledger in which all transactions relative to a player are recorded and may include—

(a) deposits and credits;

(b) withdrawals;

(c) wagers;

(d) monetary value of winnings;

(e) service or other transaction-related charges authorized by the player, if any; and

(f) adjustments to the account;

"sports betting platform" means an integrated system of hardware and software, or applications, including mobile applications and servers, through which a licensee offers sports betting;

"wager" means cash, or cash equivalent, including bonuses, loyalty points, and other redeemable sports betting credits, risked by a player on sports betting; and

"winnings" means the amount of money paid out less wager, and includes value of a prize paid to a player at the end of each betting or any game of chance.

Application for a sports betting licence

3.—(1) The Authority shall, by a notice published in two newspapers of widest circulation and in such manner as the Authority may determine, invite applications for a sports betting licence.

(2) The Authority shall, pursuant to the notice under subregulation (1), issue a request for proposal and guidelines which may state—

(a) the evaluation criteria to be used;

(b) any fees to be paid;

(c) the timeframe for the submission of the applications; and

(d) any other information that may be deemed necessary by the Authority.

(3) An application for a sports betting licence shall be made to the Authority as set out in Form 1 of the *First Schedule*.

(4) An application for a licence under this regulation shall be accompanied by—

(a) a personal declaration form by key persons as set out in Form 2 of the *First Schedule*;

(b) a release authorization form as set out in Form 3 of the *First Schedule*;

(c) an application fee as set out in Part I of the *Second Schedule*; and

(d) any other information as requested by the Authority.

Evaluation of applications

4.—(1) In evaluating whether to issue a sports betting licence to an applicant, the Authority shall assess and consider whether the applicant is fit and proper by looking at whether the applicant—

(a) has adequate capitalization, financial ability and the means to develop, operate, and sustain a sports betting operation in accordance with the Act, these Regulations and licence conditions to be imposed on a licensee;

(b) has the financial ability to purchase and maintain adequate insurance and to provide a performance guarantee;

(c) has adequate capitalization and the financial ability to responsibly pay its secured and unsecured debts in accordance with its financing agreements and other contractual obligations;

(d) has relevant qualifications, expertise, experience and ability to successfully manage sports betting operations;

(e) has a history of material non-compliance with betting or gaming-related licensing requirements with the Authority or any other gaming jurisdiction, where the non-compliance resulted in an enforcement action by the regulatory agency with jurisdiction over the applicant;

(f) has been convicted of any criminal offence under the laws of any jurisdiction;

(g) has been screened against any local or international recognized sanctions list;

(h) has filed, or had filed against it, a proceeding for insolvency; and

(i) at the time of application, is a defendant in litigation involving the integrity of its business practices.

Issue or rejection of sports betting licence

5. (1) The Authority may, upon receipt of an application under regulation (3) and upon considering the application

(a) issue a licence to the applicant to conduct sports betting as set out in the *Third Schedule*; or

(b) reject the application and give reasons for the decision.

(2) The Authority shall issue a licence referred to in subregulation (1) (a), after the applicant has paid the licence fee as set out in Part I of the *Second Schedule*.

*(3)* A licensee shall pay an annual fee to the Authority, on each anniversary of the issue of the licence, as set out in Part I of the *Second Schedule.*

Renewal of licence

6. The Authority may renew a sports betting licence where the Authority is satisfied that a licensee has complied with the Act, other relevant laws, these Regulations and licence conditions imposed on the licensee.

Sports betting sites

7. (1) A licensee shall, before designating premises as a sports betting site, obtain an approval from the Authority.

(2) Where, pursuant to subregulation (1), the Authority approves the sports betting site, a licensee shall operate and keep, in or on the premises, any sports betting equipment.

(3) The premises proposed to be used as sports betting site by a licensee shall—

(a) have a minimum betting floor of thirty square metres;

(b) be of a permanent structure;

(c) be at least five hundred metres away from a school, hospital and places of worship;

(d) have accessible facilities for convenience and a common area for players;

(e) have a strong room for the purposes of securing money collected; and

(f) have a notice board placed in a conspicuous place for the display of licences, government notices, rules of the games promoted, contact details of the Authority, toll free line promoted by the Authority, warnings regarding the effects of gambling and any other matters required to be displayed.

(4) A licensee who uses premises that have not been approved by the Authority shall be liable to an administrative penalty of up to K8,000,000.

(5) For purposes of this regulation, "sports betting equipment" means any mechanical, electronic, or other device, mechanism, or equipment used in the operation of sports betting that directly affects the wagering and results of sports betting offered under these Regulations but does not include a personal computer, mobile phone, or other device that is owned and used by an individual to place a wager.

Contingency and recovery plan

8. (1) A licensee shall put in place business continuity plans and disaster recovery plans to ensure ability to operate on an ongoing basis and limit losses of severe business disruption.

(2) The business continuity plans and disaster recovery plans under subregulation (1) shall cover all critical business processes and shall take into account different types of plausible scenarios.

(3) A licensee shall annually review its business continuity plans and disaster recovery plans so that they are consistent with its current operations and business strategies and the licensee shall, within seven days of completion of the review, submit a copy of a report of the review to the Authority.

(4) A licensee shall annually test the business continuity plans and disaster recovery plans to ensure that the licensee would be able to execute them in the event of severe business disruption and the licensee shall, within seven days of completion of the test, submit a copy of the test report to the Authority.

Administration centre

9. A licensee shall maintain, within Malawi, a physical administration centre with at least key persons in finance, administration and technical.

Player registration

10. (1) A licensee shall put in place methods for collection of player information prior to registration.

(2) A licensee shall register a player before the player is allowed to participate in sports betting.

(3) A player shall register by completing and submitting an application form which shall include at least the following—

(a) full names;

(b) national identity number or passport number;

(c) residential and postal address of the player;

(d) confirmation that the player is eighteen years of age; and

(e) player's nominated account details.

(4) The registration form shall contain a clear statement concerning under age play and responsible gaming.

(5) A licensee shall not register a player unless the player's identity has been authenticated in accordance with the licensee's approved control systems.

(6) A player shall, upon being registered, only be permitted to have one active player account at a time.

(7) A licensee shall issue a player, who has created an account with the licensee, with an individual account user name and password for access to his or her account.

(8) Where a player has forgotten his or her username or password, a licensee shall employ a multi-factor authentication process for the retrieval of the username or resetting of the password.

(9) Where a licensee becomes aware that a person has provided false information on registration, the licensee shall—

(a) not register such person; or

(b) where the person has already been registered, immediately cancel the person's registration.

(10) A licensee who contravenes this regulation shall be liable to an administrative penalty of up to K8,000,000.

Age verification mechanism

11.—(1) A licensee shall provide or shall require one or more mechanisms on the sports betting platform that are designed to reasonably verify that a player is eighteen years of age or above.

(2) A licensee shall, before creating a sports betting account or accepting a wager on a sports bet, be satisfied that the verification requirements under subsection (1) have been complied with.

(3) A licensee who contravenes subregulation (1) shall be liable to an administrative penalty of up to K8,000,000.

Refusal to register

12. A licensee may refuse to register a person as a player in sports betting under a name that is obscene, indecent or offensive.

Modes of payment

13. A licensee may accept payments from a player by any of the following methods—

(a) cash;

(b) debit cards or stored value accounts;

(c) electronic or wire transfer;

(d) recharge vouchers;

(e) mobile phone transfers; or

(f) any other method approved by the Authority.

Acceptance of wager

14. A licensee shall not accept a wager from a player in sports betting unless—

(a) a player account has been registered in the name of the player and there are adequate funds in the account to cover the amount of the wager; or

(b) a player makes a cash payment or other modes of payment provided in regulation 13.

Access of player account by a licensee

15. A licensee may only have access to a player account in order to—

(a) debit the player account with the amount of a wager for sports betting;

(b) credit the player account with the amount of winnings;

(c) credit the player account with the amount of bonuses;

(d) when requested by a player, transfer the funds from player account to nominated account;

(e) close the player account, if it has remained inactive for a period of more than one hundred and eighty days; or

(f) effect manual adjustments duly authorized by the licensee's management, a report of which shall be submitted to the Authority within twenty-four hours.

Closing a player account

16.—(1) Where a licensee has closed a player account under regulation 15, the licensee shall within five working days remit any balance to the player's nominated account.

(2) A licensee who contravenes subregulation (1) shall be liable to an administrative penalty of up to K8,000,000.

Separation of accounts

17. A licensee shall open a separate account for player balances to be separately identifiable at all times.

Performance guarantee

18. A licensee shall provide a performance guarantee as specified in Part II of the *Second Schedule*, in a form and manner as the Authority may approve, to ensure that player prizes, bonuses and guaranteed amounts are available in order to reasonably protect the player against default in gaming debts owed by the licensee.

Interrupted or incomplete games

19.—(1)Where a player's participation in a game is interrupted due to a failure in the operating or telecommunications system or as a result of any system error, the operating system shall provide a mechanism for a player to—

(a) resume his or her participation in sports betting when the system is restored in the same state as immediately before interruption;

(b) complete an incomplete game; or

(c) discontinue his or her participation in that game.

(2) Where participation in the game cannot be continued within a reasonable time or at all, the game shall be terminated.

(3) Where participation in the game has been terminated as contemplated in subregulation (2), a licensee shall, within twenty-four hours—

(a) refund the amount wagered in the game to the players;

(b) if a player has accrued credit at the time the game was interrupted, pay to the player the monetary value of such credit; and

(c) resolve any matter arising from the termination.

(4) Where a licensee is unable to resolve the matter, the licensee shall—

(a) within forty-eight hours, report to the Authority of the circumstances of the incident; and

(b) not conduct a further game, if the game is likely to be affected by the same error or fault.

(5) The Authority shall investigate the incident under subregulation (4) and provide a determination within forty-eight hours of the receipt of the report.

(6) The Authority may, after investigating the incident, direct a licensee to—

(a) refund the amount wagered in the game to the players;

(b) if a player has accrued credit at the time the game was interrupted, pay to the player the monetary value of such credit; or

(c) undertake whatever measures the Authority considers appropriate in the circumstances.

Use of third-party information by the Authority

20.—(1) The Authority may use information received from a sports governing body to determine whether to allow—

(a) sports betting wagering on a particular event; or

(b) players to make wagers of a particular type.

(2) Where a sport's governing body requests the Authority to prohibit sports betting wagering on a particular event or making wagers of a particular type, the Authority shall notify, in writing, all sports betting licensees and allow the licensees to respond, in writing, to the sport's governing body's request, within the time prescribed by the Authority.

(3) After reviewing the request, any response, and any other information available to the Authority, the Authority may grant the request or part of the request if it determines that it is necessary to protect the integrity of the event or public confidence in the integrity of the event on which the wagers are being placed.

(4) For purposes of this regulation, "sport's governing body" means an organization that prescribes final rules and enforces codes of conduct for an athletic event and the participants in the athletic event.

Crime detection mechanism

21. A licensee shall include, on its betting platforms, mechanisms that are designed to detect and prevent

(a) the unauthorized use of sports betting accounts; and

(b) fraud, money laundering, and collusion.

Prohibited individuals

22. Unless authorized by the Authority, a licensee shall not allow an individual

(a) who is less than eighteen years of age; and

(b) whose name appears in the Authority's exclusion database,

to register a sports betting account or allow him or her to place a wager.

Responsible gaming database

23. (1) A licensee shall develop

(a) a responsible gaming policy which shall be open to the public; and

(b) a responsible gaming database, identifying individuals who are prohibited from registering a sports betting account or participating in sports betting offered by the licensee, which shall also be accessed by the Authority.

(2) A licensee shall submit to the Authority, for approval, the responsible gaming policy under subregulation (1) (a).

(3) A licensee may place an individual's name in the responsible gaming database if

(a) the individual has been convicted, in any jurisdiction, of a felony or a crime involving gaming;

(b) the individual has violated the Act or any gaming-related law in any jurisdiction;

(c) the individual's name is on a valid and current exclusion list maintained by the Authority; or

(d) any other reason the Authority considers appropriate to protect the integrity of sports betting under the Act.

(4) A licensee may, in a format specified by the Authority, provide the Authority with names of individuals to be included in the Authority's exclusion list.

Information on the Authority's toll-free number

24. A licensee shall display, on a bet slip, fixtures, website or at a conspicuous place, in a sports betting site, a toll-free number, maintained by the Authority.

Monthly reports

25. A licensee shall provide, to the Authority, monthly reports which shall include

(a) first and last ticket numbers;

(b) bet count;

(c) pending or unsettled bets;

(d) cancelled bets;

(e) total amount of wagers received;

(f) total winnings;

(g) winnings count;

(h) bonuses;

(i) gross betting receipts;

(j) players opening balances;

(k) players deposits;

(l) withdrawals;

(m) players closing balances;

(n) total bank balances;

(o) total cash balances;

(p) total mobile money (collection) balances;

(q) total mobile money (disbursement) balances;

(r) total mobile money (agents collection) balances;

(s) total payouts by banks;

(t) total payouts by cash;

(u) total payouts by mobile money; and

(v) any other information as may be requested by the Authority.

Customer care centre

26. (1) A licensee shall maintain a customer care centre, within Malawi, to monitor and respond to issues raised by players.

(2) The customer care centre under subregulation (1) shall be adequately manned by well qualified staff.

Payment of Winnings

27 (1) Where a player wins a monetary prize, a licensee shall immediately credit the winnings to the player account.

(2) Where a player wins a non- monetary prize, a licensee shall have the prize delivered personally or by certified mail to an address provided by the player.

(3) In the event that a licensee has, for good reasons, failed to deliver the prize personally or by certified mail to an address provided by the player under subregulation (2), the licensee shall give the player a written notice of an address at which the prize may be collected and costs for collection of the prize shall be borne by the licensee.

(4) In the event a non-monetary prize is not collected within sixty days after notification of the place at which it may be collected, a licensee may dispose of the prize by public auction or tender or in some other manner approved by the Authority.

(5) A licensee shall pay expenses of the disposal from the proceeds of the sale and remit the remainder of the proceeds to the Fund.

Withholding of prizes

28. (1) Where a licensee has reason to believe that

(a) a result of a game was affected by an illegal activity; or

(b) a player has, by a dishonest or unlawful act affecting the conduct or playing of a game, obtained a benefit for himself or herself or another person,

the licensee may withhold a prize in the game.

(2) A licensee who has withheld a prize under subregulation (1) shall

(a) within twenty-four hours, report to the Authority the circumstances of the incident; and

(b) not conduct a further game if the recurrence of the conduct under subregulation (1) is likely.

(3) The Authority shall immediately investigate the matter and may direct the licensee to

(a) pay the prize to the player;

(b) refund the amounts wagered in the game to the player;

(c) retain the prize or amounts won; or

(d) take any other action as the Authority deems fit.

Disclosure of identity of winners

29. (1) A licensee shall not disclose the identity of any prize winner without the prior consent of that prize winner.

(2) In the event that a prize winner has opted for an anonymity, a licensee shall use pointers that are not peculiar to the prize winner for the purposes of information.

Sports betting integrity

30. (1) A licensee shall establish controls to identify unusual or suspicious betting activity and report such activity to the Authority.

(2) A licensee may suspend betting, void bets and withhold associated customer funds and payments on an unusual or suspicious bet for as long as any relevant investigation is ongoing or as may otherwise be determined by the Authority.

(3) A licensee shall, within twenty-four hours, inform the Authority of any payment that has been withheld and shall retain all relevant documentation or other records as the Authority determines.

(4) A licensee shall have risk management measures in place to mitigate the betting integrity risk associated with sport betting, including insider betting and event manipulation.

(5) For purposes of this regulation, "suspicious betting activity" means an unusual betting activity that cannot be explained and is indicative of match fixing, the manipulation of an event, misuse of inside information or other illicit activity.

Rules and procedures for suspicious transactions

31. (1) A licensee shall establish specific rules and procedures, approved by the Authority, to enable the licensee to recognize and prevent suspicious transactions in connection with the deposit of monies illegally obtained and the withdrawal of such monies by players.

(2) The rules and procedures contemplated in subregulation (1) shall, at a minimum, include

(a) provisions for a licensee to know its players;

(b) protocols for a licensee to recognize, address and prevent suspicious or possible fraudulent transactions; and

(c) a system to monitor and report to the Authority and the Financial Intelligence Authority suspicious transactions or large currency transactions concerning players' accounts.

(3) The monitoring system under subregulation (2), shall be capable of detecting

(a) potential money laundering activities by analyzing transactions and user profiles in real time and associating those with risk profiles;

(b) unusual betting patterns associated with money laundering activities; and

(c) attempts to evade thresholds prescribed under the Financial Crimes Act. Cap. 7:07

(4) A licensee shall always have under its employment appropriately trained personnel who shall be responsible for notifying the relevant authority in real time of such activities.

(5) A licensee shall maintain an independent history of all sports betting transactions for seven years to allow forensic investigation of potential money laundering or any other offence.

Reporting of unlawful acts

32. (1) In the event that a licensee becomes aware, or reasonably suspects, that

(a) a person has obtained a benefit for himself or herself or another person by a dishonest or unlawful act affecting the conduct or playing of an authorized game; or

(b) there has been an unlawful act which has affected the conduct or playing of an authorized game,

the licensee shall within twenty-four hours, report to the Authority on all facts known about the matter.

(2) Where a licensee fails to comply with subregulation (1), the Authority may suspend or revoke the licence issued.

Display of notice of warning

33. (1) A licensee shall, at all times, display on a bet slip, fixtures or at a conspicuous place, in a sports betting premises, or on the licensee's website, a notice containing a warning

(a) of the addiction possibilities of sports betting; and

(b) that sports betting could be harmful if not controlled and kept in moderation.

(2) A licensee shall always have adequate and well trained personnel to monitor and provide advice on problem gambling.

(3) A homepage of the licensee's website shall clearly display a link to the licensee's responsible gaming policy and a notice directing a player to mental health professionals and the Authority's toll-free line.

(4) A licensee's responsible gaming policy shall contain, at a minimum, the following—

(a) advice that the site provides information on problem gambling, and a link to that information including help-line numbers;

(b) a list of player protection measures that are available on the site and access to these measures;

(c) a link to a simple self-assessment process to determine a risk potential; and

(d) information and links to the Authority's website.

(5) A homepage of a licensee's website shall—

(a) clearly display a notice stating that no player below the age of eighteen is permitted to participate in sports betting; and

(b) provide a link to a recognized filtering program to enable the licensee prevent children from accessing sports betting.

(6) A licensee shall provide the same age restriction, responsible gambling and player protection information and links as on the real money page for its free play games page.

(7) For purposes of this regulation, "problem gambling" means gambling that is disruptive or damaging to a player or a player's family and interferes with the player's daily life.

Self-exclusion

34. (1) A licensee shall have on its website a link where a player may register for self-exclusion.

(2) A player may register, with the Authority, to be self-excluded from sports betting.

(3) A licensee shall prominently display, on a bet slip, fixtures or at a conspicuous place, in a sports betting site, or on the licensee's website, the Authority's website which contains information on player exclusion and forms to be used by a person who wishes to register for self-exclusion.

(3) The Authority may not reinstate a player who is self-excluded unless a period of twelve months has elapsed from the date of self-exclusion.

(4) A player may, after the expiry of twelve months from the date of self-exclusion, request the Authority, in writing, to terminate the self- exclusion.

(5) A licensee shall not send promotional materials to a player who has registered for self-exclusion during the exclusion period.

(6) A licensee shall deactivate a player account during the player's exclusion period.

Limiting bets or wagers

35. (1) A player may set a limit on the amount the player may deposit or wager.

(2) A player who has set a limit pursuant to subregulation (1) may

(a) increase or decrease the limit; or

(b) revoke the limit.

(3) A player shall, by a written notice to a licensee, increase or revoke the limit set pursuant to subregulation (2).

(4) A notice increasing or revoking the limit shall take effect not more than five working days from the date a licensee received the notice.

(5) A licensee shall not accept a wager from a player during the notice period referred to in subregulation (4).

(6) A licensee shall, where a player fails to control himself or herself, set a limit on the amount the player may deposit or wager.

Large currency transaction and suspicious transaction reports Cap. 7:07

36. (1) A licensee shall, subsequent to accepting a wager or making a pay out in excess of the amount prescribed under the Financial Crimes Act on a winning wager, record or maintain records that include

(a) the name of the player;

(b) the player's contact address;

(c) a copy of the national identity card or passport, in the case of a non-Malawian citizen;

(d) the amounts of the wager or payout on the wager;

(e) the time and dates of the wager and payout on the wager;

(f) the names and signatures of the licensee's employees accepting or approving the wager or payout on the wager; and

(g) any other information as required by the Authority.

Cap 7:07

(2) A licensee shall comply with all reporting obligations as provided in the Financial Crimes Act.

Brand

37. (1) A licensee shall clearly display its own brand or that of an affiliate on the sports betting platform that it utilizes.

(2) For purposes of this regulation, "affiliate" means a person that, directly or indirectly, through one or more intermediaries, controls or is controlled by a sports betting licensee.

Vicarious liability

38. A licensee shall be liable for the conduct of its sports betting platform provider.

Offences

39. (1) A person who

(a) willfully fails to pay any fees, tax, or payment imposed under the Act;

(b) willfully attempts, in any way, to evade the payment of a licence fee, levy, or any payment under the licence;

(c) knowingly, with the intent to cheat, alters, tampers with, or manipulates any game, platform, equipment, software, hardware, devices, or supplies used to conduct sports betting, in order to alter the

odds or the payout, or to disable the game, platform, equipment, software, hardware, devices, or supplies from operating in the manner authorized by the Authority;

(d) knowingly, with the intent to cheat, offers or allows to be offered, with the intent to cheat, any game, platform, equipment, software, hardware, devices, or supplies that have been altered, tampered with, or manipulated in such a manner not authorized by the Authority;

(e) facilitates the opening, maintenance, or use, in any way, of a sports betting account or places, or attempts to place, a wager of a person who is under the age of eighteen;

(f) knowingly allows a person under the age of eighteen to open, maintain, or use, in any way, a sports betting account or place, or attempt to place, a wager;

(g) offers, promises, or gives anything of value to a person for the purpose of influencing the outcome of a sporting or athletic event, contest, or game on which a wager may be made;

(h) places, increases, or decreases a wager after acquiring knowledge, not available to the public, that anyone has been offered, promised, or given anything of value for the purpose of influencing the outcome of the sporting or athletic event on which the wager is placed, increased, or decreased; and

(i) places, increases, or decreases a wager or determines the course of play after acquiring knowledge, not available to all players, of the outcome of a sports event or any event that affects the outcome of the sports event or that is the subject of the sports bet, or aid a person in acquiring the knowledge for the purpose of placing, increasing, or decreasing a wager or determining the course of play contingent on that event or outcome,

commits an offence and shall, upon conviction, be liable to a fine of K10,000,000 or to imprisonment for twelve months.

(2) For purposes of this regulation, "athletic event" means a sporting activity that involves the athletic skill of one or more players or participants but does not include any sport or athletic event played by individuals who are below eighteen years.

FIRST SCHEDULE (reg. 3(3))

FORM 1

APPLICATION FOR A SPORTS BETTING LICENCE

To: The Director General
Malawi Gaming and Lotteries Authority
P.O. Box 3062
Blantyre

1. In accordance with the Gaming and Lotteries Act, 2022 and the Regulations made thereunder I, (contact person),

Name :.....

Designation :.....

Phone number :.....

E-mail address :.....

Contact address :.....

.....

National identity card number/ passport number..... , duly authorized in that behalf by the body corporate specified in paragraph (2) hereby apply *(for and on behalf of the said applicant) for a licence to conduct sports betting in the Republic of Malawi under section 27 of the Gaming and Lotteries Act.

2. Name of an applicant body corporate under which the management of the sports betting will be conducted

.....

.....

Date and place of incorporation, if available*

.....

3. Full names of all directors of the applicant

| *Name* | *Address & Position* | *National Identity number/passport number* | *Date of Birth* | *Place of Birth* |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

4. Have you or any of the person named above ever been

(a) convicted of any criminal offence involving fraud or dishonesty; or

(b) bankrupt, or entered into any agreement with creditors?

If yes, give particulars.

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5. State the type of games that you wish to promote during the term of the licence you are applying for

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6. What do you expect will be the amount of the gross turnover for the first twelve months of the sports betting business in respect of which this application is made?

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7. Is the applicant a wholly or partly owned subsidiary of another body corporate?

Yes ☐ or No ☐

If 'yes' please give details of all holdings, subsidiary and associate entities of the holding body corporate in the table provided below

| *Name of body corporate* | *Registration Number and place of incorporation* | *Nature of business and relationship to applicant e.g holding body corporate, subsidiary body corporate* | *Shareholding percentage* |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

Note: A corporate 'family tree' diagram detailing the relationship of all bodies corporate listed above to the applicant must accompany this application form.

8. Is the applicant a parent body corporate or a part of a group of bodies corporate?

Yes ☐ or No ☐

If yes, please give details of all subsidiary and associate bodies corporate of the group in the table below

| *Name of body corporate* | *Registration number and place of incorporation* | *Nature of business* | *Shareholding percentage of body corporate, subsidiary or associate entities* |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

Note: A corporate 'family tree' diagram detailing the relationship of the applicant body corporate to subsidiaries and associated entities must accompany this application form.

9. Is any shareholder a political office holder? Yes ☐ or No ☐

10. Names, addresses of shareholders holding five percent (5%) or more of the issued share capital of the applicant:

| *Name* | *Address* | *Shareholding percentage* |
|---|---|---|
| | | |
| | | |
| | | |

11. Number of other shareholders with less than five percentage (5%) of the issued share capital of the applicant:

.....

12. Provide names and addresses of any lenders, mortgagees or other persons providing finance in respect of this application, type of facility, amount of facility, repayment period, repayment terms (if applicable) or letter of guarantee from the financial institution.

| *Name* | *Address* | *Account/ Ref. No.* | *Type of Facility* | *Amount of Facility* | *Repayment Period* | *Repayment Terms* |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

13. Provide details and attach any technical agreements which the applicant has entered into to facilitate the operation and conduct of the sports betting operation.

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14. Has the applicant or any other applicant named in this application or any director, manager or officer of such body corporate while acting as such ever been convicted of an offence? Yes ☐ or No ☐

If yes, please give details that should include court at which the person was convicted, date of conviction, offence and penalty

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15. Is there any reason to believe that a prosecution against any of the named bodies corporate, directors or officers may be pending? Yes ☐ or No ☐

If yes, give details

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16. Details of all bank accounts, including foreign accounts, held by the applicant body corporate at any time during the last five years

| *Bank* | *Account No.* | *Account Name* |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

17. Names and addresses of the applicant's lawyers and consultants.

| *Name* | *Address* |
|---|---|
| | |
| | |

DECLARATION

I certify that to the best of my knowledge and belief, the information I have given in this application is complete and correct. I understand that the Authority requires that it be informed if any information supplied within is subject to change at a later date.

Signed :.....

Full Name :.....

Date :.....

THE FOLLOWING MUST ACCOMPANY THIS FORM

(a) certified copies of audited financial statements of the company that will finance the proposed operations of the applicant for the last three years;

(b) details of any substantial hinge in the financial position of the company that will finance the operations of the applicant since the last audited statements;

(c) a copy of the latest tax clearance certificate of the applicant;

(d) certified copies of identification documents i.e. national identity card or passport, in the case of a foreigner;

(e) details of any joint venture arrangements between the applicant and any party;

(f) a copy of the Memorandum and Articles of Association of the applicant and its certificate of incorporation, if available;

(g) certified copies of sports betting licences currently or previously held by the applicant, its affiliates or any director or office bearer anywhere in the world; and

(h) completed personal declaration forms.

NOTE

Applicants should use attachments in instances where the space provided on the form is insufficient.

(*Under Section 84 of the Gaming and Lotteries Act, it is an offence to make a false statement or declaration when making an application under the Act and if found guilty, an applicant shall be liable to a fine of K20,000,000 and to imprisonment for five years.*)

GAMING AND LOTTERIES ACT, 2022

(NO. 34 OF 2022)

GAMING AND LOTTERIES (SPORTS BETTING) REGULATIONS, 2025

FORM OF UNDERTAKING*

I/WE.....of.....
(address) do solemnly SWEAR/ AFFIRM and UNDERTAKE as follows

1. THAT I am /We are the applicant(s) referred to in the application attached hereto and marked with the letter ''A'' (hereinafter in this declaration referred to as the "application").

2. THAT the particulars set out in the application are true and correct in each and every respect.

3. THAT I/WE hereby undertake to incorporate a company in Malawi as soon as the decision is communicated to me/us by the Authority, that the application is successful and that the Authority shall, accordingly, issue the licence to the company when it is incorporated.

AND I/WE MAKE this solemn undertaking conscientiously believing the same to be true and by virtue of the Oaths, Affirmations and Declarations Act (Cap. 4:07).

.....
*Signature*(s)

Done at ..... this ..... day of ....., 20....

Before me: .....
*Commissioner for Oaths*

*This Form of Undertaking shall only apply to an applicant that has not yet been incorporated in Malawi.

FORM 2 (reg. 3(4)(a))

MALAWI GAMING AND LOTTERIES AUTHORITY

[ ] ("the Company")

(see note 3 below)

PERSONAL DECLARATION FORM

Pursuant to the Gaming and Lotteries Act, 2022 ("the Act") the Authority has an overriding statutory duty to ensure that the sports betting operations is run with all due propriety, and that the interests of participants are protected. It must, therefore, ensure that all personnel involved in the activities of the sports betting operation are fit and proper to carry out those activities undertaken by them.

*Note*:

1. *Declarants are advised that information sought in this declaration will be used only for the purpose of satisfying the Authority that the Declarant is "fit and proper." The Authority reserves the right to check or verify the information given by Declarants with any Governmental, quasi-governmental, statutory, or regulatory department, body or agency in Malawi or overseas. Declarants are required to sign a release authorization form to enable the Authority to obtain such necessary information. The release authorization form is hereto attached*.

2. *Declarants are assured that any information contained in this declaration or obtained in order to verify any answer to questions in this declaration will be kept strictly confidential and used for the purposes set out above.*

3. *Where appropriate information about a Declarant is not available to the Authority from Malawi sources, the Declarant must make available to the Authority evidence of good character or conduct from other official sources. Such a Declarant must ensure that the Authority has appropriate information available to enable it to assess the character of the Declarant adequately*.

4. *Where this declaration is made by an individual because of his or her directorship with, or employment by, or association with, the company, please supply that company's name at the head of the page*.

1. PERSONAL INFORMATION

1.1 (*a*) Declarant's full name: Surname :.....

Forenames :.....

(*b*) Any previous surname: Surname :.....

(i) date changed :.....

(ii) reason for change :.....

(*c*) Any previous forename: Forenames :.....

(i) date changed :.....

(ii) reason for change :.....

(*d*) Date and place of birth :.....

1.2 (*a*). Declarant's Spouse

Full name: Surname :.....

Forenames :.....

(*b*). Any previous surname: Surname :.....

(i) date changed :.....

(ii) reason for change :.....

(*c*) Any previous forename: Forenames :.....

(i) date changed :.....

(ii) reason for change :.....

(*d*) Date and place of birth :.....

1.3 (*a*) Declarant's Nationality :.....

(*b*) Country of residence :.....

(*c*) Any change of nationality :.....

(i) previous nationality :.....

(ii) date changed :.....

(*d*) Any change in country of residence

(i) previous country of residence :.....

(ii) date changed :.....

1.4 (*a*) Current private address(es)

.....

.....

(*b*) Any other private address(es) used by the Declarant in previous five years and dates

.....

.....

1.5 Give details of professional qualifications including date of qualifications

.....

.....

2. DECLARANT'S EMPLOYMENT AND DIRECTORSHIP DETAILS

2.1 Please supply a list of the names of your principal employers, if any, during the last three years and the dates during which you worked for them, together.

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2.2 Please state your reasons for leaving each place of employment in 2.1.

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2.3 If you have ever been dismissed for any reason during your working career, provide full details.

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2.4 Please state names, nature of business and date of commencement (and if appropriate, termination) of the directorship of every company of which you are now or have within the last three years been a director.

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3. DECLARANT'S POSITION WITH COMPANY AND EXPERIENCE DETAILS

3.1 Position held or to be held in the company

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.....

3.2 Give details of position described in 3.1

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.....

4. GOOD REPUTATION OF THE DECLARANT

Note 1: *Any legal or other process referred to in this Section includes any analogous process under the law of another country*.

Note 2: *If the answer to any question in this section is "yes" please provide full details.*

4.1 Has at any time during the last three years any company referred to in question 2.1 above, or any company of which you are now or at any time have been a shareholder (other than listed companies of whose shares you hold or have held less than 3 percent) been put into compulsory liquidation or had an administrator or other receiver appointed whilst you were a shareholder or a director or within six months of your ceasing to be a shareholder or director? Yes ☐ or No ☐

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4.2 Has at any time during the last three years any firm in which you have held a partnership or proprietorship been wound up whilst you were a partner or held proprietorship or within one year of your ceasing to be a partner or proprietor?

Yes ☐ or No ☐

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4.3 For each of the companies/firms referred to in reply to questions 4.1 and 4.2, state the date of commencement of liquidation, administration or receivership and the amount involved together with an indication of the outcome or current position.

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4.4 Have you at any time been a party to a deed of arrangement or any form of voluntary arrangement? Yes ☐ or No ☐

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4.5 Have you or any company of which in the last three years you were a director ever paid any penalty to the Malawi Revenue Authority or any revenue authority?

Yes☐ or No☐

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4.6 State whether

(a) you have ever been declared bankrupt or had your estate sequestered.

(b) you are currently the subject of bankruptcy proceedings or proceedings for sequestration of your estate.

If so, state the court by which you were adjudged bankrupt and if discharged, the date and conditions on which you were granted your discharge.

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4.7 State whether you have ever been dismissed or requested to resign or removed from any fiduciary office or position of trust, whether or not remunerated.

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4.8 State whether you have ever been disqualified from acting in the management or conduct of the affairs of any company, partnership or unincorporated association.

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4.9 State whether, in connection with the formation or management of any company, partnership or incorporated association, you have been adjudged by a court in Malawi or elsewhere to be civilly liable for any fraud, misfeasance, or wrongful trading or other misconduct by you towards such a body or towards such a body or towards any members or creditors of such a body.

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4.10 Has a company of which you were a director at the time of the offence been convicted in Malawi or elsewhere of any offence involving fraud or dishonesty or an offence involving fraud or dishonesty or an offence under legislation (whether or not of Malawi) relating to companies, building societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection? If so, state the court by which the company was convicted, the date of conviction and full particulars of the offence and penalty imposed.

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4.11 Are you currently or have you ever been the subject of any investigation by the Police or tax authorities or any government body? Yes ☐ or No ☐

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4.12 Are you now or have ever been obligated to pay a fine or penalty imposed by reason of your conduct of your tax affairs, or that of any agent acting on your behalf? Yes ☐ or No ☐

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5. CRIMINAL CONVICTIONS OR CAUTIONS

5.1 State whether you have convictions or have been cautioned for any criminal offence (other than motoring offences) in Malawi or elsewhere.

If so, state the court by which you were convicted, the date of conviction and full particulars of the offence and penalty imposed and/or full particulars of the offence for which you were cautioned.

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.....

6. DECLARATION

I confirm that having made due enquiry the information supplied is complete and correct to the best of my knowledge and belief.

Signed: ..... Date:.....

(*Under Section 84 of the Gaming and Lotteries Act, it is an offence to make a false statement or declaration when making an application under the Act and if found guilty, an applicant shall be liable to a fine of K20,000,000 and to imprisonment for five years*)

RELEASE AUTHORIZATION FOR AN INDIVIDUAL

TO WHOM IT MAY CONCERN

I..... (full name in block letters) bearing National Identification Number/Passport Number/Driver's Licence Number) .....hereby authorize you to provide the Malawi Gaming and Lotteries Authority with whatever information they may request upon presentation of an original copy of this form.

Signed: ..... Date:.....

FORM 3 (reg. 3(4) (b))

RELEASE AUTHORIZATION

To: All courts, probation departments, employers, educational institutions, banks, financial and other institutions, all agencies without exception, both foreign and domestic, and to whom else this authorization may be duly presented.

From: .....

.....

.....

..... .....

(*incorporation/ registration number*) (*telephone number*)

As a requirement of submitting a proposal for a sports betting licence in Malawi, the above-named company agrees to allow the Malawi Gaming and Lotteries Authority (the Authority) to conduct an investigation into the background of the company.

The company hereby authorizes the Authority and any person authorized by original letter of authority signed by the Authority's Directory General to inspect and obtain copies of__

(a) any credit report, other report, legal or commercial, information derived from those reports that has any bearing on the company's credit worthiness, credit history, credit standing or credit capacity;

(b) any loan information, cheque account records, savings deposit records, safe deposit box records, passbook records and bank statement sheets pertaining to the company provided to the Authority under a letter of authority from the company to its bankers;

(c) any records relating to investigations of the operations or activities of the company conducted by any crime investigation agencies, corporation regulatory agencies or any gaming or lottery regulatory bodies;

(d) any records relating to any present or past civil or criminal court proceedings to which the company is a party; and

(e) any other document, record or correspondence pertaining to the company.

You are hereby authorized to release to the Authority or any of its authorized agents, all the documents, reports and information requested by any of them.

I/We confirm that I/we shall have no claim against any such person who makes any such disclosure to the Authority or any person authorized by the Authority, whether in respect of any breach or confidence or statutory or other duties whatsoever or for defamation or any analogous right in any jurisdiction, whether or not such information disclosed shall be true or false and whether or not any person acted negligently or reasonably in obtaining or disclosing it or had committed any breach of any duty (statutory or otherwise) in obtaining or retaining any such information. I/we hereby irrevocably waive any such claims which I/we might otherwise have.

The terms of this authority and waiver shall be incapable of revocation.

This Authorization shall supersede and countermand any prior request or authorization to the contrary. A photocopy of this Authorization will be considered as effective as the original.

Dated the ..... day of..... 20.....

The Common Seal of ..... was hereto affixed in

..... .....
(*Director*) (*Signature*)

..... .....
(*Secretary*) (*Signature*)

SECOND SCHEDULE regs.3(4) (c); 5(2) and (3)

PART I

FEES

| | *LOCAL APPLICANT* | *FOREIGN APPLICANT* |
|---|---|---|
| (*a*) Request for Proposal (RFP) fee . . | K 500, 000 | USD 250 |
| (*b*) Application fee . . . . . | K 1,000, 000 | USD 500 |
| (*c*) Licence fee/Renewal fee . . . . | K 100,000,000 | USD 50,000 |
| (*d*) Annual fee . . . . . | K 10,000,000 | USD 5,000 |
| (e) Monthly levy* . . . . . | 12.5% of gross gaming revenue | 12.5% of gross gaming revenue |

*(1) Gross gaming revenue shall be calculated by deducting total winnings from total wagers.

*(2) Where a licensee records a negative gross gaming revenue on a particular gaming date, the negative result shall

(a) be recorded a zero in the levy calculations for that month; and

(b) not be offset against future total gross gaming revenue.

PART II reg. 18

PERFORMANCE GUARANTEE

Performance Guarantee USD 50,000

THIRD SCHEDULE reg. 18

LICENCE TO CONDUCT SPORTS BETTING

The Malawi Gaming and Lotteries Authority in exercise of the functions conferred on it by the Gaming and Lotteries Act, 2022 ('the Act') hereby issues to ..... a licence to conduct SPORTS BETTING subject to the conditions attached hereto. The licence is issued under Section 27 of the Act.

The licence shall have effect from ..... to ..... unless suspended or revoked pursuant to the provisions of the Act and the licence conditions.

Given under my hand and seal of the Malawi Gaming and Lotteries Authority

Made this 22nd day of November, 2025.

V. KAMTUKULE
*Minister of Tourism*

(REF. NO. MOT/DOT/1/12/1)

GOVERNMENT NOTICE NO. 9

GAMING AND LOTTERIES ACT

(NO. 34 OF 2022)

GAMING AND LOTTERIES (PLAYER PROTECTION) REGULATIONS, 2025

IN EXERCISE of the powers conferred by section 91 of the Gaming and Lotteries Act, 2022, I, VERA KAMTUKULE, Minister of Tourism, on the recommendation of the Authority, make the following Regulations—

Citation

1. These Regulations may be cited as the Gaming and Lotteries (Player Protection) Regulations, 2025.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"player" means a person who bets or stakes money with consciousness of risk and hope of gain on an outcome of a game, or a contest, or an uncertain event.

Responsible gaming policies, procedures and rules

3.—(1) A licensee shall have documented policies, procedures and rules, approved by the Authority, which shall contain the following objectives—

(a) prevention of betting or gaming by children;

(b) protection of vulnerable persons;

(c) adequate safeguards for all players;

(d) provision of information to all players in relation to grievance handling;

(e) provision of information relevant to the betting, gaming or lottery service to all players;

(f) provision of information on responsible gaming; and

(g) ensuring that the marketing and advertising of the betting, gaming or lottery service is in accordance with the Act.

(2) For purposes of this regulation, "vulnerable persons" means persons who are unable to protect themselves from abuse, harm or exploitation which may be by reason of illness whether physical or mental, age, disability or other types of physical or mental impairment.

Prohibition against unfair terms and conditions

4.—(1) A licensee shall ensure that—

(a) the terms and conditions applicable to the provision of the betting, gaming or lottery service are easily understood and easily accessible, and that changes thereto are made in a fair and transparent manner;

(b) players have explicitly accepted the latest version of the terms and conditions before being allowed to start or continue being the recipient of a betting, gaming or lottery service; and

(c) the terms and conditions have been displayed in at least English and Chichewa languages.

(2) Where any provision in such terms and conditions is not clear, or any reasonable doubt arises as to the meaning, the interpretation most favourable to the player shall prevail.

(3) A licensee shall align the terms and conditions applicable to the provision of betting, gaming or lottery service to the Consumer Protection Act. Cap. 48:10

Children participation

5. (1) A licensee shall take all reasonable and available measures to ensure that a child does not participate as a player in an authorized game.

(2) As part of its control systems, a licensee shall establish effective systems to ensure a child does not participate in betting or gaming activities.

(3) In the event that the Authority is not satisfied with the systems established by a licensee under subregulation (2), the Authority may direct the licensee to modify its systems or to implement new systems.

(4) A licensee shall, within twenty-four hours, retain any money paid in respect of the use of its services by a child and pay it to the Fund.

(5) A prize won by a child, who has participated in an authorized game, contrary to this regulation shall be forfeited to the Fund.

Registration of players

6. (1) A licensee shall, as part of its internal control system, register its players using registration forms approved by the Authority.

(2) A licensee shall not allow unregistered players to participate in betting, gaming or lottery services offered at its licensed premises or its operating platforms.

Terms of agreements with players

7. A licensee shall ensure that registration forms for opening a player's account

(a) clearly establish a legally enforceable contractual relationship between the licensee and the player; and

(b) do not include any terms that are unfair or unreasonable to the player.

Deviation from rules

8. (1) A licensee shall ensure that all games, lottery and betting events follow a constant set of rules as approved by the Authority.

(2) A licensee or a player shall not deviate from the approved set of rules.

(3) A person who contravenes this regulation commits an offence.

Fair use of gaming and lotteries services

9. A player shall

(a) make use of a betting, gaming or lottery service in a fair manner; and

(b) comply with the applicable terms and conditions.

Complaint handling by a licensee

10. (1) A licensee shall inform its players of the applicable complaint lodging procedures or other alternative dispute resolution mechanisms available on its platforms.

(2) A licensee shall, upon receipt of a complaint made by a player who makes or has made use of the betting, gaming or lottery service, immediately inquire into the complaint.

(3) A licensee shall inform the complainant of the results of such inquiry within seven days from the date the complaint was received.

(4) In communicating the results of the inquiry to the complainant, the licensee shall also provide the complainant with the procedure for referring disputes and any complaints arising out of, or in connection with, the betting, gaming or lottery service to—

(a) the Authority's complaint handling unit; or

(b) other alternative dispute resolution mechanisms.

Complaint handling by the Authority

11.—(1) A licensee shall inform a player that he or she may lodge a complaint with the Authority's complaint handling unit if he or she has reason to believe that any aspect of the betting, gaming or lottery service is unlawful, or conducted in a manner which is not safe, not fair or not transparent.

(2) A player shall only lodge a complaint with the Authority's complaint handling unit after exhausting complaint handling procedures by the licensee.

(3) A complaint under this regulation shall not be lodged to the Authority after expiration of ninety days from the date of the event giving rise to the complaint.

Authority's complaint handling unit

12.—(1) The Authority shall constitute a complaint handling unit for the purpose of receiving complaints from players arising out of, or in connection with, any betting, gaming or lottery service.

(2) In examining a complaint, the complaint handling unit may demand any pertinent information from the relevant authorized person.

(3) The Authority may establish the rules or procedures to govern the operations of the complaint handling unit.

Procedures for complaint handling by the Authority

13.—(1) A complainant may lodge a complaint with the Authority in the form as prescribed in the *Schedule*.

(2) Where an oral complaint is made, or where a complainant cannot read or write, the complaint shall be—

(a) recorded by use of an electronic device; or

(b) put into writing by—

(i) an officer of the Authority; or

(ii) any other person of the complainant's choice.

(3) Where a complaint is written down by a person other than a complainant—

(a) the complaint shall be read over and explained to the complainant in a language that he or she understands, and there shall be a declaration to that effect on the form; and

(b) the complainant shall indicate that he or she understands what has been read over and explained before appending his or her signature or thumb print onto the form.

Assessment of complaints

14. (1) Upon receipt of a complaint, the complaint handling unit shall register the complaint in the complaints register.

(2) The complaint handling unit shall conduct a preliminary assessment of a complaint within seven days after registration of the complaint.

(3) Where there is no merit, the complaint handling unit shall recommend to the Director General, with supporting reasons, that the complaint be dismissed.

(4) Where there is merit in the complaint, the complaint handling unit shall serve a notice of complaint on the licensee and the licensee shall be given seven days to respond to the notice.

(5) The complaint handling unit shall conduct an investigation of the complaint and, where necessary, request the parties to provide further information.

(6) The complaint handling unit shall, with supporting reasons, make a finding on the complaint, within twenty-one days after registering the complaint, and make a recommendation to the Director General.

(7) The Director General shall, within five days after receiving the recommendation from the complaint handling unit, communicate the determination to the complainant.

Reasons for dismissing complaints

15. The Authority may dismiss a complaint where it is satisfied that

(a) a complainant was not the player;

(b) the complaint was trivial, frivolous or vexatious;

(c) the complaint was malicious or not made in good faith; or

(d) more than ninety days have elapsed from the date of the commission of the alleged breach of the Act or licence conditions.

General penalty

16. A person convicted of an offence under these Regulations, for which no penalty has been specifically provided for, shall be liable to a fine of K10,000,000 and imprisonment for twelve months.

SCHEDULE (reg. 13)

MALAWI GAMING AND LOTTERIES AUTHORITY

COMPLAINT REGISTRATION FORM

(*To be completed by the Complainant*)

PART A PERSONAL DETAILS OF COMPLAINANT

Name :.....

Physical Address :.....

Postal address :.....

Phone No :..... National ID/Passport No.:.....

Email Address :.....

PART B COMPLAINT REGISTERED AGAINST

Name of Licensee :.....

Type of licensed activity (casino/betting/lottery) :.....

PART C ANY OTHER ACTION TAKEN AGAINST THE LICENSEE

Date:..... Persons contacted :.....

Outcome of the intervention (*attach any documentary evidence, if available*):.....

:.....

PART D DETAILS OF COMPLAINT

Date and time of incident :..... Persons contacted :.....

Description of complaint (*additional paper may be attached, should space provided is inadequate*)

.....

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PART E—RELIEF SOUGHT

(What would you consider a satisfactory resolution to this matter?)

A. Refund of wager (please state amount in Kwacha) :.....

B. Payment of winnings (please state amount in Kwacha) :.....

C. Other, please specify :.....

NOTICE:

*Please provide sufficient information pertaining to your specific complaint. Where possible, also provide supporting documents to facilitate speedy review of your complaint. We will use the information to decide whether a breach of the Gaming and Lotteries Act or licence conditions occurred.*

*Upon lodging the complaint, the Authority shall conduct an investigation and advise you of the outcome. You may be contacted to provide further details.*

*Please return the duly completed form to:*

*Director General, Malawi Gaming and Lotteries Authority, PO. Box 3062, Blantyre; or email to magla@magla.org.mw*

DECLARATION BY A PERSON REGISTERING THE COMPLAINT

I. declare that I have truly, distinctly and audibly read the contents of this form to the complainant.....in the ..... language that he or she understands the contents ( in the case the complainant does not understand English).

Signature :..... Date :.....

DECLARATION BY A COMPLAINANT WHO DOES NOT UNDERSTAND THE ENGLISH LANGUAGE

I,.....declare that I have understood the contents of the complaint I have lodged with the Authority, as explained to me, in ..... language and I make this declaration conscientiously believing the same to be true.

Signature :..... Date :.....

PART F—FOR OFFICIAL USE

Complaint registered by :.....

Designation :.....

Signature :.....

Method of lodging a complaint :.....

PROPOSED ACTION

After a preliminary analysis and desk review of the complaint, there is a suspected violation of Section.....of the Gaming and Lotteries Act, or regulation ..... of ..... Regulations, or Licence Condition ..... (whichever is applicable)

In view of this, the following action is recommended

(a) Launch investigations on suspected violation of the Act, Regulations or Licence Conditions (whichever is applicable);

(b) Request more information from complainant or any other parties;

(c) Refer the complaint to other agencies; or

(d) Dismiss the complaint.

Case Officer :…..... Signature:.....

Approved by:.....

*Director of Operations/Director of Legal Services*

Signature :..... Date :.....

I hereby authorize Officers of the Authority to take any of the following actions

(a) Investigate the complaint;

(b) Dismiss the complaint at preliminary stage; or

(c) Refer the complaint to another agency.

Signature :..... Date :.....

*Director General*

Made this 22nd day of November, 2024.

V. KAMTUKULE

*Minister of Tourism*

(REF. NO. MOT/DOT/1/12/1)

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