

Part 2 of the Gambling Act 2025 (**"New Act"**) establishes the regulatory framework and key roles for licensing and supervising gambling in Gibraltar. Below is a summary of Part 2.

1. THE LICENSING AUTHORITY

- The Minister or anyone appointed by the Minister serves as the Licensing Authority of His Majesty's Government of Gibraltar (**"HMGOG"**).
- Must align with HMGOG's general policy on gambling but is independent and cannot be directed on individual licensing decisions.
- Licensing: Reviews and decides on applications for gambling licences, renewals, variations and all regulatory approvals (e.g. Change of Control).
- Oversight: Executes duties assigned under the New Act.

2. THE GAMBLING COMMISSIONER

- Appointed by the Minister and leads the Gambling Division.
- Operates under terms set by the Minister.
- Advises the Licensing Authority and the Minister on adequacy of powers and resources.
- Supervises and regulates licence holders and regulated individuals.
- Enforces compliance with:
 - The New Act;
 - Licence conditions;
 - Financial crime prevention laws
 - Can investigate, take enforcement action and impose a range of sanctions.
 - Monitors gambling activities in/from Gibraltar.

3. DISCHARGE OF FUNCTIONS

- The Gambling Commissioner must:
 - Act in line with gambling regulatory objectives;
 - Use resources efficiently;
 - Respect business autonomy and proportionality;
 - Consider Gibraltar's international competitiveness and reputation;
 - Promote Gibraltar's macroeconomic interests.

4. GAMBLING REGULATORY OBJECTIVES

- These are set out in Section 9 and Schedule 1 of the New Act covering:
 - Confidence in gambling markets;
 - Fair, responsible, and safer gambling;
 - Prevention of crime and financial crime;
 - Protection of Gibraltar's public interest and reputation

5. STAFF AND DELEGATION

- The Gambling Commissioner is supported by assigned staff from HMGOG (Gambling Division).
- The Gambling Commissioner may delegate functions (except enforcement powers).

6. MINISTER'S DEFAULT POWERS

- The Minister can intervene if the Gambling Commissioner fails to comply with legal duties under the New Act.
- The Minister may act directly or appoint someone to do so.

7. COMPANY REGISTRATION AND DEREGISTRATION

- The Minister can direct the Registrar of Companies to:
 - Deregister companies operating without a licence;
 - Prevent registration of companies likely to breach the New Act.

8. RULES, CODES, AND GUIDANCE

- The Gambling Commissioner may issue rules and guidance with Ministerial consent and consult licence holders before issuing.
- The Minister can direct the Gambling Commissioner and or override or amend such rules or guidance.
- Such rules or guidance may cover matters such as:
 - Equipment integrity;
 - Responsible gambling;
 - Financial crime compliance;
 - Marketing and advertising;
 - Customer complaints

9. REGISTER OF LICENCE HOLDERS

- The Gambling Commissioner maintains a secure, up-to-date register;
- May publish it as deemed appropriate;
- The Minister can regulate its format and content.

FINAL THOUGHTS

- To summarise Part 2 of the New Act provides a clear outline of Gibraltar's new licensing and regulatory framework, including supervision and regulatory objectives and powers.
- The New Act complements and modernises the current framework and regulatory practice developed over the years and reflects Gibraltar's evolution into a mature, internationally credible gambling jurisdiction.
- The intention is for the New Act to align with global standards and best practices seen in the UK, Malta, and other regulated markets.
- While the Commissioner gains operational authority, the Minister retains ultimate power and control—this balance will be key to maintaining both credibility and flexibility for the years to come.

For more information on this article please do not hesitate to get in touch with us.

Steven Caetano
Partner
ISOLAS LLP

Steven.caetano@isolas.gi