NIISITAPI
GAMING COMMISSION

Commission Instruments: Policies, Codes of Practice and Guidelines

Document control

Item	Entry
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Enquiries	Refer to the Commission website contact page

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1. Purpose

The Online Gaming Regulations (the "Gaming Regulations") set the legal framework. The Commission issues Policies, Codes of Practice and Guidelines to provide further detail. This note explains their purpose, binding effect and relationship.

2. What the three have in common

All three instruments are collectively categorised as "Commission Policies" issued under Regulation 46 of the Gaming Regulations. They share the following requirements:

- **Binding effect.** Compliance with applicable instruments is a License condition. A breach is a breach of the Gaming Regulations and may be dealt with under Part XII (Regulation 46.3).
- **Limits.** Instruments may impose more detailed or stricter requirements but must remain consistent with the Gaming Regulations. The Gaming Regulations prevail over conflicting instruments (Regulation 46.4); mandatory law prevails over both (Regulation 47).
- **Publication.** Instruments and amendments are published with their effective dates. Licensees are consulted where practicable (Regulation 46.5).
- **Format and review.** Each instrument uses a standard Commission format, which includes a document-control table stating its legal basis, and is reviewed at least every two years.

3. Policies

A Policy sets mandatory requirements for a specific topic or group. It states what must be done, using "must", and is usually short, with supporting annexes where needed.

Use a Policy to set specific obligations, deadlines and record-keeping requirements that the Commission will supervise and enforce.

Examples: Responsible Gaming Policy, Player Complaints Policy, KYC Policy, Role of ADR and Approval Policy, and Incident Report Policy (draft). The KYC Policy is the policy referred to in Regulation 18.1(a).

4. Codes of Practice

A Code of Practice covers a whole compliance discipline, usually implementing an external legal or international standard. It explains both what must be done and how to do it. Codes are generally longer and more detailed than Policies, combining requirements, explanations, indicators and templates.

Use a Code of Practice where Licensees need a self-contained reference for meeting an external standard and the Commission needs a basis for assessing compliance.

Example: the AML/CFT/CPF Code of Practice implements the FATF Recommendations and is the "AML Policy" referred to in Regulation 21.

5. Guidelines

A Guideline explains how to meet requirements in practice. It distinguishes mandatory requirements ("must"), recommended practice ("should") and options ("may"). "Must" provisions are binding. A

Licensee departing from a “should” provision must explain how its approach achieves the same outcome.

Use a Guideline to set minimum requirements while allowing different methods to achieve the required outcome, for example where Licensees’ products or markets differ.

Examples: the Terms and Conditions Guideline (draft) and the Application Guidelines for Applicants under Regulation 6.2.

7. How they fit together

- Order of precedence: mandatory law, then the Gaming Regulations, then all three types of Commission Policy (Regulations 46.4 and 47).
- Overlaps. The Gaming Regulations do not rank Policies, Codes of Practice and Guidelines. Instruments should cross-refer where they overlap. If two instruments set different deadlines for the same event, the shorter deadline applies.
- Naming. Each instrument uses its own type consistently (“this Policy”, “this Code of Practice” or “this Guideline”). References to other instruments use consistent titles and short names, such as “the AML Code”.