

No. 3 of 2011

Alderney Gambling Control Commission
The Alderney eGambling (Amendment) Regulations, 2011

Made 30th March 2011
Coming into operation 1st April 2011
Laid before the States 20th April 2011

THE ALDERNEY GAMBLING CONTROL COMMISSION, in exercise of the powers conferred on it by sections 7(2), 22 and 27 of the Alderney eGambling Ordinance, 2009^a, hereby makes the following Regulations:-

Amendment to the 2009 Regulations.

1. The 2009 Regulations are amended as follows.
2. In regulation 4 of the 2009 Regulations -
 - (a) omit "and" at the end of paragraph (k)(iii),
 - (b) for the full-stop at the end of the regulation, insert a semi-colon, and
 - (c) immediately after paragraph (l), insert -

"and"

^a Ordinance No. X of 2009.

(m) where required for such purpose as the Commission may specify, a Category 1 eGambling licensee shall incorporate, or include, such software on its website, download or application as the Commission may, for that purpose, supply or specify."

3. In regulation 6 of the 2009 Regulations -

- (a) omit "and" at the end of paragraph (l),
- (b) for the full-stop at the end of the regulation, insert a semi-colon, and
- (c) immediately after paragraph (m), insert –

"and

(n) where required for such purpose as the Commission may specify, a Category 2 eGambling licensee shall incorporate in, or include on, its website, download or application such software as the Commission may, for that purpose, supply or specify."

4. In regulation 8 of the 2009 Regulations -

- (a) omit "and" at the end of paragraph (h),
- (b) for the full-stop at the end of the regulation, insert a

semi-colon, and

(c) immediately after paragraph (i), insert -

"and

(j) where required for such purpose as the Commission may specify, a Temporary eGambling licensee shall incorporate in, or include on, its website, download or application such software as the Commission may, for that purpose, supply or specify."

5. In regulation 60 of the 2009 Regulations -

(a) omit "and" at the end of paragraph (i),

(b) for the full-stop at the end of the regulation, insert a semi-colon, and

(c) immediately after paragraph (j), insert -

"and

(k) where required for such purpose as the Commission may specify, a foreign gambling associate certificate holder must incorporate in, or include on, its website, download or application such software as the Commission may, for that purpose, supply or specify."

6. Subject to regulations 7 and 8, for each reference wherever appearing in the 2009 Regulations -

- (a) to "Chief Executive Officer" substitute "Executive Director", and
- (b) to "Chief inspector" substitute "Director".

7. In regulation 265 of the 2009 Regulations -

- (a) the definitions of "Chief Executive Officer" and "Chief Inspector" are deleted,
- (b) immediately after the definition of "determination notice", insert the following definition -

""**Director**" means a person appointed to the post of Director by the Commissioners in accordance with paragraph 9 of Schedule 1 to the Law;" , and

- (c) immediately after the definition of "equipment condition notice", insert the following definition -

""**Executive Director**" means the person appointed to the post of Executive Director of the Commission by the Commissioners in accordance with paragraph 9 of Schedule 1 to the Law, and whilst that person is temporarily unable to exercise his functions due to absence or any other reason, "Executive Director" means a Director;" .

8. In Schedule 10 to the Regulations of 2009, for "Chief Executive

Officer" substitute "Director".

Interpretation.

9. (1) In these Regulations –

"**relevant enactment**" means the Gambling (Alderney) Law, 1999^b, the Alderney eGambling Ordinance, 2009 and the 2009 Regulations, and

"**the 2009 Regulations**" means the Alderney eGambling Regulations, 2009^c.

(2) Words defined in a relevant enactment have the same meaning when used in these Regulations, unless the context requires otherwise or the contrary intention is expressed.

(3) The Interpretation (Guernsey) Law, 1948^d applies to the interpretation of these Regulations as it applies to the interpretation of an enactment in force in the Island of Guernsey.

(4) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

^b Ordres en Conseil Vol. XXXIX, p. 374; Order in Council No. XXVII of 2001; Ordinance No. VII of 2006.

^c Statutory Instrument 1/2010, as amended by the Alderney eGambling (Amendment) Regulations, 2010 and the Alderney eGambling (Amendment) (No. 2) Regulations, 2010.

^d Ordres en Conseil Vol. XIII, p. 355.

Savings and transitional provisions.

10. (1) Subject to subsection (2), anything done before the date of commencement of these Regulations or in the process of being done on that date by or in relation to -

- (a) the Chief Executive Officer under or by virtue of a relevant enactment shall have effect as if done or (as the case may be) may be continued by or in relation to the Executive Director, or
- (b) the Chief Inspector under or by virtue of a relevant enactment shall have effect as if done or (as the case may be) may be continued by or in relation to a Director.

(2) A key individual certificate issued before the date of commencement of these Regulations shall have effect as if signed by a Director.

Citation and commencement.

11. These Regulations may be cited as the Alderney eGambling (Amendment) Regulations, 2011 and shall come into force on the 1st April, 2011.

Dated this 30th day of March, 2011.

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JOHN GODFREY

Chairman of the Alderney Gambling Control Commission
for and on behalf of the Commission.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Alderney Gambling Control Commission under the Alderney eGambling Ordinance, 2009 and amend the Alderney eGambling Regulations, 2009.

The Regulations enable the Commission to require Category 1, 2 and Temporary eGambling licensees and foreign gambling associate certificate holders to incorporate in, or include on, their websites, downloads or applications such software as the Commission may supply or specify. They also amend the job title of the Chief Executive Officer to that of Executive Officer, amend the job title of Chief Inspector to that of Director and transfer a function previously carried out by the Chief Executive Officer to a Director.

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