
ALDERNEY STATUTORY INSTRUMENT

No. 5 — 2007

**The Alderney eGambling (Amendment)
Regulations, 2007**

Made	...	...	...	...	...	...	...	...	22nd August, 2007
Coming into operation	...	...	...	...	...	...	...	...	22nd August, 2007
Laid before the States	...	...	...	...	...	...	...	...	19th September, 2007

THE ALDERNEY GAMBLING CONTROL COMMISSION, in exercise of the powers conferred on it by sections 12(2), 14(3) and (4), 15(4), 16(2), 20 and 25 of the Alderney eGambling Ordinance, 2006(a), hereby makes the following Regulations:-

Problem gambling: research, education and treatment.

1. (1) In regulation 27(1) of the 2006 Regulations, immediately after sub-paragraph (c) insert the following sub-paragraph-

“(ca) the level and nature of the contribution made by, or on behalf of, the eGambling licensee to any appropriate body involved in conducting research into, or providing education about, the risks of gambling or the treatment of problem gamblers;”

(2) In regulation 182(1) of the 2006 Regulations, immediately after sub-paragraph (c) insert the following sub-paragraph-

“(ca) the level and nature (being commensurate with the periods during which the eGambling licensee exercises its licence) of the contribution made by, or on behalf of, the eGambling licensee to any appropriate body involved in conducting research into, or providing education about, the risks of gambling or the treatment of problem gamblers;”

(3) In paragraph 2 of Part I of Schedule 6 to the 2006 Regulations, immediately after the entry in the list of contents therein numbered “4.17” insert the following additional entry-

(a) Ordinance No. VI of 2006.

“4.18 Support for problem gambling research, education and treatment”.

Staged initial approval of internal control system.

2. (1) In the “ARRANGEMENT OF REGULATIONS” of the 2006 Regulations, immediately after the entry relating to regulation 260 insert the following entry-

“260A. Conditional approval of internal control system.”.

(2) Immediately after regulation 260 of the 2006 Regulations insert the following regulation-

“Conditional approval of internal control system.

260A. (1) Where an eGambling licensee has complied with regulations 252 and 253, prior to the determination of an application for approval of an internal control system in accordance with regulation 261, the eGambling licensee may make a request in writing for the Commission to consider granting conditional approval of its internal control system.

(2) A request seeking conditional approval of an internal control system shall explain the reason why it is being made, be signed by a duly authorised officer of the eGambling licensee and be delivered to the offices of the Commission.

(3) If the Commission is satisfied that exceptional circumstances exist, it may proceed to grant such conditional approval in accordance with this regulation.

(4) Where the evaluation undertaken in accordance with regulation 255(1) has not been fully completed, but the Chief Executive Officer is satisfied from the extent of the evaluation that has by then occurred that the internal control system appears to satisfy regulation 256, he may give the eGambling licensee written notice that the system has been conditionally approved.

(5) A notice given in accordance with paragraph (4) shall specify-

- (a) the period for which conditional approval is being given;
- (b) that the approval is subject to the ongoing compliance by the eGambling licensee with all the requirements of this Chapter until the full evaluation process has been concluded; and
- (c) such other conditions as the Chief Executive Officer considers necessary or expedient.

(6) A conditional approval of an eGambling licensee’s internal control system shall only become effective upon receipt by the Commission of an acknowledgment in writing from the eGambling licensee that it assents to the terms of that approval.

(7) Where it is appropriate to do so, of his own motion the Chief Executive Officer may, by notice in writing to an eGambling licensee, extend the period for which conditional approval has been given as specified in paragraph (5)(a).

(8) A conditional approval of an eGambling licensee’s internal control system given in accordance with this regulation shall, for the purpose of section 14(1)(a) of the Ordinance, be regarded in the same way as an approval given in accordance with regulation 261.”.

(3) In regulation 261(1) of the 2006 Regulations, for “an evaluation” substitute “a full evaluation”.

(4) In regulation 264 of the 2006 Regulations, immediately after “system” insert “in accordance with regulation 261”.

Staged initial approval of gambling equipment.

3. (1) In the “ARRANGEMENT OF REGULATIONS” of the 2006 Regulations, immediately after the entry relating to regulation 298 insert the following entry-

“298A. Conditional approval of gambling equipment.”.

(2) Immediately after regulation 298 of the 2006 Regulations insert the following regulation-

“Conditional approval of gambling equipment.

298A. (1) Where, in respect of an application for initial approval of its gambling equipment under regulation 291(1), an eGambling licensee has complied with regulations 292 and 293, prior to the determination of that application in accordance with regulation 299, the eGambling licensee may make a request in writing for the Commission to consider granting conditional approval of its gambling equipment.

(2) A request seeking conditional approval of gambling equipment shall explain the reason why it is being made, be signed by a duly authorised officer of the eGambling licensee and be delivered to the offices of the Commission.

(3) If the Commission is satisfied that exceptional circumstances

exist, without prejudice to its general powers to impose conditions on a gambling equipment approval under regulation 302, it may proceed to grant such conditional approval in accordance with this regulation.

(4) Where the evaluation undertaken in accordance with regulation 294(1) has not been fully completed, but the Chief Executive Officer is satisfied from the extent of the evaluation that has by then occurred that the gambling equipment appears to satisfy regulation 295(b), he may give the eGambling licensee written notice that the equipment has been conditionally approved.

(5) A notice given in accordance with paragraph (4) shall, so far as practicable, be in a form similar to a gambling equipment approval and shall specify-

- (a) the period for which conditional approval is being given;
- (b) that the approval is subject to the ongoing compliance by the eGambling licensee with all the requirements of this Chapter applicable to initial approval of its gambling equipment until the full evaluation process has been concluded; and
- (c) such other conditions as the Chief Executive Officer considers necessary or expedient.

(6) A conditional approval of an eGambling licensee's gambling equipment shall only become effective upon receipt by the Commission of an acknowledgment in writing from the eGambling licensee that it assents to the terms of that approval.

(7) Where it is appropriate to do so, of his own motion the Chief Executive Officer may, by notice in writing to an eGambling licensee, extend the period for which conditional approval has been given as specified in paragraph (5)(a).

(8) A conditional approval of an eGambling licensee's gambling equipment given in accordance with this regulation shall, for the purpose of section 15(1) of the Ordinance, be regarded in the same way as an approval given in accordance with regulation 299."

(3) In regulation 299(1) of the 2006 Regulations, for "an evaluation" substitute "a full evaluation".

(4) In regulation 306(1) of the 2006 Regulations, immediately after "equipment" insert "in accordance with regulation 299".

Consequential amendment.

4. In regulation 401(1) of the 2006 Regulations, insert the following definition immediately after the definition of “condition notice”-

““conditional approval” means a notice given under regulation 260A or 298A, as the case may be;”.

Interpretation.

5. (1) In these Regulations, “the 2006 Regulations” means the Alderney eGambling Regulations, 2006, as amended by the Alderney eGambling (Amendment) Regulations, 2006 and the Alderney eGambling (Amendment) (No. 2) Regulations, 2006.

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

Transitional provision.

6. The introduction by regulation 1(3) of the additional item in the content required in an eGambling licensee’s internal control system shall be deemed to constitute a control change notice as if it were given in accordance with regulation 266 of the 2006 Regulations to all eGambling licensees whose internal control systems have, or will have, been approved on or before 1st September, 2007 and requires such an eGambling licensee to obtain approval from the Commission for a new Section 4.18 to be incorporated into its approved internal control system by 31st December, 2007.

Citation.

7. These Regulations may be cited as the Alderney eGambling (Amendment) Regulations, 2007.

Commencement.

8. These Regulations shall come into force on the 22nd August, 2007.

Dated this 22nd day of August, 2007.

.....

ISABEL PICORNELL

Member 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, 2006 and supplement the regulatory regime applying to eGambling licences.

The Commission is now required to take into account when considering the ongoing suitability of an entity to continue to hold an eGambling licence a further consideration relating to an eGambling licensee's contribution, as appropriate, towards research and education relating to gambling and treatment of problem gamblers (regulation 1). Licensees must explain to the Commission the type and nature of its charitable contributions in these areas as part of its approved internal control system. This will enable the Commission to monitor how satisfactory it considers this aspect of a licensee's operation to be. If unsatisfactory, appropriate sanctions against the licensee could follow. This addition to the 2006 Regulations is intended to enhance the position that Alderney has as a jurisdiction that takes seriously the importance of social responsibility associated with gambling activities. For licensees whose internal control systems have been approved (or where the approval process is almost complete), approval for a modified internal control system incorporating the new element must be obtained before 31st December, 2007 (regulation 6).

A further mechanism in which approval for an eGambling licensee's internal control system and gambling equipment, as required under sections 14 and 15 of the 206 Ordinance before an eGambling licence can be lawfully exercised, is introduced (regulations 2 and 3). Approval can now be given on a time-limited basis following an initial evaluation where it appears that the controls and equipment meet the required standards for approval, but pending further evaluation to ascertain finally whether or not unconditional approval can be given. This new process recognises that some eGambling licensees are already associated with existing operational eGambling and, for example, are migrating such existing operations so that they fall under a newly acquired Alderney eGambling licence. In those types of cases, the detailed level of scrutiny required to undertake a full evaluation before approval is granted could unduly delay the licensee's desire to "go-live" under its licence in a timely fashion. The Commission is satisfied that sufficient evaluation to identify whether there

are any real problems with a licensee's internal controls or its equipment can be undertaken much quicker than the full evaluation required for final approval under the 2006 Regulations yet without jeopardising the high regulatory standards required of licensees, thereby enabling a licensee who makes a request in the exceptional circumstances in which it finds itself to exercise its licence on that conditional basis whilst the Commission concludes the full evaluation process.

S. E. KELLY
Greffier

To be purchased directly from:
The Clerk of the States, or the States Office, Alderney.
PRICE £2.00

Printed by Guernsey Herald Ltd., Victoria Road, Guernsey.