

Island of



Guernsey

Ordinance of the States

XLIII
2006

Made25th October, 2006

The Alderney eGambling (Operations in Guernsey) Ordinance, 2006

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THE STATES, in pursuance of their Resolution of the 1st June, 2006^a, and in exercise of the powers conferred upon them by sections 2 and 8(2A) of the Gambling (Guernsey) Law, 1971, as amended^b and of all other powers enabling them in that behalf, hereby order:-

PART I LAWFUL eGAMBLING

Lawful gambling: Alderney eGambling licensees.

1. A gambling transaction effected with the holder of an eGambling licence issued by the Alderney Gambling Control Commission under the Alderney eGambling Ordinance, 2006^c ("**the eGambling Ordinance**") is not unlawful gambling for the purposes of the Gambling (Guernsey) Law, 1971 ("**the Law**"), provided that the conditions set out in section 2(1) or (2) are met.

Conditions of legality.

2. (1) Where the gambling transaction is effected with an eGambling licensee who holds a full eGambling licence, the conditions are that -

- (a) it would be lawful in Alderney to effect the transaction by virtue of the provisions of the eGambling

^a Article XV of Billet d'État No. X of 2006.

^b Ordres en Conseil Vol. XXIII, p. 109 as amended by Vol. XXIV, p. 400, Order in Council No. XXVII of 1997 and No. II of 2001.

^c Alderney Ordinance No. VI of 2006.

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- (b) it would be lawful in Alderney for the licensee to effect the transaction, or to negotiate or enter into the transaction, by virtue of the provisions of the eGambling Ordinance and Regulations made thereunder,
- (c) the place in Guernsey at which the transaction is effected are approved premises controlled by the holder of a hosting certificate issued by the Alderney Gambling Control Commission under the eGambling Ordinance, and
- (d) the transaction is effected in Guernsey only by virtue of it being effected through a computer server which is located in Guernsey,

and if these conditions are not met the transaction is unlawful gambling for the purposes of the Law.

(2) Where the gambling transaction is effected with an eGambling licensee who holds a restricted use eGambling licence, the conditions are that -

- (a) it would be lawful in Alderney to effect the transaction by virtue of the provisions of the eGambling Ordinance,
- (b) it would be lawful in Alderney for the licensee to effect the transaction, or to negotiate or enter into the

transaction, by virtue of the provisions of the eGambling Ordinance and Regulations made thereunder,

- (c) the licensee at all times complies with the requirements imposed on the exercise of its licence by virtue of regulations made under section 18 of the eGambling Ordinance,
- (d) the place in Guernsey at which the transaction is effected are approved premises controlled by the holder of a hosting certificate issued by the Alderney Gambling Control Commission under the eGambling Ordinance, and
- (e) the transaction is effected in Guernsey only by virtue of it being effected through a computer server which is located in Guernsey,

and if these conditions are not met the transaction is unlawful gambling for the purposes of the Law.

Gambling with strangers.

3. Notwithstanding the provisions of section 8(1) of the Law, the holder of an eGambling licence issued by the Alderney Gambling Control Commission under the eGambling Ordinance may negotiate and enter into a gambling transaction, which is lawful by virtue of the provisions of section 1, with or on behalf of a stranger.

PART II

MISCELLANEOUS

Powers of Alderney Gambling Control Commission.

4. The Alderney Gambling Control Commission may exercise the same functions in respect of the holder of an eGambling licence effecting a gambling transaction under the authority of this Ordinance as it would be able to exercise under the eGambling Ordinance and Regulations made thereunder, and under the Gambling (Alderney) Law, 1999^d, if the transaction were effected in Alderney.

Interpretation.

5. (1) In this Ordinance, unless the context requires otherwise -

"**approved premises**" has the meaning given by the eGambling Ordinance,

"**eGambling licence**", "**full eGambling licence**" and "**restricted use eGambling licence**" have the meanings given by the eGambling Ordinance,

"**eGambling Ordinance**" means the Alderney eGambling Ordinance, 2006,

"**gambling transaction**" has the meaning given by the eGambling Ordinance,

"**Guernsey**" means the island of Guernsey and includes the islands of Herm and Jethou,

"**hosting certificate**" has the meaning given by the eGambling

^d Order in Council No. XIV of 1999 as amended by No. XXVII of 2001.

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"**the Law**" means the Gambling (Guernsey) Law, 1971,

and other expressions have the same meanings as in the Law.

(2) In this Ordinance, unless the context requires otherwise, any reference to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Repeals.

6. The Alderney Internet Gambling (Temporary Relocation) Ordinance, 2004^e and the Alderney Internet Gambling (Location of Computer Servers) Ordinance, 2005^f are repealed.

Extent.

7. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation.

8. This Ordinance may be cited as the Alderney eGambling (Operations in Guernsey) Ordinance, 2006.

^e No. XIV of 2004.

^f No. XIII of 2005.