

Island of  Guernsey

Ordinance of the States

**XIII
2005**

Made	27th July, 2005
Coming into operation	27th July, 2005

**The Alderney Internet Gambling
(Location of Computer Services)
Ordinance, 2005**

The Alderney Internet Gambling (Location of Computer Servers) Ordinance, 2005

THE STATES, in pursuance of their Resolution of the 26th May, 2005^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 ELECTRONIC BETTING

Lawful gambling: Alderney electronic betting centre licensees.

1. Subject to the provisions of section 2, a betting transaction effected with the holder of an electronic betting centre licence issued by the Alderney Gambling Control Commission under the Gambling (Electronic Betting) (Alderney) Ordinance, 2002^c ("**the Electronic Betting Ordinance**") is not unlawful gambling for the purposes of the Gambling (Guernsey) Law, 1971 ("**the Law**").

Conditions of legality.

2. Section 1 does not apply unless the following conditions are met -

- (a) it would be lawful in Alderney to effect the transaction by virtue of the provisions of the Electronic Betting Ordinance,

^a Article VI of Billet d'État No. VI of 2005.

^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 No. XVII of 2002, as amended by No. XV of 2003.

- (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 Electronic Betting Ordinance,
- (c) the place in Guernsey at which the transaction is effected are premises in respect of which a current electronic betting centre licence, issued by the Alderney Gambling Control Commission, is held in accordance with the Electronic Betting 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 or those set out in section 2 of the Alderney Internet Gambling (Temporary Relocation) Ordinance, 2004^d are not met the transaction is unlawful gambling for the purposes of the Law.

Electronic betting with strangers.

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

^d No. XIV of 2004.

PART II
INTERACTIVE GAMING

Lawful gambling: Alderney interactive gaming licensees.

4. Subject to the provisions of section 5, conducting or participating in an interactive game by or with the holder of an interactive gaming licence issued by the Alderney Gambling Control Commission under the Gambling (Interactive Gaming) (Alderney) Ordinance, 2001^e ("**the Interactive Gaming Ordinance**") is not unlawful gambling for the purposes of the Law.

Conditions of legality.

5. Section 4 does not apply unless the following conditions are met -

- (a) it would be lawful in Alderney to conduct the game by virtue of the provisions of the Interactive Gaming Ordinance,
- (b) it would be lawful in Alderney for the licensee to conduct the game by virtue of the provisions of the Interactive Gaming Ordinance,
- (c) the place in Guernsey at which the game is conducted are premises in respect of which a current interactive gaming licence, issued by the Alderney Gambling Control Commission, is held in accordance with the Interactive Gaming Ordinance, and

^e No. X of 2001, as amended by Nos. IV and XVI of 2002 and No. XIV of 2003.

- (d) the game is conducted in Guernsey only by virtue of it being conducted through a computer server which is located in premises on Guernsey,

and if these conditions or those set out in section 5 of the Alderney Internet Gambling (Temporary Relocation) Ordinance, 2004 are not met the game is unlawful gambling for the purposes of the Law.

Electronic betting with strangers.

6. Notwithstanding the provisions of section 8(1) of the Law, the holder of an interactive gaming licence issued by the Alderney Gambling Control Commission under the Interactive Gaming Ordinance may play an interactive game, which is lawful by virtue of the provisions of section 4, with a stranger.

PART III
MISCELLANEOUS

Powers of Alderney Gambling Control Commission.

7. The Alderney Gambling Control Commission may exercise the same functions -

- (a) in respect of the holder of an electronic betting centre licence effecting a betting transaction under the authority of this Ordinance, and
- (b) in respect of the holder of an interactive gaming licence playing an interactive game under the authority of this Ordinance,

as it would be able to exercise under the Electronic Betting Ordinance or (as the

case may be) the Interactive Gaming Ordinance, and under the Gambling (Alderney) Law, 1999^f, if the transaction were effected or (as the case may be) the game were played in Alderney.

Interpretation.

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

"**betting transaction**" has the meaning given by the Electronic Betting Ordinance,

"**Electronic Betting Ordinance**" means the Gambling (Electronic Betting) (Alderney) Ordinance, 2002,

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

"**interactive game**" has the meaning given by the Interactive Gaming Ordinance,

"**Interactive Gaming Ordinance**" means the Gambling (Interactive Gaming) (Alderney) Ordinance, 2001,

"**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-

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

enacted (with or without modification), extended or applied.

Amendment of the 2004 Ordinance.

9. The Alderney Internet Gambling (Temporary Relocation) Ordinance, 2004 shall be amended as follows -

- (a) in section 2 (conditions of legality), after the words "and if these conditions" insert "or those in section 2 of the Alderney Internet Gambling (Location of Computer Servers) Ordinance, 2005", and
- (b) in section 5 (conditions of legality), after the words "and if these conditions" insert "or those in section 5 of the Alderney Internet Gambling (Location of Computer Servers) Ordinance, 2005".

Extent.

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

Citation.

11. This Ordinance may be cited as the Alderney Internet Gambling (Location of Computer Servers) Ordinance, 2005.