

Island of  Guernsey

Ordinance of the States

XIV
2004

Made

26th May, 2004

The Alderney Internet Gambling (Temporary Relocation) Ordinance, 2004

The Alderney Internet Gambling (Temporary Relocation) Ordinance, 2004

THE STATES, in pursuance of their Resolution of the 11th December, 2003^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, section 2 of the Guernsey Gambling Control Commission Law, 2001^c and all other powers enabling them, 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 ("**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

^a Article IV of Billet d'État No. XXVIII of 2003.

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

^c Order in Council No. XXIII of 2001.

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 Electronic Betting Ordinance,
- (c) the place in Guernsey at which the transaction is effected has been approved by the Alderney Gambling Control Commission in accordance with section 2A of the Electronic Betting Ordinance, and
- (d) as a result of an event or incident outside the control of the holder of the electronic betting centre licence (for example, where there occurs a denial of access to, or services from, facilities in Alderney arising from unforeseen or uncontrollable external circumstances), his ability to effect the transaction in Alderney under his licence is for the time being rendered impossible;

and if these conditions 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.

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 ("**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 has been approved by the Alderney Gambling Control Commission in accordance with section 2A of the Interactive Gaming Ordinance, and
- (d) as a result of an event or incident outside the control of the holder of the interactive gaming licence (for example, where there occurs a denial of access to, or services from, facilities in Alderney arising from

unforeseen or uncontrollable external circumstances), his ability to conduct or participate in the game in Alderney under his licence is for the time being rendered impossible;

and if these conditions 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
PROVISIONS OF GENERAL APPLICATION

Notification of arrangements.

7. (1) Within a period of 24 hours beginning with the time of -
- (a) the first betting transaction effected with the holder of the electronic betting centre licence under the authority of this Ordinance as a result of the event or incident referred to in section 2(d), or (as the case may be)
 - (b) the first interactive game played with the holder of the interactive gaming licence under the authority of this Ordinance as a result of the event or incident referred to in section 5(d),

the Alderney Gambling Control Commission shall notify the Home Department -

(i) of the fact that betting transactions are to be effected, or (as the case may be) that interactive games are to be played, under the authority of this Ordinance, and

(ii) of the reasons for that fact.

(2) Within a period of 24 hours beginning with the time of -

(a) the final betting transaction effected with the holder of the electronic betting centre licence under the authority of this Ordinance as a result of the event or incident referred to in section 2(d), or (as the case may be)

(b) the final interactive game played with the holder of the interactive gaming licence under the authority of this Ordinance as a result of the event or incident referred to in section 5(d),

the Alderney Gambling Control Commission shall notify the Home Department of the fact that betting transactions are no longer to be effected, or (as the case may be) that interactive games are no longer to be played, under the authority of this Ordinance as a result of that event or incident.

Powers of Alderney Gambling Control Commission.

8. 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^d, if the transaction were effected or (as the case may be) the game were played in Alderney.

Interpretation.

9. (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,

"**Home Department**" means the States Home Department,

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

^d Order in Council No. XIV of 1999 and No. XXVII of 2001.

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

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 (Temporary Relocation) Ordinance, 2004.