

Island of



Alderney

Ordinance of the States

VII
2006

Made 21st June 2006

Came into force 21st June 2006

THE GAMBLING (ALDERNEY) LAW, 1999 (AMENDMENT) ORDINANCE, 2006

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 21st day of June, 2006, and in exercise of the powers conferred upon them by section 1(3) of the Gambling (Alderney) Law, 1999, as amended(a) , hereby order:-

1. In Schedule 1 to the Gambling (Alderney) Law, 1999, as amended, for paragraphs 4 to 8 substitute the following paragraphs -

**Amendment to
Schedule 1 to
1999 Law.**

4. The States shall pay to the chairman and other members of the Commission such remuneration and allowances as they shall determine.

5. The Commission shall have power to regulate its own procedure.

6. The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment of any such member.

7. (1) The States shall provide to the Commission for its use sufficient monies from licence fees and other monies payable to them in respect of any form of gambling made lawful by an Ordinance under this Law to enable the

(a) Order in Council No. XIV of 1999; No. XXVII of 2001; Ordinance No. XVI of 2003.

Commission to carry out its duties and perform its functions.

(2) The Commission may invest any of the monies provided in accordance with sub-paragraph (1) which are not immediately required in any investment approved for the purpose by the Committee in writing.

(3) The Commission shall-

- (a) keep proper accounts and proper records in relation to those accounts; and
- (b) prepare in respect of each calendar year a statement of accounts giving a true and fair view of the state of affairs of the Commission.

(4) The accounts of the Commission shall be audited by auditors appointed by it for that purpose and, within 28 days of its preparation, the Commission shall submit a copy of the audit report to the Committee.

8. The Commission may enter into a contract, or make an arrangement with, any person for the provision of any service or any facility to facilitate the carrying out of the Commission's duties and the performance of its functions and may expend money generally for the purposes of the Commission.

9. (1) Without prejudice to the generality of paragraph 8, the Commission may appoint such officers and servants as it considers necessary for carrying out its duties and performing its functions.

(2) An appointment under sub-paragraph (1) may be made on such terms as to remuneration, expenses, pensions and other conditions of service as the Commission thinks fit.

(3) The Commission may establish and maintain such schemes, or make such other arrangements, as it thinks fit for the payment of pensions and other benefits in respect of its officers and servants.

10. (1) The Commission may from time to time by resolution arrange for any of its duties or functions to be carried out or performed on its behalf by any officer or servant responsible to the Commission named or described in such resolution.

(2) A duty or function carried out or performed by an officer or servant pursuant to a resolution made under this paragraph is for all purposes performed by the Commission; and every decision taken or other thing done by an officer or servant pursuant to such an arrangement has the same effect as if taken or done at a quorate meeting of the Commission.

(3) An arrangement under this paragraph for the carrying out of a duty or the performance of a function by an officer or servant-

- (a) may be varied or terminated at any time by the Commission, but without prejudice to anything done pursuant to the arrangement or to the making of a new arrangement;
- (b) does not prevent the carrying out of the duty or the performance of the function by the Commission whilst the arrangement subsists.

(4) This paragraph has effect for the removal of any doubt and is not to be construed as impliedly invalidating anything done in accordance with the provisions of this Law or of any Ordinance made thereunder before or after the coming into force of this paragraph.

11. (1) An officer or servant of the Commission duly authorised in writing by the Commission may in accordance with the terms of that authorisation enter any premises used by a person for, or in connection with, gambling made lawful by an Ordinance under this Law for the purpose of preventing or detecting the commission of any contravention of any provision of this Law, an Ordinance made thereunder or regulations made under such an Ordinance.

(2) A person authorised for the purposes of subparagraph (1) shall, if so required, produce his written authorisation before entering any premises.

(3) A person who has entered any premises in accordance with this paragraph may-

- (a) make such examination, conduct such tests, and copy such data in electronic form as appear to him to be desirable in connection with the purposes for which he has entered;

- (b) require any person to answer any questions or produce any documents appearing to him to be relevant for those purposes.

(4) The power to require a person to produce documents includes power-

- (a) to require him to produce in legible form any information maintained in another form;
- (b) to copy or require him to furnish a copy of any documents which are produced;
- (c) to require any person who has failed to produce a document to state to the best of his knowledge and belief where it is.

(5) If any person without reasonable excuse fails or refuses to admit or otherwise obstructs a person in the exercise of his powers under this paragraph he shall be guilty of an offence and liable, on conviction, to a fine not exceeding level 5 on the Alderney uniform scale, or to imprisonment for a term not exceeding three months, or to both.

12. (1) The Commission may do anything which appears to it to be conducive to the carrying out of its duties and the performance of its functions or to be incidental to their proper discharge.

(2) Without prejudice to the generality of sub-paragraph (1), the Commission may-

- (a) obtain information relating to gambling in Alderney and the supervision and regulation of similar forms of gambling carried on outside Alderney;
- (b) consult or seek information from such persons or bodies as it considers appropriate; and
- (c) transmit to other persons or bodies, in such manner as it considers appropriate, such information relating to its functions as it thinks fit.

(3) This paragraph relates only to the capacity of the

Commission as a body corporate and does not authorise the disregard by the Commission of any enactment or rule of law.

13. Any document purporting to be issued by the Commission and to be signed by a member or officer of the Commission on behalf of the Commission shall be deemed to be such a document unless the contrary is shown.”.

2. The Gambling (Alderney) Law, 1999 (Amendment) Ordinance, 2003(b) is hereby repealed. **Repeal.**
3. This Ordinance may be cited as the Gambling (Alderney) Law, 1999 (Amendment) Ordinance, 2006. **Citation.**
4. This Ordinance shall come into force on the 21st June, 2006. **Commencement.**

S.E. KELLY
Greffier