

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Gambling (Betting) Ordinance, 1973 \***

[CONSOLIDATED TEXT]

### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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Recueil d'Ordonnances Tome XIX, p. 147; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Gambling (Channel Islands Lottery) (Guernsey) Ordinance, 1975 (Recueil d'Ordonnances Tome XX, p. 67); the Gambling (Betting) (Amendment) Ordinance, 1977 (Recueil d'Ordonnances Tome XXI, p. 95); the Gambling (Betting) (Amendment) Ordinance, 1988 (Recueil d'Ordonnances Tome XXIV, p. 322); the Gambling (Betting) (Amendment) Ordinance, 1995 (Recueil d'Ordonnances Tome XXVI, p. 425); the Gambling (Betting) (Amendment) Ordinance, 1998 (No. XXXVI of 1998, Recueil d'Ordonnances Tome XXVIII, p. 176); the Gambling (Betting) (Amendment) Ordinance, 1999 (No. II of 1999, Recueil d'Ordonnances Tome XXVIII, p. 199); the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008 (No. VII of 2008, Recueil d'Ordonnances Tome XXXIII, p. 38); the Gambling (Betting) (Amendment) Ordinance, 2009 (No. XXIX of 2009, Recueil d'Ordonnances Tome XXXIII, p. 610); the Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013 (No. XLIII of 2013); the Gambling (Betting) (Amendment) Ordinance, 2016 (No. XXIII of 2016); the Gambling (Betting and Crown and Anchor) (Amendment) Ordinance, 2016 (No. XXVII of 2016). See also the Education (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 318); the Resolution of the States of Guernsey of 24th April, 1991 (Billet XI, proposition 1(4)); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Gambling (Sunday Credit Betting) Order, 1999 (G.S.I. No. 14 of 1999).

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Gambling (Betting) Ordinance, 1973**

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*(Made on 12th December, 1973.)*

## **The Gambling (Betting) Ordinance, 1973**

**THE STATES**, in exercise of the powers conferred upon them by section two of the Gambling (Guernsey) Law, 1971<sup>a</sup> and in pursuance of their Resolutions of the twenty-seventh day of July, nineteen hundred and seventy-two, the thirtieth day of May, nineteen hundred and seventy-three, and the twenty-fifth day of July, nineteen hundred and seventy-three, hereby order: –

### **PART I BETTING**

#### **General provisions as to betting.**

1. (1) Subject to the provisions of this Part of this Ordinance, a betting transaction shall not be unlawful gambling if, but only if, the conditions set out in subsection (2) of this section are complied with and, if any of those conditions is broken, every person concerned in the betting transaction shall be deemed to have contravened the provisions of this Ordinance.

(2) The conditions to which reference is made in subsection (1) of this section are the following, that is to say –

- (a) where the betting transaction is effected with a person who, in relation to the transaction –
  - (i) is acting as a bookmaker on his own account, that person shall be a licensed bookmaker,
  - (ii) is acting as servant or agent of another bookmaker, that person shall be that other bookmaker's authorised agent so however that this condition shall not apply where the transaction takes place on the premises of a

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<sup>a</sup> Ordres en Conseil No. IV of 1971.

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licensed betting office,

- (b) the betting transaction shall not be effected by, with or through a young person:

Provided that this condition shall not operate so as to make unlawful a betting transaction by reason only of –

- (i) the employment of a young person in the effecting of betting transactions by post, or
  - (ii) the carriage by a young person of a communication relating to a betting transaction for the purpose of its conveyance by post,
- (c) except as provided by paragraph (d) of this subsection, the betting transaction shall not be effected by or with, or through the agency of, any person frequenting, or loitering in, a public place, whether on behalf of himself or of some other person, for the purpose of effecting betting transactions,
- (d) the betting transaction shall not be effected at any place other than –
  - (i) a licensed betting office, conducted and managed in accordance with the provisions of section two of this Ordinance, or
  - (ii) on a horse racecourse on a day on which horse races take place thereon, or
  - (iii) an authorised place, where one of the parties to the betting transaction is a bookmaker's authorised agent.

- (3) Private betting shall not be unlawful gambling.

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**NOTES**

*The following case has referred to this Ordinance:*

*Goulding v. States Gambling Control Committee (1999) 27.GLJ.36.*

*In accordance with the provisions of the Education (Guernsey) Law, 1970, section 46, with effect from 28th October, 1970, for the purposes of this Ordinance relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of the 1970 Law over compulsory school age shall be deemed to be a child within the meaning of this Ordinance.*

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**Conduct of licensed betting offices.**

2. (1) No person shall effect any betting transaction by way of pool betting, otherwise than by means of a totalisator, in a licensed betting office.

(2) A licensed betting office shall be managed and conducted in accordance with the rules set out in the First Schedule to this Ordinance and if any of those rules is contravened, the person by whom the contravention was committed shall be liable, on conviction, to a fine not exceeding [level 2 on the uniform scale].

(3) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the licensee of a licensed betting office or any servant or agent of his may refuse to admit to, or may expel from the premises of, a licensed betting office any person who is under the influence of alcohol, or who is violent, quarrelsome or disorderly or whose presence on the premises would subject the licensee or any servant or agent of his to any penalty under subsection (2) of this section; and if any person liable to be expelled from the licensed betting office under the provisions of this subsection when requested by the licensee, any servant or agent of the licensee or any police officer to leave those premises, fails to do so, he shall be deemed to have contravened the provisions of this Ordinance and shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

(4) A police officer may help to expel from a licensed betting office any person whom the police officer has reasonable cause to believe to be

liable to be expelled therefrom under the provisions of subsection (3) of this section, and a police officer may use such force as may be required for that purpose.

(5) It shall be lawful for a police officer to enter any licensed betting office for the purpose of ascertaining whether the provisions of subsection (2) of this section are being complied with, and any person who obstructs a police officer in the exercise of his powers under this subsection shall be deemed to have contravened the provisions of this Ordinance and shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

(6) Subject to the provisions of subsection (7) of this section, if, save in a licensed betting office or in manner provided by the First Schedule to this Ordinance on premises giving access to a licensed betting office, any advertisement is published –

- (a) indicating that any particular premises are a licensed betting office, or
- (b) indicating where any such office is to be found, or
- (c) drawing attention to the availability of, or to the facilities afforded by, any such office, other than an advertisement drawing attention to the availability of, or to the facilities afforded for, the purchase of tickets in a public lottery,

any person who published the advertisement, or caused or allowed it to be published, shall be deemed to have contravened the provisions of this Ordinance and shall be liable, on conviction, to a fine not exceeding [level 2 on the uniform scale]:

Provided that it shall be a defence for a person charged with an offence under this subsection to prove that he did not know and had no reasonable cause to suspect that the advertisement was, and that he had taken all reasonable steps to ascertain that it was not, such an advertisement as aforesaid.

- (7) Where there is published to any person –
- (a) on demand by him –
    - (i) a copy of the rules subject to which betting transactions are effected in a licensed betting office,
    - (ii) a coupon or other entry form in respect of a betting transaction proposed to be effected by him,
  - (b) a receipt or other document evidencing a betting transaction effected by him,
  - (c) a statement of account in respect of any betting transaction effected by him,

such publication shall not be deemed to contravene the provisions of subsection (6) of this section by reason only that the matter so published contains an indication that any particular premises are a licensed betting office.

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**NOTE**

*In section 2, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Betting on horse racecourses.**

**3.** (1) A betting transaction effected on a horse racecourse shall not be unlawful gambling if, but only if, the following conditions are complied with, that is to say –

- (a) facilities for effecting betting transactions, whether by way of a totalisator, bookmaking or otherwise, shall be provided on the horse racecourse only under and in

accordance with the terms of a permit granted by the Committee on the application of the promoter of the horse races,

- (b) the betting transaction shall be effected only in accordance with any conditions prescribed by virtue of subsection (3) of this section,

and if any of the foregoing conditions is broken, the person by whom the condition is broken shall be deemed to have contravened the provisions of this Ordinance.

(2) The Committee shall not grant a permit for the purposes of this section unless the applicant has shown, to the satisfaction of the Committee, that the occupier of the horse racecourse has consented to the issue of such permit.

(3) The Committee may prescribe conditions under which facilities for effecting betting transactions may be provided on horse racecourses and, in particular, but without prejudice to the generality of the provisions of this subsection, such conditions may limit the number of occasions, and the time during which on any day, facilities for effecting betting transactions may be so provided, and different conditions may be prescribed in relation to particular horse racecourses.

**Totalisators on horse racecourses.**

4. (1) Where, by virtue of the provisions of paragraph (a) of subsection (1) of section three of this Ordinance, the promoter, or a person authorised in writing by him, has set up a totalisator on a horse racecourse, that totalisator shall be operated only –

- (a) in accordance with such conditions as may be prescribed by virtue of subsection (3) of the said section three,
- (b) while the public is present at the horse racecourse for the purpose of attending horse races,

- (c) for effecting with persons resorting to the horse racecourse betting transactions on horse races run on the racecourse on that day.

(2) If a totalisator is operated in breach of any of the provisions of subsection (1) of this section, any person who operates or assists in the operation of such totalisator shall be deemed to have contravened the provisions of this Ordinance.

**Power of entry on horse racecourses.**

5. It shall be lawful for any police officer or, on production if so required of evidence of his authority, any other person authorised in that behalf in writing by the Committee, to enter on any horse racecourse at all reasonable times on any day when horse races are held on such racecourse for the purpose of ascertaining whether the provisions of this Ordinance are being complied with, and any person who obstructs any police officer, or any person authorised as aforesaid, in the execution of his powers under this section shall be deemed to have contravened the provisions of this Ordinance and shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

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**NOTE**

*In section 5, the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Right to prohibit betting and to refuse bets.**

6. Nothing in this Ordinance shall be construed as requiring –
- (a) the occupier of a horse racecourse to permit betting thereon at any time when no totalisator is being operated thereon, or
  - (b) a licensed bookmaker, any servant of his or any bookmaker's authorised agent to accept any bet.

**Bookmakers' authorised agents.**

7. The Second Schedule to this Ordinance shall have effect with respect to the authorisation of bookmakers' agents.

**Provisions as to pool betting.**

8. (1) The making, receiving or negotiating of bets by way of pool betting shall not be unlawful gambling if, but only if, such bets are made or negotiated with, or received by a person who is a registered pool promoter for the purposes of the Betting, Gaming and Lotteries Act 1963, being a person who has no place of business in the Island at which pool betting business is transacted.

(2) For the purposes of this Ordinance, bets made or to be made by means of a totalisator lawfully operated on a horse racecourse shall be deemed not to be made by way of pool betting.

**Bookmakers' occasional licences.**

9. Notwithstanding any of the provisions of this Ordinance, the Committee may, in accordance with the provisions of the Third Schedule to this Ordinance, grant to an individual a bookmaker's occasional licence authorising such individual to act as a bookmaker on the days specified in such licence.

PART II  
LICENSING

**Application for a licence.**

10. (1) A person who wishes to obtain a licence shall make application in that behalf to the Committee in accordance with the provisions of this Part of this Ordinance and such application shall be in writing and shall contain the following particulars, that is to say –

- (a) the full name and address of that person,
- (b) the category of licence for which application is made,
- (c) in the case of an application for a betting office licence, the address and, except where the application

is for a credit betting office licence, a plan of the premises in respect of which the application is made.

(2) Every application shall be accompanied by such documents as are, and by such evidence as is, under the provisions of this Ordinance required to accompany an application for the category of licence to which the application relates.

(3) An application for the grant of a betting office licence shall be accompanied by evidence that any authorisation, consent or permission (by whatever name called) required, under any other enactment, in respect of the structure or use of any premises which are the subject of such application has been granted in respect of that structure or those premises or that, in the particular circumstances of the case, no such authorisation, consent or permission is necessary.

**Formalities prior to the hearing of an application.**

**11.** (1) Upon receipt of an application made in accordance with the provisions of section ten of this Ordinance for the grant or the provisional grant of a licence, the Committee shall appoint a date (hereinafter called "**the date of hearing**"), time and place for the hearing of such application and shall serve notice in writing upon the applicant of such date, time and place as soon as may be reasonably practicable.

(2) The Committee shall not appoint as the date of hearing of an application any date falling within twenty-eight days of the date upon which the application is received by the Committee.

(3) A person who makes an application under the provisions of the last preceding section for a bookmaker's licence shall –

- (a) at least twenty-one days before the date of hearing send to the Police Committee a notice in writing of the fact which shall specify the date, time and place at which the application is to be heard, and

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- (b) supply the Chief Officer, at least twenty-one days before the date of hearing, with information about his previous employment and the names of at least two referees to whom reference may be made.

(4) A person who makes an application under the provisions of the last preceding section for a betting office licence, other than a credit betting office licence, shall –

- (a) at least twenty-one days before the date of hearing send –
  - (i) to the Constables of the Parish in which the premises which are the subject of the application are situated, and
  - (ii) to the Police Committee,

a notice in writing of the fact which shall specify the situation of those premises and the date, time and place at which the application is to be heard,

- (b) cause a notice containing the particulars aforesaid to be published in La Gazette Officielle on two weekly occasions prior to the date of hearing and such notice shall state that any person desiring to oppose the application should deliver or send to the Committee not later than forty-eight hours before the time of the hearing a written statement of the grounds of his objection,
- (c) unless there is already in force a betting office licence in respect of the premises concerned, cause a notice containing the particulars aforesaid to be affixed for a period of at least fourteen days immediately prior to the date of hearing to, on or as near as possible to the

premises concerned in such manner as to enable it to be easily read by a person on a public thoroughfare adjacent to the premises.

**Application for provisional betting office licence for projected premises and alterations.**

**12.** (1) An application for a betting office licence, other than a credit betting office licence, in respect of premises projected but not completed or premises undergoing or to undergo structural alterations may be made under the provisions of section ten of this Ordinance and in that case –

- (a) the applicant shall, at least twenty-one days prior to the date of hearing, send to the Police Committee and to the Constables of the Parish in which the projected premises when completed will be situate or the premises undergoing or to undergo structural alterations are situate, as the case may be, copies of the plans of the projected premises or such alterations, as the case may be, showing all necessary and relevant particulars relating thereto,
- (b) at the date of hearing the Police Committee and the Constables and Douzaine of the Parish concerned shall make a report to the Committee on the application in accordance with the provisions of section twenty-two of this Ordinance.

(2) Upon an application being made to it as aforesaid the Committee may grant to the applicant therefor a betting office licence under the provisions of section sixteen of this Ordinance which licence shall, however, be provisional only and shall be inoperative until it is confirmed by the Committee upon an application being made to the Committee in that behalf in accordance with the succeeding provisions of this section.

(3) On the grant of a betting office licence provisionally as aforesaid, the Committee may require to be made such variations of the plans as it

may deem necessary or expedient and may specify the time within which the projected premises or alterations shall be completed and the second application made and a copy of the aforesaid plans with variations, if any, shall be lodged with the Committee.

(4) At least seven days prior to the hearing of a second application as aforesaid the Committee shall cause notice of the date, time and place of the hearing to be sent to the Police Committee.

(5) At the hearing of any such second application as aforesaid there shall be presented by or on behalf of the Police Committee a report on the application which shall be in writing and which –

- (a) shall state whether there has been a material departure from the plans lodged with the Committee as aforesaid, and
- (b) shall contain such other information as may be appropriate in the circumstances,

and at any such hearing a person shall not be heard to oppose that application otherwise than on the grounds that there has been a material departure from the plans lodged as aforesaid.

(6) Any betting office licence granted provisionally as aforesaid shall be cancelled upon the confirmation thereof being refused.

(7) Any fees payable in pursuance of the provisions of [section twenty-seven] of this Ordinance shall only be payable in respect of an application under the provisions of subsection (2) of this section.

(8) Any fees payable in pursuance of [section twenty-eight] of this Ordinance shall not be payable until the confirmation of a betting office licence granted provisionally.

**NOTE**

*In section 12, the words in square brackets in subsection (7) and subsection (8) were substituted by the Gambling (Betting) (Amendment) Ordinance, 1977, respectively section 1(a) and section 1(b), with effect from 15th December, 1977.*

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**Licence may only be granted to an individual.**

13. The Committee shall not grant a licence under the provisions of this Ordinance to a person other than an individual.

**Constables' duties in respect of applications for a betting office licence.**

14. As soon as may be after receipt of the notice sent to them under the provisions of paragraph (a) of subsection (4) of section eleven of this Ordinance, the Constables of the Parish in which the premises or projected premises concerned are, or when completed will be, situate shall visit the said premises or the site of the said projected premises, as the case may be, and make a report thereon to the Douzaine of the said Parish.

**Committee not to dispose of application unless formalities complied with.**

15. The Committee shall not dispose of an application for a licence under the provisions of this Part of this Ordinance unless the provisions of sections eleven, twelve and fourteen of this Ordinance have been complied with so far as they are applicable to the particular case.

**Grant of licences by the Committee and limitation on number of licences.**

16. (1) Subject to the provisions of subsection (3) of this section, the Committee may, on application being made to it in accordance with the provisions of this Part of this Ordinance, and after taking into consideration the reports upon the application presented to it by the Police Committee and the Constables and Douzaine concerned, as the case may require, in accordance with the provisions of section twenty-one and section twenty-two of this Ordinance, grant to the applicant therefor a licence.

(2) The Committee shall, not less than twenty-one days before the date of hearing of an application for a licence, give notice in writing of the date, time and place of the hearing to Her Majesty's Procureur and at any such meeting a

Law Officer of the Crown shall be entitled to appear and be heard, and –

- (a) an applicant for a licence,
- (b) the Constables of the Parish in which are situated any premises in respect of which the application is made, unless the application is made for a credit betting office licence,
- (c) any person who in pursuance of the provisions of paragraph (b) of subsection (4) of section eleven of this Ordinance has delivered or sent to the Committee an objection to the grant of a licence,

shall also be entitled to appear and be heard or to be represented by an advocate.

(3) There shall not be in force at any one time more than seven bookmakers' licences, nor more betting office licences than bookmakers' licences.

**Renewal of licences.**

**17.** (1) A licence granted under the provisions of section sixteen of this Ordinance may be renewed by the Committee.

(2) The provisions of sections ten and sixteen of this Ordinance shall apply to the renewal of a licence as they apply to the grant thereof:

Provided that in the case of an application to renew a betting office licence the plan mentioned in paragraph (c) of subsection (1) of section ten of this Ordinance and the evidence mentioned in subsection (2) of the said section need not be furnished.

**Grounds for refusal to grant or renew a licence.**

**18.** (1) The Committee shall refuse the grant or renewal of a licence in any case where –

- (a) the applicant is not an individual who is ordinarily resident in the Island and has been so resident

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throughout the seven years immediately preceding the date of the application, or

- (b) the Committee is not satisfied that the applicant is a fit and proper person to hold a licence, or
- (c) the applicant –
  - (i) is under the age of twenty years, or
  - (ii) is a person disqualified from holding a licence by virtue of the provisions of section twenty-nine of this Ordinance, or
- (d) the applicant has, within the twelve months immediately preceding the date of the application, been refused the grant or renewal of any licence under the provisions of paragraph (b) of this subsection, or
- (e) the Committee is satisfied that if the licence were to be granted or renewed, the business to which the licence relates would be managed by, or would be carried on for the benefit of, a person other than the applicant, being a person who would himself be refused the grant or renewal of a licence under the provisions of this subsection:

Provided that where an application for the renewal of a licence is made by the lawful guardian, not being himself a person who would be refused the grant or renewal of a licence under the said provisions, of a minor child of the deceased holder of the licence, for the purpose of carrying on the business of the deceased holder of the licence for the benefit of such minor child, the renewal of the licence shall not be refused by reason only that the business would be

carried on for the benefit of a person under twenty years of age or for the benefit of a person, if such be the case, who is not ordinarily resident in the Island or who has not been so resident for a period of seven years immediately preceding the application,

- [(f) the Committee is satisfied that the applicant or any employee of his has, since the licence was last granted or renewed, received or negotiated a bet on the outcome of any lottery (including, without prejudice to the generality of the foregoing, a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993<sup>aa</sup>)].

(2) The Committee shall refuse the grant or renewal of a betting office licence in any case where –

- (a) the Committee is not satisfied that an authorisation, consent or permission mentioned in subsection (3) of section ten of this Ordinance has been granted or, in the particular circumstances of the case, was not necessary,

Provided that the foregoing provisions of this paragraph shall not apply to an application for the renewal of a licence where the premises concerned have not been structurally altered since the grant or the last renewal of the licence and the Committee is satisfied that such premises will not be structurally altered during the period in respect of which the renewal is sought, [or]

- (b) the Committee is not satisfied that on the day with effect from which the licence would come into force,

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<sup>aa</sup> An Act of Parliament (1993 c. 39).

the applicant will be the holder of a bookmaker's licence, or, except in the case of a credit betting office licence, that –

- (i) the premises are or will be enclosed, or
- (ii) there are or will be means of access between the premises and the street or other public place otherwise than through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions[.]

(c) ...

(3) The Committee may refuse the grant or renewal of a licence in any case where –

- (a) the applicant has been convicted of an offence under the Law or any Ordinance made thereunder, or of any offence involving fraud or dishonesty,
- (b) the business carried on under a licence previously granted to the applicant has not been properly conducted,
- (c) the application does not contain all the particulars required by this Ordinance to be furnished.

(4) The Committee may refuse –

- (a) the grant of a betting office licence in any case where the Committee is not satisfied, having regard to the character, condition or lay-out of the premises, that they are suitable for use as a licensed betting office,

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- (b) the grant or renewal of a betting office licence in any case where the Committee is not satisfied as to the necessity for the grant or renewal of the licence having regard –
  - (i) to the demand for the time being in the neighbourhood for the facilities afforded by a licensed betting office and to the number of such offices for the time being available to meet that demand, or
  - (ii) to the proximity of other such offices,
- (c) the grant or renewal of a betting office licence in any case where the Committee is satisfied that the grant or renewal of the licence –
  - (i) would injuriously affect the health or comfort of persons residing in the neighbourhood of the betting office or would be detrimental to the interests of persons receiving instruction or residing in any school or any institution in that neighbourhood, or
  - (ii) would seriously impair the amenities of the neighbourhood, or
  - (iii) would result in undue congestion of traffic:

Provided that the foregoing provisions of this subsection shall not apply to the grant or renewal of a credit betting office licence.

(5) The Committee may require an applicant to furnish such additional information as the Committee may think necessary for the purposes of this section.

(6) Where an application for the grant or renewal of a licence is made otherwise than in accordance with the provisions of section ten of this Ordinance the application shall be refused so however that the provisions of section twenty of this Ordinance shall not apply to the refusal of the grant or renewal of a licence under the provisions of this subsection.

(7) Where, under the provisions of this section the Committee has refused an application for the grant or renewal of a betting office licence in respect of any premises and the Royal Court has not made an order under section twenty of this Ordinance, directing that the licence be granted or renewed, as the case may be, the Committee shall not (except where the sole ground for the refusal was a formal or procedural defect in the making of the application) take into consideration any further application in respect of such premises, whether such further application is made by the applicant whose application was refused as aforesaid or by some other applicant, within the twelve months next following the day on which the application was so refused.

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**NOTES**

*In section 18,*

*paragraph (f) of subsection (1) was inserted by the Gambling (Betting) (Amendment) Ordinance, 1995, section 1, with effect from 26th July, 1995;*

*first, the word in square brackets at the end of paragraph (a) of subsection (2) was inserted, second, the punctuation in square brackets at the end of paragraph (b) thereof was substituted and, third, paragraph (c) of subsection (2) was repealed by the Gambling (Betting) (Amendment) Ordinance, 2016, section 2, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 9th June, 2016.*

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**Notice of refusal.**

**19.** Where the Committee refuses an application for the grant or renewal of a licence, notice in writing of such refusal setting out the reasons therefor and signed by [the President] of the Committee shall be served by the Committee upon the applicant as soon as may be after such refusal.

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**NOTE**

*In section 19, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.*<sup>1</sup>

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**Appeals.**

20. (1) Subject to the provisions of section sixteen of this Ordinance, any person aggrieved by a decision of the Committee to refuse an application for the grant or renewal of a licence may, within thirty days from the date of the service on him of a notice in pursuance of the provisions of section nineteen of this Ordinance, appeal to the Royal Court on the grounds that the decision of the Committee was an unreasonable use of its powers, and the Royal Court may make such order as in all the circumstances appears to the Court to be just.

(2) An appeal under the last preceding subsection shall be instituted by way of summons served on the [the President] of the Committee to show cause why the decision appealed from should not be set aside or varied and such summons shall set out the material facts upon which the appellant relies.

(3) An order made by the Royal Court under the provisions of this section shall be final.

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**NOTES**

*In section 20, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.*

*The following case has referred to section 20:*

*Goulding v. States Gambling Control Committee (1999) 27. GLJ.36.*

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**Report to the Committee on application for a bookmakers' licence.**

21. At the time of the hearing of an application for the grant of a bookmaker's licence in accordance with the provisions of section sixteen of this Ordinance, there shall be presented to the Committee, in such form, if any, as the Committee may from time to time determine, a report by or on behalf of the Police Committee containing its views relating to the application and with any such report there shall be presented any reference or certificate of character in the possession of

the Chief Officer relating to the applicant.

**Reports to the Committee on application for a betting office licence.**

22. (1) At the time of the hearing of an application for the grant of a betting office licence in accordance with the provisions of section sixteen of this Ordinance, there shall be presented to the Committee, in such form, if any, as the Committee may from time to time determine –

- (a) a report by or on behalf of the Constables and Douzaine of the Parish in which the premises are, or the projected premises will be, situate and containing the following particulars –
  - (i) a description of the premises or projected premises concerned and a general description of their immediate neighbourhood,
  - (ii) the objections, if any, of the Constables and Douzaine to the application,
- (b) a report by or on behalf of the Police Committee containing its views relating to the application.

(2) Where a report made to the Committee in accordance with the provisions of the last preceding subsection contains any objections by the Constables and Douzaine to the application, one of the Constables or one of the members of the Douzaine shall attend, in person, at the time of the hearing of the application.

(3) Notwithstanding that one of the Constables or one of the members of the Douzaine does not attend in person in accordance with the provisions of the last preceding subsection the hearing of an application for a licence, the Committee may proceed with the hearing of and may dispose of that application.

**Issue of licence.**

23. Upon the grant or renewal of a licence under the provisions of this

Ordinance, or as soon as may be thereafter, the Committee, on being satisfied that the licensee has paid the fee required to be paid in accordance with the provisions of this Ordinance, shall issue to him a licence in such form as the Committee may from time to time determine.

**Keeping of register of licences.**

24. The Committee shall cause to be kept a register, in a book kept solely for that purpose, of all licences granted or renewed by the Committee under the provisions of this Ordinance.

**Amendment of register.**

25. The Committee shall –

- (a) upon a Court ordering the suspension or forfeiture of a licence, or
- (b) upon being informed by a licensee in accordance with the provisions of subsection (4) of section twenty-eight of this Ordinance that he has ceased or will cease to exercise that licence, or
- (c) upon a licence ceasing for any other reason whatsoever to be valid,

cause the register kept in accordance with the provisions of the last preceding section to be amended accordingly.

**Period of validity of a licence.**

26. (1) Unless suspended or ordered to be forfeited under any of the provisions of this Ordinance, a licence granted under the provisions of section sixteen of this Ordinance shall be valid on such day as the Committee shall direct and until the thirty-first day of December next following and thereafter, upon being renewed in accordance with the provisions of section seventeen of this Ordinance, shall be valid during the period commencing on the first day of January in any year and ending on the thirty-first day of December of that year.

(2) Notwithstanding the provisions of the last preceding subsection, where, in respect of a licence granted in pursuance of the provisions of section sixteen of this Ordinance before the thirtieth day of June in any year, the first half-yearly payment only, in respect of the annual fee, is paid in pursuance of the provisions of section twenty-eight of this Ordinance, then the licence shall cease to be valid on that date in that year unless, on or before that date, the second of such payments is paid.

**Fees payable to Constables.**

27. Prior to the date of hearing of an application for the grant of a betting office licence, other than a credit betting office licence, under the provisions of section sixteen of this Ordinance, the applicant therefor shall pay to the Constables of the Parish concerned who have examined the premises in respect of which the application is being made the sum of [£32].

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**NOTE**

*In section 27, the figures and symbol in square brackets were substituted by the Gambling (Betting) (Amendment) Ordinance, 1998, section 1(a), with effect from 9th December, 1998.*

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**Fees payable on grant of a licence.**

28. (1) Subject to the provisions of subsection (3) of this section, there shall be paid, in advance, to the [States Treasurer] in respect of every licence granted or renewed under the provisions of this Ordinance, as the case may be –

- (a) in respect of a bookmaker's licence, an annual fee of [£1,000],
- (b) in respect of a betting office licence, an annual fee of [£2,000],
- (c) in respect of a credit betting office licence, an annual fee of [£500].

(2) The annual fee in respect of a licence, required to be paid

under the provisions of the last preceding subsection, may be paid in two half-yearly payments in advance, the first of such payments for any year to be paid on or before the thirty-first day of December next preceding and the second of such payments on or before the thirtieth day of June of that year.

(3) Where a licence is granted at any time after the expiration of a period of two weeks commencing on the first day of the half year then current, there shall be paid in respect of that licence the same proportion of the annual fee payable under the provisions of this section in respect of that half year as the unexpired portion of the half year from the date of the grant of the licence to the end of the half year bears to the complete half year, both periods calculated in weeks; any fraction of a week of two days or less forming part of any such unexpired portion shall be disregarded and any such fraction in excess of two days shall be regarded as a complete week.

(4) In the event of the holder of a licence ceasing, for any reason other than by reason of that licence being directed to be forfeited by the order of a court, to exercise that licence during the currency of a half year for which the fee provided for in this section in respect of that licence has been paid, he may notify the Committee in writing of the fact that on the date specified in the notice he ceased or will cease to exercise that licence and the Committee shall thereupon cancel the licence issued to the licensee in pursuance of the provisions of section twenty-three of this Ordinance and the licensee, upon presenting the licence so cancelled to the [States Treasurer], shall be entitled to a reimbursement of the same proportion of the fee paid in respect of the complete half year as the unexpired portion of the half year from the date of such cancellation until the end of that half year bears to the complete half year, both periods calculated in weeks; any fraction of a week forming part of any such unexpired portion shall be disregarded.

(5) Notwithstanding the provisions of the last preceding subsection, no reimbursement shall be paid if the amount of such reimbursement calculated as aforesaid would be less than one pound.

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**NOTES**

*In section 28,*

*the words "States Treasurer" in square brackets, wherever occurring, were substituted by the Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013, section 1, with effect from 1st December, 2013, subject to the savings and transitional provisions in section 2 of the 2013 Ordinance;<sup>2</sup>*

*the figures and symbols in square brackets in paragraph (a), paragraph (b) and paragraph (c) of subsection (1) were substituted by the Gambling (Betting and Crown and Anchor) (Amendment) Ordinance, 2016, respectively section 2(a), section 2(b) and section 2(c), with effect from 1st January, 2017.<sup>3</sup>*

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**Suspension and revocation of licences and bookmakers' occasional licences.**

29. (1) Where the holder of a licence issued under the provisions of this Part of this Ordinance is convicted of any offence under the Law or any Ordinance made thereunder, or of any offence involving fraud or dishonesty, the court by or before which that person is convicted may, upon application being made in that behalf by a Law Officer, in addition to any penalty imposed for the offence, order that any such licence issued to the person convicted shall be suspended for such period as the court may order or shall be revoked.

(2) Any order made under the provisions of subsection (1) of this section shall not take effect –

- (a) until after the expiration of the period within which notice of appeal against the conviction or sentence may be given, or
- (b) if notice of appeal against conviction or sentence is duly given within that period, until the date of the determination or abandonment of the appeal.

(3) Where the holder of a bookmaker's occasional licence is convicted of any offence under the Law or any Ordinance made thereunder, or of any offence involving fraud or dishonesty, the court by or before which the person is convicted may, in addition to any penalty imposed for that offence, order that such licence shall be revoked.

(4) Where, in pursuance of subsection (1) or subsection (3) of

this section, a court has ordered the revocation of a licence, the order of the court shall have the effect of disqualifying the person in respect of whom the order was made from holding any licence issued under the provisions of this Ordinance for a period of five years from the date of the conviction which gave rise to the order:

Provided that, in any case where it appears to the court making the order to be just in all the circumstances, the court may include in the order a direction that the period of disqualification shall be such period, shorter than five years, as the court may direct.

**Procedure when betting office premises are destroyed or damaged.**

**30.** (1) Where any premises are destroyed or so materially damaged as to make the exercise of a betting office licence, or compliance with any condition attached to the grant thereof, thereon impossible or impracticable, the licensee shall forthwith report thereon to the Committee.

(2) As soon as may be after the receipt of a report made under the provisions of the last preceding subsection, the Committee shall meet to consider the circumstances arising from such destruction or damage.

(3) Notice in writing of the day and time on and at which a meeting of the Committee under the provisions of the last preceding subsection is to be held shall be served by the Committee on the licensee concerned; such notice shall require him to attend at the hearing of the report.

(4) At a meeting held under the provisions of subsection (2) of this section, the Committee may make an order either –

- (a) sanctioning the continued exercise of the betting office licence, either on the premises to which that licence relates or such other premises as the Committee may permit, subject to such conditions as it may deem appropriate in the circumstances, or
- (b) ordering the forfeiture of the licence or its suspension for such period as it may deem appropriate in the

circumstances,

and any such order may generally make such other provision as the Committee may deem appropriate in the circumstances.

(5) The Committee may at any time vary or revoke any order made under the provisions of the last preceding subsection.

**Absence of licensee.**

**31.** (1) Subject to the succeeding provisions of this section, a licensee shall not absent himself from the business of personally supervising the exercise of his licence for any reason whatever for a period exceeding fourteen days.

(2) A licensee desiring so to absent himself for a period in excess of the said period of fourteen days shall apply to the Committee for permission to that effect.

(3) On application being made to it under the provisions of the last preceding subsection, the Committee may grant such permission, for such period and subject to such conditions as it may think necessary or expedient.

(4) A licensee shall, at the time of making an application under subsection (2) of this section, present for the approval of the Committee a suitable person, being a person eligible for the grant of a licence, to supervise personally the exercise of his licence during his absence and in default of presenting such person the application shall be refused.

(5) A person approved under the provisions of the last preceding subsection shall, during the absence of the licensee, be personally responsible for the supervision of the exercise of the licence as if he were the licensee and shall be liable for any contravention of this Ordinance as if he were the licensee.

(6) Where a licensee, in pursuance of the provisions of subsection (4) of this section, presents a person for the approval of the Committee, the Chief Officer shall furnish to the Committee such information regarding that person as may be requested by the Committee.

**Decease or incapacity of licensee.**

32. (1) On the decease of a licensee or on his being certified by a medical practitioner authorised to practise in this Island as incapable of personally exercising his licence, the Committee may, on the application of the legal personal representative of the late licensee or duly authorised representative of the licensee, as the case may be, grant him permission to carry on the business hitherto carried on under the licence for such period as may be necessary to enable application to be made to the Committee for the grant of a licence under the provisions of section sixteen of this Ordinance.

(2) A person shall not after the decease of a licensee or after a licensee becomes incapable of personally exercising his licence, carry on the business hitherto carried on under the licence without the permission mentioned in subsection (1) of this section.

**Alterations to licensed betting offices.**

33. (1) The licensee of a licensed betting office, other than a licensed credit betting office, shall not make or cause or permit to be made any structural alterations to such licensed betting office unless he shall first have obtained the approval of the Committee in writing.

(2) A licensee who desires to make any such alteration shall make application in that behalf to the Committee in writing, in such form as the Committee may from time to time determine, and the application shall be accompanied by evidence that any authorisation, consent or permission (by whatever name called) required, under any other enactment, in respect of such alteration has been granted or that, in the particular circumstances of the case, no such authorisation, consent or permission is necessary.

(3) The Committee before granting an application made in pursuance of this section may request the Constables of the Parish in which the licensed betting office is situate or the Police Committee to make a report thereon and may require the licensee to furnish plans of the proposed alterations.

(4) Upon an application being made to it under this section the

Committee may grant the application and may attach such conditions to the grant as the Committee may think necessary or expedient.

(5) A licensee who contravenes or fails to comply with the provisions of subsection (1) of this section or with any condition imposed under subsection (4) thereof shall be guilty of an offence and liable on conviction to a fine not exceeding [level 3 on the uniform scale].

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**NOTE**

*In section 33, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Meaning of "licence" in Part II.**

**34.** In this Part of this Ordinance, the expression "**licence**" includes any licence issued under this Ordinance, other than a bookmaker's occasional licence.

PART III  
GENERAL

**Orders.**

**35.** The Committee may from time to time make orders prescribing anything which, under this Ordinance may be, or is required to be, prescribed.

**Service of notices.**

**36.** Any notice served for the purposes of this Ordinance shall be validly served upon any person if delivered to him, left, or sent by registered post or recorded delivery service addressed to him, at his usual or last known place of abode.

**Offences.**

**37.** (1) A person who, for the purpose of obtaining the grant of a bookmaker's licence, a betting office licence or a bookmaker's occasional licence whether to himself or to some other person, makes any declaration or statement or gives any information, or who produces or utters any certificate or produces any

evidence, knowing the same to be false in a material particular shall be deemed to have contravened the provisions of this Ordinance.

(2) A licensed bookmaker or the holder of a betting office licence who contravenes any condition subject to which his licence was granted shall be guilty of an offence and shall be liable, on conviction, in respect of each contravention, to a fine not exceeding [level 2 on the uniform scale].

(3) A person who, by making a false statement, renders the holder of a licence granted under the provisions of this Ordinance liable to any proceedings for an offence under this Ordinance, whether the holder of the licence is convicted or not, shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

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**NOTE**

*In section 37, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Interpretation.**

**38.** (1) In this Ordinance, unless the context otherwise requires –

**"authorised place"** in relation to a bookmaker's authorised agent means a place named in the authority issued to him pursuant to the provisions of the Second Schedule to this Ordinance as a place where that agent may effect betting transactions,

**"betting office licence"** means a licence granted under the provisions of section sixteen of this Ordinance authorising the use of the premises to which the licence relates for the purpose of effecting betting transactions and, unless otherwise expressly provided, includes a credit betting office licence,

**"betting transaction"** includes any transaction in which one or more of the parties is acting as a bookmaker,

**"bookmaker"** means any person who, whether on his own account or as servant or agent to any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pool betting operations, or, by way of business in any manner holds himself out, or permits himself to be held out, as a person who receives or negotiates bets or conducts such operations, so however that a person shall not be deemed to be a bookmaker by reason only of the fact that he operates, or is employed in operating a totalisator,

**"bookmaker's authorised agent"** means a servant or agent of a licensed bookmaker authorised to act as such under the provisions of the Second Schedule to this Ordinance,

**"bookmaker's licence"** means a licence granted under the provisions of section sixteen of this Ordinance authorising a person to act as a bookmaker,

**"bookmaker's occasional licence"** means a licence granted under the provisions of section nine of this Ordinance,

**["the Channel Islands Lottery"** has the meaning assigned to it by subsection (1) of section one of [the Gambling (Channel Islands Lottery) (Bailiwick of Guernsey)] Ordinance, 1975,]

**"Chief Officer"** means the Chief Officer of the Island Police Force,

**"the Committee"** means the States [Committee for Home Affairs],

**"credit betting office licence"** means a licence, granted under the provisions of this Ordinance, authorizing the use of the premises to which the licence relates for the purpose of effecting betting transactions otherwise than with persons resorting to the premises,

**"individual"** means a natural person and does not include a body of persons whether corporate or unincorporate,

**"the Island"** means the Islands of Guernsey, Herm and Jethou,

**"horse race"** means a race in which any horse, mare, gelding[, sheep] or donkey runs, or is made to run, in competition with any other horse, mare, gelding[, sheep] or donkey or against time, for any prize of whatsoever nature or kind, or for any bet or wager made or to be made, in respect of any such horse, mare, gelding[, sheep] or donkey or the riders thereof, and the expression **"horse racecourse"** shall be construed accordingly,

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

**"licensed betting office"** means premises in respect of which there is for the time being in force a betting office licence and, unless otherwise expressly provided, includes a licensed credit betting office,

**"licensed bookmaker"** means the holder of a bookmaker's licence for the time being in force, and includes the holder of a bookmaker's occasional licence on a day when such licence is expressed to be in force,

**"licensed credit betting office"** means premises used solely for, or in connection with, the effecting of betting transactions otherwise than with persons resorting to the premises and in respect of which there is for the time being in force a credit betting office licence,

**"licensee"** means the holder of a betting office licence,

**"occupier"**, in relation to a horse racecourse, means the person for the time being having the control of the horse racecourse,

**"the Police Committee"** means the [States Committee for Home Affairs],

**"pool betting"** means bets made by a number of persons –

- (a) on terms that the winnings of such of those persons as are winners shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons, whether the bets are made by means of a totalisator, or by filling up and returning coupons or other printed forms, or otherwise, or
- (b) on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible in any proportions among such of those persons as are winners, or
- (c) on the basis that the winners or their winnings shall, to any extent, be at the discretion of the promoter or some other person,

**"pool betting business"** means business involving the receiving or negotiating of bets made by way of pool betting,

**"prescribed"** means prescribed by order of the Committee,

**"private betting"** includes entering into or negotiating a bet, paying, receiving or settling a bet, collection or payment of winnings on a bet and similar transactions in which none of the parties acts as a bookmaker,

**"promoter"** means a person, club or organisation by whatever name called who promotes or organises a horse race or horse races,

**["public lottery"** means the Channel Islands Lottery, and any reference to a public lottery shall be construed accordingly,]

**"public place"** includes any street, road, roadway, lane, subway, tunnel, bridge, square, court, alley or passage, whether a thoroughfare or

not, which is for the time being open to the public, and any public park, garden or sea-beach to which the public for the time being has unrestricted access and includes the doorways and entrances of premises abutting on any such public place, and includes also any enclosed place, not being a public park or garden, to which the public has a restricted right of access, whether on payment or otherwise,

["**ticket**" has the meaning assigned to it by subsection (1) of section eleven of the Gambling (Channel Islands Lottery) (Bailiwick of Guernsey) Ordinance, 1975,]

**"totalisator"** means the contrivance for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not,

**"winnings"** includes winnings of any kind and any reference to the amount, or to the payment, of winnings shall be construed accordingly,

and any other expression shall have the same meaning as in the Law.

(2) Any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by any other enactment including this Ordinance.

(3) Any power conferred by this Ordinance to make any order shall be construed as including a power exercisable in the like manner to vary or repeal the order.

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## NOTES

*In section 38,*

*the definitions of the expressions "the Channel Islands Lottery", "public lottery" and "ticket" in subsection (1) were substituted by the Gambling (Channel Islands Lottery) (Guernsey) Ordinance, 1975, respectively section 4(2)(a), section 4(2)(b) and section 4(2)(c), with effect from 16th May, 1975;*

*the words in square brackets within the definition of the expression*

*"the Channel Islands Lottery" in subsection (1) were substituted by the Gambling (Betting) (Amendment) Ordinance, 1977, section 1(e), with effect from 15th December, 1977;*

*the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016;<sup>4</sup>*

*the words in square brackets in the definition of the expression "horse race" in subsection (1) were substituted by the Gambling (Betting) (Amendment) Ordinance, 2009, section 1, with effect from 10th August, 2009.*

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>5</sup>*

*In accordance with their Resolution of 24th April, 1991, concerning Billet d'État No. XI, dated 12th April, 1991, the States directed that the Island Police Committee as established under Article 2 of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, the States Committees (Amendment) Law, 1948 and the Police Committee (Amendment) Law, 1990 should be the States Committee for Home Affairs. The functions, rights and liabilities of the States Committee for Home Affairs and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 9, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were subsequently transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

*The following Ordinance has been made under section 38:*

*Gambling (Betting) (Amendment) Ordinance, 2016.*

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### **Citation and commencement.**

**39.** This Ordinance may be cited as the Gambling (Betting) Ordinance, 1973, and shall come into force on the first day of February, nineteen hundred and seventy-four.

FIRST SCHEDULE  
RULES FOR LICENSED BETTING OFFICES

Section two

1. [[A] licensed betting office] shall be closed and shall not in any manner be used for, or in connection with, the effecting of betting transactions –

- (a) [on] Christmas Day,
- (b) throughout the period from ten in the evening to nine in the morning,

and at such other times as may be prescribed.

[1A. ...]

(2) Sub-paragraph (1) of this paragraph does not permit a bookmaker's authorised agent to effect betting transactions at his authorised place on any Sunday.

2. The licensee and any servant or agent of his shall not –

- (a) carry on, or cause or allow to be carried on, in the licensed betting office, any trade, profession or business whatsoever other than the business of effecting betting transactions or the sale of tickets in a public lottery,
- (b) admit to, or allow to remain in, a licensed credit betting office, any other person for the purpose of, or in connection with, the effecting by or with that other person of betting transactions, and shall not, while any other person is in the licensed credit betting office, effect any betting transaction with that other person.

3. No person who is apparently a young person, or who is known to any person connected with the licensee's business and present in the licensed betting

office to be a young person, shall be employed in, or be admitted to, or allowed to remain in, the licensed betting office, so however that in any proceedings for a contravention of this rule in respect of a person who is apparently a young person it shall be a defence for the person charged to prove that, at the time of the alleged contravention, the person in respect of whom the contravention is alleged had attained the age of eighteen years:

Provided that this prohibition shall not apply to the employment of a young person –

- (a) in a licensed credit betting office,
- (b) in a part of a licensed betting office, other than a licensed credit betting office, to which access is at all times denied to all persons other than the licensee and servants of his employed in the licensed betting office.

4. Neither the licensee nor any servant or agent of his shall, while any other person is in the licensed betting office, encourage that other person to bet.

[5. (1) Apparatus for making information or other material available in the form of sounds or visual images or both shall be permitted in a licensed betting office, subject to the condition that the information or other material provided in this way shall be about a sporting event or coverage thereof, including –

- (a) information relating to betting or to any sporting event in which betting transactions may be or have been effected,
- (b) the results of any such event, and
- (c) any matter incidental to such an event or to such coverage.

(2) The apparatus for receiving visual images in a licensed betting office shall include a screen. Any such screen shall not –

*Consolidated text*

- (a) exceed 30 inches in width, or
- (b) be so positioned so that it can be seen from outside the licensed premises, whether through a window or otherwise.

(3) Apparatus for receiving any visual images shall not be used in a licensed betting office if –

- (a) the service by means of which such images appear is not intended to be received by the general public or other licensees generally, or
- (b) in the case of video recordings, identical recordings of the same event are not available to other licensees generally.

(4) No music, dancing or other entertainment shall be provided or allowed in a licensed betting office and no refreshments of any kind shall be served to persons resorting to a licensed betting office.

(5) The provisions of this paragraph shall not apply to a licensed credit betting office.]

**6.** The licensee shall display in a conspicuous manner and in some conspicuous place in a licensed betting office, other than a licensed credit betting office –

- (a) his betting office licence,
- (b) a notice stating that persons under the age of eighteen years are not admitted thereto,
- (c) a copy of the rules subject to which betting transactions are effected in that office,

*Consolidated text*

- (d) such notices, in such form and in such positions, as may be prescribed.

7. (1) The licensee shall not, inside a licensed betting office, other than a licensed credit betting office exhibit any written matter or sign, other than matter exhibited in pursuance of paragraph 6 of this Schedule, except –

- (a) information relating to events in connection with which betting transactions may be or have been effected therein, and a page taken from a newspaper may be exhibited under this paragraph notwithstanding that it does not consist solely of such information; and then only in such manner that the matter or sign so exhibited cannot be read from outside the licensed betting office,
- (b) such notices as may be requisite for the purpose of securing the orderly conduct of the licensed betting office and compliance with the provisions of this Schedule,
- (c) such advertisements relating to other licensed betting offices as are mentioned in subsection (6) of section two of this Ordinance,
- (d) an advertisement drawing attention to the availability, or to the facilities afforded for the purchase, of tickets in a public lottery.

(2) The licensee shall not, inside a licensed credit betting office, exhibit any written matter or sign in such manner that it can be seen or read from outside the licensed credit betting office.

8. (1) The licensee may exhibit on premises giving access to a licensed betting office other than a licensed credit betting office –

*Consolidated text*

- (a) inside a building comprising the licensed betting office –
  - (i) a notice capable of being enclosed in a rectangle three square feet in area consisting, in addition to his name, only of the words "licensed betting office" and such words or signs as may be expedient for the purpose of directing persons resorting to the licensed betting office,
  - (ii) on or beside a door giving immediate access to the licensed betting office, in addition to any such notice as is mentioned in item (a)(i) of this sub-paragraph, such indication as he thinks fit to give of the times at which the licensed betting office is open,
- (b) elsewhere than inside a building comprising the licensed betting office, a notice, in characters not exceeding six inches in height, consisting, in addition to his name in not more than one place, only of the words "licensed betting office" and such indication as he thinks fit to give of the times at which the licensed betting office is open.

(2) The licensee may exhibit on premises giving access to a licensed credit betting office –

- (a) inside a building comprising the licensed betting office –
  - (i) a notice capable of being enclosed in a rectangle three square feet in area consisting, in addition to his name, only of the words "licensed credit betting office" together with

words indicating that members of the public are not admitted thereto,

- (ii) on or beside a door giving immediate access to the licensed credit betting office, in addition to any such notice as is mentioned in item (a)(i) of this sub-paragraph, such indication as he thinks fit to give of the times at which the licensed betting office is open,
- (b) elsewhere than inside a building comprising the licensed betting office, a notice, in characters not exceeding six inches in height, consisting, in addition to his name in not more than one place, only of the words "licensed credit betting office" together with words indicating that members of the public are not admitted thereto.

(3) The licensee may exhibit on premises giving access to the licensed betting office, not being a licensed credit betting office, whether inside a building comprising the licensed betting office or elsewhere than inside such a building, an advertisement drawing attention to the availability, or to the facilities afforded for the purchase, of tickets in a public lottery.

9. Except for the licensee and any servant or agent of his, no person resorting to the licensed betting office shall be allowed to use any means of direct access between the licensed betting office and other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions.

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**NOTES**

*In the First Schedule,*

*the words in the first pair of square brackets in paragraph 1 were substituted by the Gambling (Betting) (Amendment) Ordinance, 1999, section 1(a), with effect from 24th February, 1999;*

*Consolidated text*

*first, the word in square brackets within the first pair of square brackets in paragraph 1 and, second, the word in square brackets in paragraph 1(a) were substituted and, third, paragraph 1A (which was originally inserted by the Gambling (Betting) (Amendment) Ordinance, 1999, section 1(b), with effect from 24th February, 1999) was repealed by the Gambling (Betting) (Amendment) Ordinance, 2016, section 3, respectively paragraph (a)(i), paragraph (a)(ii) and paragraph (b), with effect from 9th June, 2016;*

*paragraph 5 was substituted by the Gambling (Betting) (Amendment) Ordinance, 1988, section 1, with effect from 25th May, 1988.*

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SECOND SCHEDULE Section seven  
AUTHORISATION OF BOOKMAKER'S AGENTS

1. For the purpose of complying with the provisions of sub-paragraph (ii) of paragraph (a) of subsection (2) of section one of this Ordinance, a licensed bookmaker shall apply to the Committee for a form of authorisation (in this Schedule referred to as an "**authority**") to be issued to each person to be employed by him as servant or agent for the purpose of receiving or negotiating bets.

2. A licensed bookmaker shall pay to the Committee a fee of [£100] for each authority.

3. A licensed bookmaker shall not issue an authority to any person who has not attained the age of twenty years.

4. (1) A licensed bookmaker shall insert legibly in ink in each authority issued by him the following particulars, that is to say –

- (a) his full name and the address of his principal place of business,
- (b) the full name and address, and the date of birth, of the person to whom the authority is issued,
- (c) the date on which the authority is issued,
- (d) the place where such person is to negotiate bets.

(2) In every case where a licensed bookmaker issues an authority he shall –

- (a) send to the Committee, within forty-eight hours of such issue, a true copy of the particulars inserted by him in such authority, and
- (b) furnish the Committee with such further information,

if any, as the Committee shall require in respect of the person to whom such authority is issued.

5. A licensed bookmaker shall not –

- (a) issue an authority to a person in respect of whom an authority is in force,
- (b) insert in an authority more than one place as a place where the person authorised is to negotiate bets,
- (c) insert in an authority as a place where the person authorised is to negotiate bets the name of any premises without the prior permission in writing of the owner or, if such premises are occupied by a person other than the owner, the occupier of such premises,
- (d) issue an authority to any person unless he has entered thereon the particulars specified in paragraph 4 of this Schedule and has signed the authority.

6. A licensed bookmaker who acts in contravention of any of the provisions of this Schedule or who knowingly makes any false statement in any particulars required thereunder shall be deemed to have contravened the provisions of this Ordinance.

7. An authority issued to any agent –

- (a) shall not be transferred to any other agent,
- (b) shall cease to be in force forthwith –
  - (i) on its withdrawal by the licensed bookmaker by whom it was issued, or
  - (ii) on the suspension or forfeiture, by virtue of the

provisions of section twenty-nine of this Ordinance, of the bookmaker's licence granted to the bookmaker by whom it was issued,

- (c) shall, except as provided by sub-paragraph (b) of this paragraph, cease to be in force at the close of the thirty-first day of December next following the day on which it was issued,

and any person who receives or negotiates bets as servant or agent of another bookmaker under an authority transferred in contravention of, or which has ceased to be in force by virtue of, the provisions of this paragraph, and the licensed bookmaker for whom he so acts in contravention of those provisions, shall be deemed to have contravened the provisions of this Ordinance.

8. If a person to whom an authority has been issued, on being required by a police officer to produce his authority for examination, refuses or without reasonable cause fails so to do, he shall be liable on conviction to a fine not exceeding ten pounds.

[9. A person to whom an authority has been issued shall not [on] Christmas Day and at such other times as may be prescribed receive or negotiate bets at his authorised place.]

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**NOTES**

*In the Second Schedule,*

*the figures and symbol in square brackets in paragraph 2 were substituted by the Gambling (Betting and Crown and Anchor) (Amendment) Ordinance, 2016, section 3, with effect from 1st January, 2017;<sup>6</sup>*

*paragraph 9 was inserted by the Gambling (Betting) (Amendment) Ordinance, 1999, section 1(c), with effect from 24th February, 1999;*

*the word in square brackets within paragraph 9 was substituted by the Gambling (Betting) (Amendment) Ordinance, 2016, section 4, with effect from 9th June, 2016.*

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THIRD SCHEDULE  
BOOKMAKERS' OCCASIONAL LICENCES

Section nine

1. (1) An application for the grant of a bookmaker's occasional licence shall be made to the Committee in writing only by or on behalf of an individual (in this Schedule referred to as "**the applicant**") and shall state –

- (a) the full name, permanent address and date and place of birth of the applicant,
- (b) if he is not ordinarily resident in the Island, the address at which he will reside while in the Island,
- (c) the days, being days within the twelve months next following the day on which the application is made, on which the applicant desires the licence to be in force,
- (d) the occupation of the applicant,

and every such application shall be sent or delivered to the Committee not later than twenty-one days before the first of the days stated in the application in pursuance of item (c) of this sub-paragraph.

(2) A person before making an application under the provisions of the last preceding sub-paragraph shall –

- (a) not later than twenty-one days before the first of the days stated in the application in pursuance of item (c) of sub-paragraph (1) of this paragraph, send to the Chief Officer a notice in writing of the fact which shall specify the full name, permanent address and occupation of the applicant, and
- (b) supply to the Chief Officer, if so requested, such further information, reference or certificate of character as may be necessary to establish whether the

applicant is a fit and proper person to hold a bookmaker's occasional licence.

2. Every such application shall be accompanied by a remittance for –
  - (a) a fee of [£50] in respect of each of the days stated in the application in pursuance of item (c) of sub-paragraph (1) of paragraph 1 of this Schedule,
  - (b) a deposit of [three hundred] pounds,

and any such application which is not so accompanied, or which is accompanied by a draft in respect of the remittance which is not honoured by the person on whom it is drawn, shall be refused.

3. Where an application for a bookmaker's occasional licence is refused by the Committee or withdrawn by the applicant –

- (a) in the case of an application wholly so refused or withdrawn, the amount of the fee and deposit remitted, or
- (b) in the case of an application so refused or withdrawn in respect only of one or more of the days therein stated in pursuance of item (c) of sub-paragraph (1) of paragraph 1 of this Schedule, the amount of the fee remitted in respect of such day or days,

shall be refunded to the applicant.

4. After the expiration of the last day in respect of which a bookmaker's occasional licence is granted to any person, the sum deposited by him in pursuance of sub-paragraph (b) of paragraph 2 of this Schedule shall, subject to the provisions of paragraph 5 thereof, be refunded to that person on application to the Committee and every such application shall be accompanied by the licence in respect of which the deposit was made.

5. Notwithstanding the provisions of paragraph 4 of this Schedule, where the holder of a bookmaker's occasional licence is charged with an offence under the Law or any Ordinance made thereunder, or with an offence involving fraud or dishonesty, the court by or before which the offence is tried may, on the application of a Law Officer of the Crown, where the holder of the licence is convicted of the offence, direct that the sum so deposited shall be applied –

- (a) towards the satisfaction of any monetary penalty imposed in respect of the offence, or
- (b) towards making good any monetary loss suffered by any person by reason of the offence, or
- (c) partly towards such satisfaction and partly towards making good such loss,

as the court may think fit.

6. At a meeting of the Committee to consider an application for the grant of a bookmaker's occasional licence, there shall be presented to the Committee a report by or on behalf of the Chief Officer containing his views relating to the application and any reference or certificate of character in the possession of the Chief Officer and relating to the applicant.

7. The Committee shall refuse the grant of a bookmaker's occasional licence in any case where –

- (a) the Committee is not satisfied that the applicant is, or satisfactory evidence is produced that he is not, a fit and proper person to hold such a licence,
- (b) it appears to the Committee that the applicant –
  - (i) is under the age of twenty years, or

- (ii) is a person disqualified by virtue of the provisions of section twenty-nine of this Ordinance from holding a licence, or
- (iii) has, within the twelve months immediately preceding the date of his application, been refused the grant or renewal of a licence under the provisions of this Ordinance on the grounds set out in sub-paragraph (a) of this paragraph.

8. The Committee may refuse the grant of a bookmaker's occasional licence in any case where –

- (a) the applicant has been convicted of an offence under the Law or any Ordinance made thereunder, or of an offence involving fraud or dishonesty, or
- (b) the business carried on under a licence previously granted to the applicant under the provisions of this Ordinance has not been properly conducted.

9. Where, under the provisions of paragraph 7 or 8 of this Schedule, the Committee has refused the grant of a bookmaker's occasional licence, it shall, as soon as may be, notify the applicant of the refusal in writing.

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**NOTE**

*In the Third Schedule, the symbol and figures in square brackets in subparagraph (a), and the words in square brackets in subparagraph (b), of paragraph (2) were substituted by the Gambling (Betting and Crown and Anchor) (Amendment) Ordinance, 2016, section 4, respectively paragraph (a) and paragraph (b), with effect from 1st January, 2017.<sup>7</sup>*

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<sup>1</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 15(a), Schedule 2, paragraph 5(a), with effect from 6th May, 2004.

<sup>2</sup> These words were previously substituted by the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008, section 1, with effect from 1st February, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.

<sup>3</sup> These symbols and figures were previously substituted by the Gambling (Betting) (Amendment) Ordinance, 1998, respectively section 1(b), section 1(c) and section 1(d), with effect from 9th December, 1998.

<sup>4</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 15(a), Schedule 2, paragraph 5(a), with effect from 6th May, 2004.

<sup>5</sup> The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Gambling Control Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 15(a), Schedule 2, paragraph 5(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>6</sup> The symbol and figures were previously substituted by the Gambling (Betting) (Amendment) Ordinance, 1998, section 1(e), with effect from 9th December, 1998.

<sup>7</sup> The symbol and figures were previously substituted by the Gambling (Betting) (Amendment) Ordinance, 1998, section 1(f), with effect from 9th December, 1998.