

Island of Alderney



Ordinance of the States XV 2003

Made 17th September 2003
Came into operation 17th September 2003

THE GAMBLING (ELECTRONIC BETTING) (AMENDMENT) (ALDERNEY) ORDINANCE, 2003

THE STATES, in pursuance of their Resolution of the 17th day of September, 2003, and in exercise of the powers conferred upon them by section 6 of the Gambling (Alderney) Law, 1999, as amended**(a)**, hereby order:-

1. (1) The Gambling (Electronic Betting) (Alderney) Ordinance, 2002**(b)** is amended as follows. **Amendments to
2002 Ordinance.**

- (2) In the Arrangement of Sections-
 - (a) insert the following entry after the entry relating to section 2-
"2A. Activities of electronic betting centre licensee outside Alderney."; and
 - (b) insert the following entry after the entry relating to section 42-
"42A. Costs of investigating application."
- (3) Immediately after section 2, insert the following section-

(a) Order in Council No. XIV of 1999; No. XXVII of 2001.
(b) No. XVII of 2002.

“Activities of electronic betting centre licensee outside Alderney.

2A. For the avoidance of doubt, an electronic betting centre licensee effecting betting transactions at a place outside the Island approved in advance by the Commission, in circumstances where, as a result of an event or incident outside the licensee’s control, the ability to effect betting transactions under his electronic betting centre licence is for the time being rendered impossible, is not organising or in any way taking part in unlawful gambling for the purpose of section 5(2) of the Law.”.

(4) In section 4(2), for “of £10,000” substitute “prescribed by the Commission in accordance with subsection (7)”.

(5) Immediately after section 4(6), insert the following subsections-

“ (7) For the purpose of this section, the sum to be deposited by an applicant shall be prescribed by resolution of the Commission for such period of time not exceeding 12 months as the Commission shall determine.

(8) At the earliest opportunity, the Commission shall publish a resolution prescribing the sum to be deposited in accordance with this section in the Alderney Official Gazette.”.

(6) In section 31(14), immediately after “the Commission may” insert “take”.

(7) For section 34(1) substitute the following subsection-

“ (1) Subject to section 38(1), throughout the period of validity of its electronic betting centre licence, an electronic betting centre licensee that is a company shall have a nominee approved by the Commission.”.

(8) In section 35(1), for “personally supervise the exercise of the electronic betting centre licence in respect of which” substitute “act as the representative of the electronic betting centre licensee for whom”.

(9) For section 42(2)(c) substitute the following paragraph-

“(c) the deposit of monies determined in accordance with section 42A.”.

(10) Immediately after section 42, insert the following section-

“Costs of investigating application.

42A. (1) A person making an application under section 42 shall pay to the Commission the reasonable costs associated with processing, investigating and determining his application.

(2) Upon making an application for a key personnel licence, the applicant shall deposit with the Commission the sum prescribed by the Commission in accordance with subsection (7), from which the Commission is permitted to draw the costs referred to in subsection (1).

(3) If, prior to the determination of the application, the monies deposited with the Commission in accordance with this section have been exhausted, the Commission may by notice in writing to the applicant require the deposit of such further sum as it thinks necessary.

(4) Where a notice under subsection (3) has been given, the Commission is not required to determine the application until the notice has been complied with.

(5) After determining the application, the Commission shall repay to the applicant any monies not drawn by it from the monies deposited by the applicant in accordance with this section.

(6) The Commission shall, whenever requested to do so by the applicant, account to him in respect of the costs as at that time incurred by the Commission in respect of the application.

(7) For the purposes of this section, the sum to be deposited by an applicant shall be prescribed by resolution of the Commission for such period of time not exceeding 12 months as the Commission shall determine.

(8) At the earliest opportunity, the Commission shall publish a resolution prescribing the sum to be deposited in accordance with this section in the Alderney Official Gazette.”.

(11) In section 64(1), the words “and by, or with the approval of, his auditors” are repealed.

(12) In section 65(2), immediately after “the Commission” on the first occasion those words appear insert “shall carry out an evaluation of the submission, in the course of which it”.

(13) In section 65(3)-

(a) for “if the Commission carries out tests in accordance with subsection (2)(b), the” substitute “The”; and

(b) for “those tests” substitute “the evaluation of the control system submission in accordance with subsection (2)”.

(14) Section 72 is repealed.

- Citation.** 2. This Ordinance may be cited as the Gambling (Electronic Betting) (Amendment) (Alderney) Ordinance, 2003.
- Commencement.** 3. This Ordinance shall come into force on the 17th September, 2003.

D.V. JENKINS
Clerk of the States