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Island of



Alderney

# Ordinance of the States

VIII  
2005

Made ..... 20th July 2005

Coming into force ..... 20th July 2005

## THE GAMBLING (ELECTRONIC BETTING) (AMENDMENT) (ALDERNEY) ORDINANCE, 2005

**THE STATES**, in pursuance of their Resolution of the 20th day of July, 2005, 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, as amended**(b)** ("the 2002 Ordinance"), is further amended as follows. **Amendments to 2002 Ordinance.**

(2) In the Arrangement of Sections-

- (a) for "5. Electronic betting centre licence may only be granted to Alderney resident." substitute "5. Electronic betting centre licence only available to Alderney company.";
- (b) delete the entries relating to sections 34 to 39 and the heading relating to Part III entitled "NOMINEES"; and
- (c) insert the following entry after the entry relating to section 73-

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(a) Order in Council No. XIV of 1999; No. XXVII of 2001.  
(b) No. XVII of 2002; No. XV of 2003.

"73A. Inspecting operations."

(3) For section 2A substitute the following section-

" **2A.** For the avoidance of doubt, an electronic betting centre licensee effecting betting transactions at a place-

(a) 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 its electronic betting centre licence is for the time being rendered impossible; or

(b) in Guernsey approved in advance by the Commission-

(i) as part of the licensee's application for an electronic betting centre licence, or

(ii) in accordance with section 20,

is not organising or in any way taking part in unlawful gambling for the purposes of section 5(2) of the Law."

(4) In section 3(2), after "made" insert ", which may include more than one set of premises and where the premises shall be in the Island, or in both the Island and Guernsey, as the case may be".

(5) For section 3(4) substitute the following subsections-

" (4) A person making an application under this section shall cause a notice containing-

(a) its name and registered address; and

(b) the address of the premises,

to be published in the edition of the Alderney Official Gazette next following the date of its application and such notice shall state that any person desiring to oppose the application should deliver or send to the Commission within 14 days from the date of publication a written statement of his grounds of objection.

(5) Upon receipt of an application under this section, the Commission shall-

(a) supply a copy to the Chief Officer of Police;  
and

(b) display a copy of the applicant's notice as  
required under subsection (4) on its website.”.

(6) For section 5 substitute the following section-

**“Electronic betting centre licence only available to Alderney company.**

5. The Commission shall not consider an application under section 3 unless it is made by a company incorporated in the Island and registered in the Register of Companies kept in accordance with the Companies (Alderney) Law, 1994(c)”.

(7) Section 9(1)(c) is repealed.

(8) In section 9(1)(d), the words “or, as the case may be, the individual proposed by the applicant to be its nominee” are repealed.

(9) In section 9(2)(a), the words “or the individual proposed by the applicant to be its nominee” are repealed.

(10) Sections 12 and 13(3) are repealed.

(11) In section 15-

(a) in the marginal note, the words “on first grant” are repealed; and

(b) for “a period of three years” substitute “an indefinite period”.

(12) For section 17 substitute the following section-

“ 17. (1) Subject to subsection (2), an electronic betting centre licensee shall pay to the Treasurer of the States-

(a) within seven days of the Commission issuing its electronic betting centre licence; and

(b) in advance of each anniversary of the date from which the Commission directed that its electronic betting centre licence shall be valid,

a fee of £70,000.

(2) Subsection (1) does not apply to an electronic betting centre licensee that concurrently holds an interactive gaming licence issued by the Commission under the Gambling (Interactive Gaming) (Alderney) Ordinance, 2002(d).

(13) Immediately after section 20(1) insert the following subsection-

“ (1A) The premises identified in an application under subsection (1) shall be located in the Island, or in both the Island and Guernsey, and may include more than one set of premises.”.

(14) Section 22 is repealed.

(15) In section 26, subsections (1)(c) and (4) are repealed.

(16) Part III entitled “NOMINEES”, comprising sections 34 to 39, is repealed.

(17) Immediately after section 40(1) insert the following subsection-

“ (1A) For the purposes of subsection (1), a person shall have a reasonable excuse where he has made an application for a key personnel licence and that application has not been determined by the Commission.”.

(18) Section 42(2)(a) is repealed.

(19) For section 43(2) substitute the following subsection-

“ (2) The Commission shall not grant an application for a key personnel licence unless it is satisfied that the applicant is a fit and proper person to hold a key personnel licence.”.

(20) For section 45 substitute the following section-

“ 45. (1) If the Commission grants an application for a key personnel licence, it shall promptly issue a key personnel licence to the applicant.

(2) If the Commission refuses to grant an application for a

key personnel licence, it shall give the applicant written notice of the decision and of the reasons for the refusal.”.

(21) For section 48(3) substitute the following subsection-

“ (3) Where the Commission believes that a key relationship exists with an electronic betting centre licensee, the Commission shall give a copy of the condition notice to that electronic betting centre licensee at the same time that it gives a condition notice to the key personnel licensee.”.

(22) In section 52, for “six” substitute “two”.

(23) For section 55(6) substitute the following subsection-

“ (6) Where the Commission believes that a key relationship exists with an electronic betting centre licensee, the Commission shall give a copy of a notice under this section to that electronic betting centre licensee at the same time that it gives the notice to the key personnel licensee.”.

(24) Immediately after section 73 insert the following section-

**“Inspecting operations.**

**73A.** (1) Without prejudice to the generality of section 83, the Commission may conduct an inspection of an electronic betting centre licensee’s operations, whether located in the Island or elsewhere and including any operations undertaken on behalf of the licensee by its business associates.

(2) The Commission shall by notice in writing (an “**inspection notice**”) to the electronic betting centre licensee inform the licensee that an inspection will be conducted and the reasons for the inspection.

(3) If the Commission carries out an inspection under this section, the electronic betting centre licensee shall pay to the Commission the reasonable costs incurred by the Commission associated with the carrying out of that inspection.”.

(25) In section 80(1), for “three” substitute “six”.

(26) In section 92(1)-

(a) delete the definitions of "alternate nominee", "nominee" and "temporary nominee";

(b) immediately after the definition of "game" insert the following definition-

“**Guernsey**” means the Island of Guernsey and includes Herm and Jethou;” and

(c) immediately after the definition of "Her Majesty's Procureur" insert the following definition-

“**inspection notice**” means a notice given under section 83A(3);”.

**Transitional provision.**

2. An electronic betting centre licence issued under the 2002 Ordinance for a finite period, whether on first grant or renewal, and in force immediately before the commencement of this Ordinance shall continue to have effect and be treated as if it were an electronic betting centre licence valid for an indefinite period in accordance with section 15 of the 2002 Ordinance as amended by section 1(11)(b) of this Ordinance.

**Citation.**

3. This Ordinance may be cited as the Gambling (Electronic Betting) (Amendment) (Alderney) Ordinance, 2005.

**Commencement.**

4. This Ordinance shall come into force on the 20th July, 2005.

**S.E. KELLY**  
**Greffier**