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Island of Alderney



Ordinance of the States XIV 2003

Made 17th September 2003

Came into operation 17th September 2003

THE GAMBLING (INTERACTIVE GAMING) (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 (Interactive Gaming) (Alderney) Ordinance, 2001**(b)** is further amended as follows. **Amendments to
2001 Ordinance.**

(2) In the Arrangement of Sections-

(a) insert the following entry after the entry relating to section 2-

“2A. Activities of interactive gaming licensee outside Alderney.”;

(b) insert the following entry after the entry relating to section 33B-

“33BA. Chief Officer of Police’s report to the Commission.”;

(c) insert the following entry after the entry relating to section 42-

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

"42A. Costs of investigating application."; and

- (d) for "80. Limitation on permitted amount of player's wagers." substitute "80. Limitation on player's gaming activity."

- (3) Immediately after section 2, insert the following section-

"Activities of interactive gaming licensee outside Alderney.

2A. For the avoidance of doubt, an interactive gaming licensee-

- (a) introducing a player registered with him to a business associate of his with a view to the player participating in an interactive game operated by the business associate in a jurisdiction outside the Island; or
- (b) conducting, or participating in, interactive games operated at, or from, 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 conduct, or participate in, those games under his interactive gaming licence is for the time being rendered impossible,

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 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 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."

- (6) In section 31A(14), immediately after "the Commission may" insert "take".

- (7) Immediately after section 33A(2), insert the following subsection-

“ (2A) A person making an application under this section shall at the same time supply to the Chief Officer of Police a copy of his application form as submitted to the Commission.”.

(8) In section 33B(2), for “of £10,000” substitute “prescribed by the Commission in accordance with subsection (7)”.

(9) Immediately after section 33B(6), insert the following subsection-

“ (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.”.

(10) Immediately after section 33B, insert the following section-

“Chief Officer of Police’s report to the Commission.

33BA. Within a period of 60 days from the date of the application under section 33A, a report by or on behalf of the Chief Officer of Police shall be presented to the Commission, in such form, if any, as the Commission may from time to time determine, containing his views relating to the application, and with such report there shall be presented any reference or certificate of character in the possession of the Chief Officer of Police relating to the applicant or, as the case may be, an entity having a business association with the applicant.”.

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

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

(12) In section 35(1), for “personally supervise the exercise of the interactive gaming licence in respect of which” substitute “act as the representative of the interactive gaming licensee for whom”.

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

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

(14) 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.”.

(15) In section 69(1), the words “and by, or with the approval of, his auditors”are repealed.

(16)In section 70(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”.

(17)In section 70(2A)-

(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)".

(18) In section 77(2), immediately after "employees" insert "or an employee of a business associate of his".

(19) Immediately after section 79(3)(a), insert the following paragraph-

"(aa) to debit to the account at the player's request a sum to be transferred to a business associate of the interactive gaming licensee for the purpose of enabling participation in an interactive game operated outside the Island by that business associate;"

(20) Immediately after section 79(4), insert the following subsection-

" (4A) If a player with a player's account requests that funds standing to his credit with a business associate of an interactive gaming licensee to whom funds have been transferred in accordance with subsection (3)(aa) are returned to his player's account, upon receipt from that business associate, the interactive gaming licensee shall immediately credit the amount of those funds to the player's account."

(21) In section 79(5), for "or (4)" substitute ", 4) or (4A)".

(22) For section 80 substitute the following section-

"Limitation on player's gaming activity.

80. (1) A registered player may, by written notice to an interactive gaming licensee, set a limit on his gaming activity with that licensee in accordance with one or more of the means specified in subsection (2).

(2) A limit may be set under subsection (1) in relation to the amount a player-

- (a) may deposit during a period of time specified in the notice;
- (b) may lose by way of a maximum amount that may be lost-
 - (i) over a number of games; or
 - (ii) during a period of time, specified in the notice; or
- (c) may wager.

- (3) A limit set under subsection (2)(c) may be set-
 - (a) in relation to a game or any number of single games;
 - (b) by way of a maximum limit that may be wagered over a number of games specified in the notice or played during a period of time specified in the notice; or
 - (c) at zero.
- (4) An interactive gaming licensee who has received a notice under subsection (1) shall not-
 - (a) accept a deposit; or
 - (b) permit a player to lose; or
 - (c) debit a wager to a player's account,

in excess of a limit set out in the notice.

(5) A person who fails to comply with subsection (4) shall be guilty of an offence and liable, on conviction, to a fine not exceeding £25,000.

(6) A player who has set a limit under this section may change or remove the limit by written notice to the interactive gaming licensee.

(7) A notice increasing or removing a limit shall not have effect unless-

- (a) seven days have passed since the interactive gaming licensee received the notice; and
- (b) the player has not notified the interactive gaming licensee of his intention to withdraw the notice.

(8) A notice reducing a limit has effect on its receipt by the interactive gaming licensee.”.

(23) Section 81 is repealed.

Citation.

2. This Ordinance may be cited as the Gambling (Interactive Gaming) (Amendment) (Alderney) Ordinance, 2003.

Commencement.

3. This Ordinance shall come into force on the 17th September, 2003.

D.V. JENKINS
Clerk of the States