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Island of Alderney



Ordinance of the States

VII
2005

Made 20th July 2005

Coming into force 20th July 2005

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

(2) In the Arrangement of Sections-

- (a) for "5. Interactive gaming licence may only be granted to Alderney resident." substitute "5. Interactive gaming 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 83-
"83A. Inspecting operations."

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

(b) No. X of 2001; Nos. IV and XVI of 2002; No. XIV of 2003.

(3) In section 2A-

- (a) for the comma at the end of paragraph (b) substitute “; or”; and
- (b) immediately after paragraph (b) insert the following paragraph-
 - “(c) conducting, or participating in, interactive games operated at, or from, a place in Guernsey approved in advance by the Commission-
 - (i) as part of the licensee’s application for an interactive gaming licence, or
 - (ii) in accordance with section 21,”.

(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-

“Interactive gaming 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 10(1)(c) is repealed.

(8) In section 10(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 10(2)(a), the words “or the individual proposed by the applicant to be its nominee” are repealed.

(10) Sections 13 and 14(3) are repealed.

(11) In section 16-

(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 interactive gaming licensee shall pay to the Treasurer of the States-

(a) within seven days of the Commission issuing its interactive gaming licence; and

(b) in advance of each anniversary of the date from which the Commission directed that its interactive gaming licence shall be valid, a fee of £70,000.

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

(13) Immediately after section 21(1) insert the following subsection-

(c) Order in Council No. XXXIV of 1994.

(d) No. XVII of 2002; No. XV of 2003.

“ (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 23 is repealed.

(15) In section 27, subsections (1)(c) and (4) are repealed.

(16) For section 33A(2A) substitute the following subsection-

“ (2A) Upon receipt of an application under this section, the Commission shall supply a copy to the Chief Officer of Police.”

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

(18) 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.”

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

(20) 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.”

(21) 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.”

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

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

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

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

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

(25) Immediately after section 83 insert the following section-

“Inspecting operations.

83A. (1) Without prejudice to the generality of section 83, the Commission may conduct an inspection of an interactive gaming 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 interactive gaming 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 interactive gaming licensee shall pay to the Commission the reasonable costs incurred by the Commission associated with the carrying out of that inspection.”.

(26) In section 90(1), for “three” substitute “six”.

(27) In section 102(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 interactive gaming licence issued under the 2001 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 interactive gaming licence valid for an indefinite period in accordance with section 16 of the 2001 Ordinance as amended by section 1(11)(b) of this Ordinance.

Citation.

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

Commencement.

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

S.E. KELLY
Greffier