

Island of  Guernsey

**Ordinance of the States**

**XVI  
2003**

Made ..... 26th September, 2003

**The Guernsey Gambling Control  
Commission (Casino Gaming)  
(Fees) Ordinance, 2003**

**The Guernsey Gambling Control Commission  
(Casino Gaming) (Fees) Ordinance, 2003**

**THE STATES**, in exercise of the powers conferred on them by sections 12 and 24 of the Guernsey Gambling Control Commission Law, 2001<sup>a</sup> and all other powers enabling them in that behalf, hereby order:-

**Fixed fees payable to the Commission.**

1. The fees set out in the first column of Part 1 of the Schedule shall be payable to the Commission in connection with the carrying out of the respective functions described in the second column of Part 1 of the Schedule by the respective persons indicated in the third column of Part 1 of the Schedule.

**Other sums payable to the Commission.**

2. (1) A person making an application of a type described in the first column of Part 2 of the Schedule shall pay to the Commission the reasonable costs associated with the carrying out of the respective functions described in the second column of Part 2 of the Schedule.

(2) Upon making an application of a type described in the first column of Part 2 of the Schedule, the applicant shall deposit with the Commission -

- (a) the sum indicated in the third column of Part 2 of the Schedule; or
- (b) such lesser sum as the Commission may in writing determine,

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<sup>a</sup> Order in Council No. XXIII of 2001.

from which, in either case, the Commission may 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.

**Written statement of costs.**

3. (1) A person who is obliged to pay to or deposit with the Commission any sum under section 2 may, at any time during the relevant period, by way of written notice identifying the relevant application served upon the Commission, request the Commission to send to him with a written statement containing -

(a) in relation to costs already incurred in connection with the relevant application -

(i) a statement of the amount of those costs; and

(ii) a description of the basis upon and reason for

which they have been incurred; and

(b) in relation to costs which it is anticipated will be incurred in connection with the relevant application -

(i) a statement of the estimated amount of those costs; and

(ii) a description of the basis upon and reason for which it is anticipated they will be incurred.

(2) Within 14 days of service of a written notice under subsection (1), the Commission shall, provided that the notice is not issued frivolously or unreasonably, send to the person issuing the notice, a written statement containing the information referred to in paragraphs (1)(a) and (b).

(3) For the purposes of this section -

“**the relevant period**” means the period commencing upon the making, and ending six months after determination, of the relevant application; and

“**the relevant application**” means the application in respect of which the applicant is obliged to make payment under section 2.

(4) For the avoidance of doubt, a written statement issued by the Commission under this section shall not, insofar as it refers to costs which it is anticipated will be incurred, derogate from the obligation of a person to pay to the Commission the actual reasonable costs referred to in section 2(1).

**Arbitration.**

4. (1) A person -
- (a) to whom a statement has been sent under section 3;  
and
  - (b) who claims that any costs referred to in the statement do not fall within the category of reasonable costs referred to in section 2(1),

may, within the relevant period, serve upon the Commission a review notice.

(2) Within 28 days of service of a review notice under subsection (1), the Commission shall consider any claim made in the notice and either -

- (a) accept the claim in whole or in part; or
- (b) reject the claim in whole or in part.

(3) Where the Commission accepts in whole or in part the claim made in a review notice, it shall notify the person who has issued the notice in writing of that fact and -

- (a) make an appropriate adjustment in the amount of any sum demanded by the Commission from that person;  
or
- (b) make an appropriate refund of any sum paid to the Commission by that person.

(4) Where the Commission rejects in whole or in part the claim made in a review notice, it shall notify the person who has issued the notice in writing of that fact and set out in the notice the grounds upon which the claim or part thereof has been rejected and that person may, within 28 days thereafter by notice in writing served upon the Commission, require that the amount of any disputed costs or sum shall be determined by a single arbitrator.

(5) The Arbitration (Guernsey) Law, 1982<sup>b</sup> shall apply to an arbitration under this section; and for the purposes of that Law an arbitration agreement shall be deemed to exist between the person who has issued a review notice and the Commission.

(6) For the purposes of this section -

“**the relevant period**” means the period commencing upon the making, and ending twelve months after determination, of the application to which any costs referred to in a statement issued under section 3 relate; and

“**a review notice**” means a written notice setting out details of

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- (a) the costs that a person claims are not properly due under this Ordinance; and
- (b) the reasons and grounds upon which he basis his claim.

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<sup>b</sup> Ordres en Conseil Vol. XXVII, p. 525; and Vol. XXIX, p. 178.

**Interpretation.**

5. (1) In this Ordinance, unless the context otherwise requires -

“**casino gaming equipment**” has the meaning given by Regulation 86(1);

“**casino operator's licence**” has the meaning given by section 19(1) of the Gambling (Casino Gaming) Ordinance, 2001<sup>c</sup>;

“**certificate of prior approval**” has the meaning given by Regulation 86(1);

“**control system submission**” has the meaning given by Regulation 86(1);

“**licensed premises**” has the meaning given by Regulation 86(1);

“**registered casino gaming equipment**” has the meaning given by Regulation 86(1);

“**Regulation 86(1)**” means regulation 86(1) of the Gambling (Casino Gaming) Regulations, 2003<sup>d</sup>; and

“**the Schedule**” means the schedule to this Ordinance.

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<sup>c</sup> Ordinance No. XXXVIII of 2001.

<sup>d</sup> G.S.I. No. 7 of 2003.

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(2) Unless the context otherwise requires, references in this Ordinance to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

**Citation.**

6. This Ordinance may be cited as the Guernsey Gambling Control Commission (Casino Gaming) (Fees) Ordinance, 2003.

## SCHEDULE

## PART 1

<i>Fee payable to Commission</i>	<i>Function in connection with which payable</i>	<i>By whom payable</i>
1. £500	Receipt and acknowledgement of an application for a casino operator's licence.	Applicant for licence
2. £100	Receipt and acknowledgement of an application for a certificate of prior approval.	Applicant for certificate

## PART 2

<i>Type of application</i>	<i>Function</i>	<i>Maximum amount to be deposited with Commission upon application</i>
1. Application for a casino operator's licence.	Consideration, evaluation and assessment of an application for a casino operator's licence, including control system submission.	£10,000
2. Application to vary control system submission	Consideration, evaluation and assessment of application to vary control system submission.	£3,000
3. Application to modify description of licensed	Consideration, evaluation and assessment of application to modify description of licensed premises.	£2,000

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premises		
4. Application for certificate of prior approval	Consideration, evaluation and assessment of application for certificate of prior approval.	£2,000
5. Application for registration of item of casino gaming equipment	Consideration, evaluation and assessment of application for registration of item of casino gaming equipment.	£2,000