

No. 4 - 2012

Alderney Gambling Control Commission
the Alderney eGambling (Amendment) Regulations, 2012

<i>Made</i>	<i>24th July 2012</i>
<i>Coming into operation</i>	<i>24th July 2012</i>
<i>Laid before the States</i>	<i>19th September 2012</i>

THE ALDERNEY GAMBLING CONTROL COMMISSION, in exercise of the powers conferred on it by sections 7(2), 14, 17, 18, 20, 22 and 27 of the Alderney eGambling Ordinance, 2009^a, hereby makes the following Regulations:-

Amendment to the 2009 Regulations.

1. The 2009 Regulations are amended as follows.
2. In regulation 4 of the 2009 Regulations -
 - (a) omit "and" at the end of paragraph (l),
 - (b) for the full-stop at the end of the regulation, insert a semi-colon, and
 - (c) immediately after paragraph (m), insert -

^a Ordinance No. X of 2009, as amended by Ordinance No. XIII of 2010.

"and

- (n) the Category 1 eGambling licensee must –
 - (i) take reasonable steps to identify any improper attempts to influence the outcome of any event upon which gambling may take place; and
 - (ii) where any such activity is identified –
 - (A) notify the Commission in writing of the details and consequences (if known) of the activity within 24 hours of identifying such activity; and
 - (B) co-operate with any investigation, regulatory process or legal proceedings arising from such activity."

3. In regulation 6 of the 2009 Regulations -

- (a) omit "and" at the end of paragraph (m),
- (b) for the full-stop at the end of the regulation, insert a semi-colon, and

(c) immediately after paragraph (n), insert –

"and

(o) the Category 2 eGambling licensee must –

(i) take reasonable steps to identify any improper attempts to influence the outcome of any event upon which gambling may take place; and

(ii) where any such activity is identified –

(A) notify the Commission in writing of the details and consequences (if known) of the activity within 24 hours of identifying such activity; and

(B) co-operate with any investigation, regulatory process or legal proceedings arising from such activity."

4. In regulation 8(1) of the 2009 Regulations -

(a) omit "and" at the end of paragraph (i),

(b) for the full-stop at the end of the regulation, insert a

semi-colon, and

(c) immediately after paragraph (j), insert -

"and

(k) the Temporary eGambling licensee must –

(i) take reasonable steps to identify any improper attempts to influence the outcome of any event upon which gambling may take place; and

(ii) where any such activity is identified –

(A) notify the Commission in writing of the details and consequences (if known) of the activity within 24 hours of identifying such activity; and

(B) co-operate with any investigation, regulatory process or legal proceedings arising from such activity."

5. In regulation 60 of the 2009 Regulations -

(a) omit "and" at the end of paragraph (j),

(b) for the full-stop at the end of the regulation, insert a semi-colon, and

(c) immediately after paragraph (k), insert -

"and

(l) the foreign gambling associate certificate holder must –

(i) take reasonable steps to identify any improper attempts to influence the outcome of any event upon which gambling may take place; and

(ii) where any such activity is identified –

(A) notify the Commission in writing of the details and consequences (if known) of the activity within 24 hours of identifying such activity; and

(B) co-operate with any investigation, regulatory process or legal proceedings arising from such activity."

6. Immediately after regulation 230 of the 2009 Regulations insert –

"Funds standing to the credit of registered customers.

230A. (1) Subject to paragraph (2), a Category 1 eGambling licensee or an associate of a Category 1 eGambling licensee who holds funds standing to the credit of a registered customer pursuant to regulation 230 shall at all times hold such funds in a bank account which –

- (a) exists solely for the purpose of holding, and holds only, funds standing to the credit of the licensee's registered customers, and
- (b) is separate from any other bank account which does not satisfy the requirements of paragraph (a).

(2) The Commission may, at its discretion, waive the requirement set out under paragraph (1) where a person has provided a written guarantee, in such terms approved by the Commission, to –

- (a) remit all of the funds standing to the credit of the Category 1 eGambling licensee's registered customers in the event that the Category 1 eGambling licensee is unable to do so,
- (b) maintain at all times such deposits and reserves as are necessary in order to satisfy the undertaking set out in sub-paragraph (a), and
- (c) demonstrate at any time, at the request of the Commission, that it maintains adequate deposits and reserves in order to satisfy the undertaking set out in sub-paragraph (b).

(3) The Category 1 eGambling licensee shall set out in its approved internal control system the details of each bank account which holds funds standing to the credit of its registered customers (including the details of any bank account held by an associate of the Category 1 eGambling licensee which holds funds standing to credit of that licensee's registered customers).

(4) The Category 1 eGambling licensee shall by no later than the 20th day of the month submit to the Commission a report in the format set out in Schedule 22 detailing –

- (a) the total amount of funds which the Category 1 eGambling licensee, and any of its associates, hold to the credit of its registered customers, and
- (b) the balance of each bank account which holds funds standing to the credit of any of the Category 1 eGambling licensee's registered customers (including the balance of any bank account held by an associate of the Category 1 eGambling licensee who holds funds standing to the credit of that licensee's registered customers).

(5) The Category 1 eGambling licensee shall notify each of its customers, via a clear and robust mechanism that has been approved by the Commission, of the potential risks associated with funds standing to the credit of a registered customer in the event of the insolvency of the Category 1 eGambling licensee or any of its associates."

7. Immediately after Schedule 21 of the 2009 Regulations insert –

"

Regulation 230A

SCHEDULE 22
FORMAT OF MONTHLY REPORT OF A CATEGORY 1
LICENSEE' S CUSTOMER FUND BALANCES

The format of a Category 1 eGambling licensee' s monthly report to the Commission in relation to the funds standing to the credit of its registered customers shall be as follows-

"ALDERNEY GAMBLING CONTROL COMMISSION



MONTHLY CUSTOMER FUNDS REPORT (Category 1 licence)

Of

[INSERT LICENSEE' S NAME]

(to be provided within 20 days of month end)

MONTH OF [insert month and year]

	£
Funds standing to the credit of registered customers	
x	
Funds standing to the credit of registered customers (previous month)	x
Change in month	x

Account details of bank account (which holds funds standing to the credit of any of the licensee's registered customers)	Balance (£)	Balance previous month (£)	Change (£)	Tick if held by Associate

CERTIFICATION

I hereby certify that I am duly authorised to submit this certification; that I believe the information in this return is true; and that having made reasonable enquiries, I have to the best of my knowledge and belief:

1. informed the Alderney Gambling Control Commission of any material changes to the statement of structure and organisation of the business and its control, supplied at the time of the application, or subsequently
2. complied to the best of my knowledge and belief, with the requirement to inform the Alderney Gambling Control Commission about key events, and
3. formed a reasoned opinion that the licensed entity has adequate resources to operate in accordance with the Licensing objectives, the Licensing conditions and codes for the foreseeable future.

Please note that it is an offence under section 24 of the Alderney eGambling Ordinance, 2009 for any person, without reasonable excuse, to give the Alderney Gambling Control Commission information which is false or misleading.

Name	
Position held (Must be a key Individual)	
Date	

..'''

Interpretation.

8. (1) In these Regulations –

"**relevant enactment**" means the Gambling (Alderney) Law, 1999^b, the Alderney eGambling Ordinance, 2009 and the 2009 Regulations, and

"**the 2009 Regulations**" means the Alderney eGambling Regulations, 2009^c.

(2) Words defined in a relevant enactment have the same meaning when used in these Regulations, unless the context requires otherwise or the contrary intention is expressed.

(3) The Interpretation (Guernsey) Law, 1948^d applies to the interpretation of these Regulations as it applies to the interpretation of an enactment in force in the Island of Guernsey.

(4) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Transitional provisions.

9. (1) A Category 1 eGambling licensee whose internal control system has, or will have, been approved on or before the 1st August 2012 must –

^b Ordres en Conseil Vol. XXXIX, p. 374, Vol. XL, p.15, Vol. XLI, p.769 and Alderney Ordinance No. XVI of 2003 and VII of 2006.

^c Statutory Instrument 1/2010, as amended by the Alderney eGambling (Amendment) Regulations, 2010, the Alderney eGambling (Amendment) (No. 2) Regulations, 2010 and the Alderney eGambling (Amendment) Regulations, 2011

^d Ordres en Conseil Vol. XIII, p. 355.

- (a) submit a detailed plan to the Commission by the 31st October 2012 for the Commission's approval which sets out the manner in which the licensee intends to achieve compliance with regulation 230A of the 2009 Regulations in the timeframe required by paragraph (c),
- (b) in accordance with any directions given by the Commission, amend any such plan submitted under paragraph (a) so that it is acceptable to, and approved by, the Commission, and
- (c) fully comply with regulation 230A of the 2009 Regulations (and therefore fully implement the plan submitted under paragraph (a) in accordance with any directions given by the Commission under paragraph (b)) by the 31st December 2012.

Citation and commencement.

10. These Regulations may be cited as the Alderney eGambling (Amendment) Regulations, 2012 and shall come into force on the 24th July, 2012.

Dated this 24th day of July, 2012.

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ISABEL PICORNELL

Member of the Alderney Gambling Control Commission

for and on behalf of the Commission.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Alderney Gambling Control Commission under the Alderney eGambling Ordinance, 2009 and amend the Alderney eGambling Regulations, 2009.

The Regulations enable the Commission to require Category 1, 2 and Temporary eGambling licensees and foreign gambling associate certificate holders to identify attempts to interfere with the integrity of events upon which event based wagering takes place. The purpose of this amendment is to promote integrity in sports and other event based wagering.

In addition the Regulations require Category 1 eGambling licensees (and their associates holding customer funds) to hold funds standing to the credit of registered customers in accounts that are segregated from those used to operate the business of the licensee and inform registered customers of the risks associated with their funds in the event of a Category 1 eGambling licensee's (or any of its associates) insolvency.

S. E. KELLY

Greffier

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