

ORDINANCE  
OF THE STATES OF DELIBERATION

ENTITLED

**The Alderney eGambling (Operations in Guernsey)  
Ordinance, 2006 \***

*[CONSOLIDATED TEXT]*

**NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* No. XLIII of 2006 (Recueil d'Ordonnances, Tome XXIX, p. 631); as amended by the Alderney eGambling (Operations In Guernsey) (Amendment) Ordinance, 2010 (No. XII of 2010); the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2014 (No. \*\* of 2014).

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ARRANGEMENT OF SECTIONS

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*(Made on 25th October, 2006.)*

## **The Alderney eGambling (Operations in Guernsey) Ordinance, 2006**

**THE STATES**, in pursuance of their Resolution of the 1<sup>st</sup> June, 2006<sup>a</sup>, and in exercise of the powers conferred upon them by sections 2 and 8(2A) of the Gambling (Guernsey) Law, 1971, as amended<sup>b</sup> and of all other powers enabling them in that behalf, hereby order: –

### **PART I LAWFUL eGAMBLING**

#### **Lawful gambling: Alderney eGambling licensees.**

1. [A gambling transaction –
  - (a) organised or promoted by or with the holder of a Category 1 eGambling licence [or a Temporary eGambling licence], or
  - (b) effected by or with the holder of a Category 2 eGambling licence [or a Temporary eGambling licence],]

issued by the Alderney Gambling Control Commission under the [Alderney eGambling Ordinance, 2009] ("**the eGambling Ordinance**") is not unlawful

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<sup>a</sup> Article XV of Billet d'État No. X of 2006.

<sup>b</sup> Ordres en Conseil Vol. XXIII, p. 109 as amended by Vol. XXIV, p. 400, Order in Council No. XXVII of 1997 and No. II of 2001.

gambling for the purposes of the Gambling (Guernsey) Law, 1971 ("**the Law**"), provided that the conditions set out in section 2(1) or (2) are met.

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**NOTES**

*In section 1,*

*the words in the first and second pairs of square brackets were substituted by the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2010, respectively section 2(a) and section 2(b), with effect from 31st March, 2010;*

*the words in the first and second pairs of square brackets within the first pair of square brackets were inserted by the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2014, section 2, respectively paragraph (a) and paragraph (b), with effect from 24th September, 2014.*

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**Conditions of legality.**

2. (1) [Where the gambling transaction is –
- (a) organised or promoted by or with the holder of a Category 1 eGambling licence, or
  - (b) effected by or with the holder of a Category 2 eGambling licence,

the conditions are that –]

[(i) it would be lawful in Alderney to [organise, promote or] effect the transaction by virtue of the provisions of the eGambling Ordinance,

[(ii) it would be lawful in Alderney for the [holder

of the licence to effect the transaction, or for the holder of the licence to organise or promote] the transaction, by virtue of the provisions of the eGambling Ordinance and Regulations made thereunder,

[(iii)] the place in Guernsey at which the transaction is [organised, promoted or] effected are approved premises controlled by the holder of a hosting certificate issued by the Alderney Gambling Control Commission under the eGambling Ordinance, and

[(iv)] the transaction is [organised, promoted or] effected in Guernsey only by virtue of it being [organised, promoted or] effected through a computer server which is located in Guernsey,

and if these conditions are not met the transaction is unlawful gambling for the purposes of the Law.

(2) Where the gambling transaction is [organised, promoted or] effected with an eGambling licensee who holds a [Temporary eGambling licence], the conditions are that –

- (a) it would be lawful in Alderney to [organise, promote or] effect the transaction by virtue of the provisions of the eGambling Ordinance,
- (b) it would be lawful in Alderney for the licensee to

effect the transaction, or to [organise or promote] the transaction, by virtue of the provisions of the eGambling Ordinance and Regulations made thereunder,

- (c) the licensee at all times complies with the requirements imposed on the exercise of its licence by virtue of regulations made under section [20] of the eGambling Ordinance,
- (d) the place in Guernsey at which the transaction is [organised, promoted or] effected are approved premises controlled by the holder of a hosting certificate issued by the Alderney Gambling Control Commission under the eGambling Ordinance, and
- (e) the transaction is [organised, promoted or] effected in Guernsey only by virtue of it being [organised, promoted or] effected through a computer server which is located in Guernsey,

and if these conditions are not met the transaction is unlawful gambling for the purposes of the Law.

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**NOTES**

*In section 2,*

*the words, figures, letters and parentheses in the first, second, third, fourth, fifth, sixth, seventh and eighth pairs of square brackets in subsection (1) were, respectively, substituted, substituted, inserted, substituted, substituted, substituted, inserted and substituted by the Alderney*

*eGambling (Operations in Guernsey) (Amendment) Ordinance, 2010, section 3(a), section 3(b), section 3(c), section 3(d), section 3(e), section 3(f), section 3(g) and section 3(h), with effect from 31st March, 2010;*

*the words in the ninth and tenth pairs of square brackets in subsection (1) were inserted by the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2010, section 3(i), with effect from 31st March, 2010;*

*the words and figures in the first, second, third, fourth, fifth and sixth pairs of square brackets in subsection (2) were, respectively, inserted, substituted, inserted, substituted, substituted and inserted by the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2010, section 4(a), section 4(b), section 4(c), section 4(d), section 4(e) and section 4(f), with effect from 31st March, 2010;*

*the words in square brackets in paragraph (e) of subsection (2) were inserted by the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2010, section 4(g), with effect from 31st March, 2010.*

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### **Gambling with strangers.**

3. Notwithstanding the provisions of section 8(1) of the Law, the holder of an eGambling licence issued by the Alderney Gambling Control Commission under the eGambling Ordinance may [conduct business in the course of which a gambling transaction is negotiated or entered into], which is lawful by virtue of the provisions of section 1, with or on behalf of a stranger.

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#### **NOTE**

*In section 3, the words in square brackets were substituted by the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2010, section 5, with effect from 31st March, 2010.*

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PART II  
MISCELLANEOUS

**Powers of Alderney Gambling Control Commission.**

4. The Alderney Gambling Control Commission may exercise the same functions in respect of the holder of an eGambling licence [organising, promoting or] effecting a gambling transaction under the authority of this Ordinance as it would be able to exercise under the eGambling Ordinance and Regulations made thereunder, and under the Gambling (Alderney) Law, 1999<sup>d</sup>[...].]

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**NOTE**

*In section 4, the words and punctuation in the first, second and third pairs of square brackets were, respectively, inserted, repealed and inserted by the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2010, section 6(a), section 6(b) and section 6(c), with effect from 31st March, 2010.*

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**Interpretation.**

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

"**approved premises**" has the meaning given by the eGambling Ordinance,

["**Category 1 eGambling licence**", "**Category 2 eGambling licence**", "**eGambling licence**", and "**Temporary eGambling licence**" have the meanings given by the eGambling Ordinance,]

"**eGambling Ordinance**" means the [Alderney eGambling

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<sup>d</sup> Order in Council No. XIV of 1999 as amended by No. XXVII of 2001.

Ordinance, 2009],

**"gambling transaction"** has the meaning given by the eGambling Ordinance,

**"Guernsey"** means the island of Guernsey and includes the islands of Herm and Jethou,

**"hosting certificate"** has the meaning given by the eGambling Ordinance,

**"the Law"** means the Gambling (Guernsey) Law, 1971, [as amended,]

and other expressions have the same meanings as in the Law.

(2) In this Ordinance, unless the context requires otherwise, any reference to an enactment is a reference thereto as from time to time amended, reenacted (with or without modification), extended or applied.

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## NOTES

*In section 5,*

*the definition of the expressions "Category 1 eGambling licence", "Category 2 eGambling licence", "eGambling licence", and "Temporary eGambling licence" were substituted by the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2010, section 7(a), with effect from 31st March, 2010;*

*the words and figures in the definitions of the expressions, first, "eGambling Ordinance" and, second, "the Law" were, respectively, substituted and inserted by the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2010, section 7(b) and section 7(c),*

*with effect from 31st March, 2010.*

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**Repeals.**

6. The Alderney Internet Gambling (Temporary Relocation) Ordinance, 2004<sup>e</sup> and the Alderney Internet Gambling (Location of Computer Servers) Ordinance, 2005<sup>c</sup> are repealed.

**Extent.**

7. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

**Citation.**

8. This Ordinance may be cited as the Alderney eGambling (Operations in Guernsey) Ordinance, 2006.

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**NOTE**

*The Ordinance was made and came into operation on 25th October, 2006.*

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<sup>e</sup> No. XIV of 2004.

<sup>c</sup> No. XIII of 2005.