

No.3 - 2013

Alderney Gambling Control Commission

**The Alderney eGambling (Amendment) (No.2) Regulations,
2013**

<i>Made</i>	<i>25th June, 2013</i>
<i>Coming into operation</i>	<i>1st July, 2013</i>
<i>Laid before the States</i>	<i>17th July 2013</i>

THE ALDERNEY GAMBLING CONTROL COMMISSION, in exercise of the powers conferred on it by sections 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 Schedule 18 to the 2009 Regulations, for "Affiliate fees" substitute "Affiliate fees*".
3. For Schedule 20 to the 2009 Regulations, substitute –

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

SCHEDULE 20

**FORMAT OF MONTHLY REPORT OF A CATEGORY 1 eGAMBLING
LICENSEE' S RATIO POSITION**

The format of a Category 1 eGambling licensee' s monthly report to the Commission in relation to its ratio position shall be as follows-

ALDERNEY GAMBLING CONTROL COMMISSION



MONTHLY RATIO REPORT (Category 1 eGambling licence)
of

[INSERT LICENSEE' S NAME]

(to be provided within 20 days of month end)

MONTH OF *[insert month and year]*

Licencees are required to hold capital, subject to a liquidity adjustment in respect of investment in fixed assets, equal to or exceeding the sum of qualifying overheads, arising using the formula below, using the relevant account groupings as they appear in reports specified in Schedule 18 and submitted pursuant to Regulation 242(2) of the Alderney eGambling Regulations, 2009.

Shareholders’ funds (“ SF”) minus an adjustment equal to the total of **fixed assets (“ FA”)** must meet or exceed the quarterly reported value of **Net Gaming Yield (“ NGY”)** minus **Operating profit (“ OP”)** excluding the cost of **affiliate fees (as approved by the Commission)(“ AF”)**.

$(SF-FA) \geq NGY - (OP-AF)$

Capital held £ x

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.

4. (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.

^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 Alderney Statutory Instrument 1/2010, as amended by Alderney Statutory Instrument 5/2010, 6/2010, 3/2011, 4/2012 and 2/2013.

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

Citation and commencement.

5. These Regulations may be cited as the Alderney eGambling (Amendment) (No.2) Regulations, 2013 and shall come into force on the 1st July, 2013.

Dated this 25th day of June, 2013.

JOHN GODFREY

Chairman 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, as amended ("**2009 Regulations**").

The purpose of these Amendment Regulations is to amend the financial reports set out in Schedules 18 and 20 to the 2009 Regulations which are submitted to the Alderney Gambling Control Commission by Category 1 eGambling licensees. Schedule 18 sets out the format of the quarterly report in respect of operations for Category 1 eGambling licensees as required under regulation 242(3) of the 2009 Regulations. Schedule 20 sets out the format of the monthly report of a Category 1 eGambling licensee's financial position by reference to financial ratios established by the Alderney Gambling Control Commission as required under regulation 243(2) of the 2009 Regulations.

These Regulations come into force on the 1st day of July, 2013.

S. E. KELLY

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