

[final]

## **The Alderney eGambling (Amendment) Ordinance, 2013**

**THE STATES OF ALDERNEY**, in pursuance of their Resolution of the 17<sup>th</sup> July, 2013, and in exercise of the powers conferred upon them by sections 6 and 16 of the Gambling (Alderney) Law, 1999<sup>a</sup>, hereby order:-

### **Amendment of 2009 Ordinance.**

1. The Alderney eGambling Ordinance, 2009<sup>b</sup> ("**the 2009 Ordinance**") is amended as follows.

2. In the heading of section 18, for "Foreign Gambling Associates" substitute "Category 2 Associate Certificates".

3. In section 22 of the 2009 Ordinance –

(a) in subsection (2)(e) insert ", and such regulations shall include, without limitation, the duties and requirements to be complied with by such licensees, certificate holders and associates for the purposes of forestalling and preventing money laundering", after the word "financing",

(b) for subsection (3)(b) substitute –

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<sup>a</sup> Ordres en Conseil Vol. XXXIX, p. 374; as amended by Ordres en Conseil Vol. XL, p. 15; Vol. XLI, p. 769; Alderney Ordinance No. XVI of 2003; and Alderney Ordinance No. VII of 2006.

<sup>b</sup> Alderney Ordinance No. X of 2009; as amended by Alderney Ordinance No. XIII of 2010.

"(b) make such notices, instructions, guidance or other similar instruments as it considers appropriate for the purposes of this Ordinance and regulations made thereunder, including, without limitation, such notices, instructions, guidance or other similar instruments for the purposes of providing information about compliance with the provisions of this Ordinance and regulations made thereunder.", and

(c) immediately after subsection (3) insert –

"(4) The Commission and any court shall take the notices, instructions, guidance and other similar instruments made under subsection (3) into account in determining whether any person has complied with this Ordinance and the regulations made thereunder.

(5) Paragraphs (a) and (b) of section 27(1) and section 27(2) (general provisions as to regulations) have effect in relation to notices, instructions, guidance and other similar instruments made by the Commission as if references in that section to regulations were references respectively to notices, instructions, guidance and other similar instruments."

4. Subject to section 5, for each reference to "foreign gambling associate certificate" wherever appearing in the 2009 Ordinance substitute "Category 2 associate certificate".

5. In section 30(1) of the 2009 Ordinance –
  - (a) in paragraph (b) of the definition of "associate certificate" delete "issued under section 7",
  - (b) immediately after the definition of "Category 1 eGambling licence", insert the following definition –

"**Category 2 associate certificate**" means a certificate issued under section 7 and in accordance with section 18", and
  - (c) delete the definition of "foreign gambling associate certificate".
6. Section 31(2) of the 2009 Ordinance is repealed.
7. Schedule 2 (Savings and Transitional Provisions) to the 2009 Ordinance is repealed.

### **Transitional Provisions**

8. Upon and from the commencement date appointed in accordance with section 11(2) of this Ordinance, a foreign gambling associate certificate issued under the 2009 Ordinance which is in force immediately before the commencement date shall be deemed to be a Category 2 associate certificate issued under the 2009 Ordinance.

**Interpretation.**

9. (1) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of this Ordinance as it applies to the interpretation of an enactment in force in Guernsey.

(2) Words defined in the Gambling (Alderney) Law, 1999, and the Alderney eGambling Ordinance, 2009 have the same meaning when used in this Ordinance, unless the context otherwise requires.

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

**Citation.**

10. This Ordinance may be cited as the Alderney eGambling (Amendment) Ordinance, 2013.

**Commencement.**

11. (1) This Ordinance, other than sections 4 and 5, shall come into force on the 18<sup>th</sup> July, 2013.

(2) Sections 4 and 5 of this Ordinance shall come into force on the day appointed by regulations made by the Commission.

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<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.