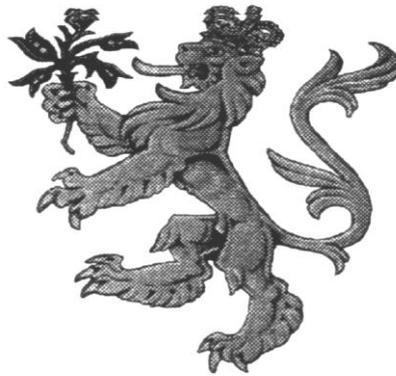


STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 16TH JULY 2014

Price: £2.00

STATES OF ALDERNEY
BILLET D'ETAT
FOR WEDNESDAY 16TH JULY 2014

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30 pm on Wednesday 16th July 2014. This will be preceded by the People's Meeting, which will be held on Wednesday 9th July 2014 at 7:00 pm in the Island Hall.

W Stuart Trought
President

Item I **The Merchant Shipping (Bailiwick of Guernsey) (Amendment) Law, 2014**

The following letter has been received from Mr Stuart Trought, President of the States of Alderney:-

"Please find enclosed a letter from the Bailiff, dated 3^d June 2014, seeking approval of the above law.

I would therefore be obliged if you would debate this matter at your meeting on 16th July 2014 and give your approval as set out in the letter.

*W Stuart Trought
President"*

The states is asked to approve "The Merchant Shipping (Bailiwick of Guernsey) (Amendment) Law, 2014".

Note; A copy of the Projet de Loi entitled "The Merchant Shipping (Bailiwick of Guernsey) (Amendment) Law, 2014" may be seen at the President's Office, Island Hall, and in the Library.

Item II **Alderney Community Sports Centre – Grant Funding**

The following letter has been received from Mr Simonet, Chairman of the Policy & Finance Committee:-

"For several years the concept of a Swimming Pool/Sports Centre has been proposed by various groups, initially to be situated at York Hill and in more recent years a scaled down project to be situated at the School.

Although the advantages to the Island for such a facility have long been recognised, including health benefits, together with the provision of leisure and sporting facilities for residents and visitors, the drawback has always been the amount of capital funding required to build the facility.

The Alderney Community & Sports Centre (ACSC) has now taken responsibility for the revised project at the School, comprising of a swimming pool and gymnasium, on the site of the existing pool (as per the location plan attached), which is considered to be a more suitable development for Alderney.

The ACSC is a Bailiwick registered Charitable Trust (no 273) set up in 2005 specifically to facilitate this project, with a view to the Management Company taking over the responsibility for the operation of the facility once established. The Company will be limited by guarantee, with charitable status, and the Trust is confident that the Centre will continue to be managed on a voluntary basis once the facility is in full operation. The Charity is non-profit making, with any surpluses being invested in improvements to the Centre and/or used to reduce admission charges.

The Trust have to date raised well in excess of £250,000, the majority of this deposited in the bank, with further guaranteed pledges on commencement of works, materials already held in stock, and further pledges from builders/suppliers to donate labour and materials once on site. The cost of the full project, including site preparation, building works, together with 10% contingency is expected to be just under £500K. It is anticipated that on-Island contractors will be appointed for the building works, which will be project managed by ACSC.

The Committee has been liaising with the Trust, and as reported to the States in July 2013, having received a feasibility study and business plan, agreed in principle (subject to States approval) to match any capital funding raised by ACSC up to a maximum of £250,000, conditional upon, but not limited to:-

- Obtaining funding from Guernsey Education and HSSD towards the ongoing annual operating costs*
- Obtaining planning permission*
- Preparing a three year cash flow to illustrate financial viability of operation*
- Establishing the legal framework for ownership, tenancy etc (agreement between The Trust, The States of Alderney, The States of Guernsey Education Dept, and St Annes School)*

These conditions have now been met, and following presentation of the revised business plan and project plan, the Policy & Finance Committee agreed unanimously at their meeting held on 24th June to award the grant funding of £250,000. The States of Alderney 2014 approved capital budget includes provision of £250,000 for this purpose (in previous years included at £400,000).

In reaching this decision the Committee took into consideration the significant amount of fundraising already achieved, the contribution (to date and future) by volunteers, and the overall public support for the project (petition signed by 1152 residents and visitors). It was also noted that the Trust will actively encourage new business ventures to be established using the pool (i.e. classes for swimming, diving, aqua aerobics etc) thereby providing employment opportunities. The grant is also conditional upon there being no further liability on the States i.e. any ongoing financial commitment towards annual operating costs.

I would be grateful if this could be placed before the States at its next meeting together with appropriate propositions.

*Francis Simonet
Chairman, Policy & Finance Committee"*

The States is asked to approve awarding a grant to the Alderney Community Sports Centre of up to Two Hundred and Fifty Thousand Pounds (£250,000) from the capital account towards the above project.

Item III **The Alderney eGambling (Amendment) Ordinance, 2014**

The following letter has been received from Mr Simonet, Chairman of the Policy & Finance Committee:-

“The Alderney eGambling (Amendment) Ordinance, 2014 is forwarded to the States of Alderney pursuant to the obligations of the Alderney Gambling Control Commission as set out in Section 2 of the Gambling (Alderney) Law, 1999 to keep under review the extent and character of gambling on the island of Alderney and accordingly the Alderney Gambling Control Commission would recommend the changes that the Alderney eGambling (Amendment) Ordinance, 2014 makes be made.

In broad terms the Alderney eGambling (Amendment) Ordinance, 2014 makes changes necessary to prevent unlawful gambling, increases the Commission's ability to share information for the purposes of good regulation, strengthens the Commission's powers in relation to the granting of eGambling licences and certificates, facilitates the “upgrading” of core services associate certificates to Category 2 eGambling licences or Category 2 Associate Certificates and, in readiness for the forthcoming Moneyval inspection, makes a number of necessary AML/CFT changes.

Firstly Section 3 remedies a lacuna identified by the Law Officers of the Crown in relation to ensuring that gambling activity undertaken by Temporary eGambling Licences would not be unlawful. In addition it should also be noted that the changes Section 3 would implement necessitate a consequential change to the Alderney eGambling (Operations in Guernsey) Ordinance, 2006 and the Law Officers of the Crown have drafted the appropriate legislation and are in the process of placing it before Guernsey's legislative select committee for it to go before the States of Guernsey in due course.

Section 4 would implement a change that requires current holders of Category 1 eGambling licences who obtain licences from the United Kingdom Gambling Commission pursuant to the Gambling (Advertising and Licensing) Act 2014 to maintain their Category 1 eGambling licences.

Section 6 inserts two new sections into the Alderney eGambling Ordinance, 2009. Section 3A introduces the concept of “licensing objectives” and is considered by the Law Officers of the Crown to be desirable for a number of reasons. Firstly it enshrines the Commission's mission statement into legislation and secondly it facilitates the functions of the Commission by enhancing information sharing gateways. Section 3B would provide the Commission with greater powers in relation to the grant or refusal of eGambling licences as it empowers the Commission to consider the licensing objectives in consideration with the grant or refusal of an application for an eGambling licence or certificate.

Section 7 follows on from section 6 and gives the Commission a general power to refuse to grant an eGambling licence or certificate where to do so would either not be in the best interests of Alderney or would jeopardise the reputation of Alderney as a well regulated eGambling centre.

Section 8 facilitates the “upgrading” of core services associate certificates to Category 2 eGambling licences or Category 2 Associate certificates by enabling the holder to receive a credit for the unexpired part of the certificate fee.

Section 12 makes a number of important changes to the AML/CFT regime in place. It moves the definitions of money laundering and terrorist financing from the Alderney eGambling Regulations, 2009 into the Alderney eGambling Ordinance, 2009, necessary as it is the Alderney eGambling Ordinance, 2009 that sets out the

definition of a money laundering offence. Allied to this change there will be a consequential change to the Alderney eGambling Regulations, 2009. The Alderney Gambling Control Commission will make the Alderney eGambling (Amendment) Regulations, 2014 in due course and submit them to the States of Alderney in accordance with the provisions of Section 27(1)(c) of the Alderney eGambling Ordinance, 2009.

Sections 2, 5, 9 10 and11 make consequential changes brought about by other amendments.

In addition I can confirm that in accordance with the terms of the Memorandum of Understanding between the States of Guernsey, the States of Alderney and the Alderney Gambling Control Commission dated 8th November, 2013, contact has been made with the Home Department of the States of Guernsey to ascertain their position. However given that the Law Officers of the Crown have drafted the legislation and given its provisions no issues are anticipated.

I would be grateful if you would place "The Alderney eGambling (Amendment) Ordinance, 2014" before the next meeting of the States of Alderney with an appropriate proposition.

*Francis Simonet
Chairman"*

The States of Alderney is asked to approve "The Alderney eGambling (Amendment) Ordinance, 2014"

Item IV Questions and Reports

Issued: 4th July 2014