

The Alderney eGambling (Amendment) Ordinance, 2015

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 18th March, 2015, and in exercise of the powers conferred upon them by sections 6 and 16 of the Gambling (Alderney) Law, 1999^a, hereby order:-

Amendment of 2009 Ordinance.

1. The Alderney eGambling Ordinance, 2009^b ("**the 2009 Ordinance**") is amended as follows.

2. In section 8 of the 2009 Ordinance –

(a) in subsection (2) –

(i) for "either" substitute "any", and

(ii) after "such a fee" insert "(except the annual gambling business association fee)", and

(b) in subsection (3) –

(i) in paragraph (a) delete the second reference to "or",

^a 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.

^b Alderney Ordinance No. X of 2009; as amended by Alderney Ordinance No. XIII of 2010, No. IX of 2013, and No. XV of 2014.

(ii) in paragraph (b) for the full-stop at the end of the paragraph substitute ", or", and

(iii) after paragraph (b) insert –

"(c) the number of gambling business associates reported by an eGambling licensee or certificate holder is not an accurate reflection of the number of gambling business associates associated with the eGambling licensee or certificate holder."

3. In section 30(1) of the 2009 Ordinance -

(a) immediately after the definition of "**Alderney company**", insert the following definition –

"**annual gambling business association fee**" shall be calculated in accordance with Schedule 3 and by reference to the number of gambling business associates that are reported by an eGambling licensee or a Category 2 associate certificate holder, in the form and manner prescribed by regulations of the Commission under this Ordinance, to be associated with that eGambling licensee or Category 2 associate certificate holder (as the case may be),"

(b) immediately after the definition of "**full eGambling licence**", insert the following definition –

"**gambling business associate**" means a business associate

who –

(a) contracts with a –

(i) Category 1 eGambling licensee, in an arrangement whereby the business associate effects the gambling transaction on behalf of the Category 1 eGambling licensee,

(ii) Category 1 eGambling licensee, in an arrangement whereby the Category 1 eGambling licensee organises or promotes a gambling transaction on behalf of the business associate, or

(iii) Category 2 eGambling licensee or a Category 2 associate certificate holder, in an arrangement whereby the Category 2 eGambling licensee or Category 2 associate certificate holder effects the gambling transaction on behalf of the business associate, and

(b) is not –

(i) the holder of an eGambling licence or a Category 2 associate certificate, or

(ii) another company within the same group of companies as the holder of the eGambling licence or Category 2 associate certificate that the business associate has contracted with, and

(c) in the definition of "**licensed activity**" –

(i) after "licensee", insert "or a Category 2 associate certificate holder", and

(ii) after "licence" insert "or Category 2 associate certificate, as the case may be".

4. For Schedule 3 to the 2009 Ordinance substitute –

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SCHEDULE 3

Section 8

FEES

Column 1	Column 2	Column 3	Column 4
ITEM	LICENCE OR CERTIFICATE	DESCRIPTION	FEE
1	Category 1 eGambling licence	For a licensee with no previous licensed activity in Alderney as a Category 1 eGambling licensee, for its first year	£17,500
2	Category 1 eGambling licence	For a new application which does not satisfy the criteria set out in item 1 of this Table	£35,000
3	Category 1 eGambling licence (Band A)	For renewal by a licensee whose annualised net gaming yield is less than £500,000	£35,000
4	Category 1 eGambling licence (Band B)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £500,000 but is less than £1 million	£60,000
5	Category 1 eGambling licence (Band C)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £1 million but is less than £5 million	£80,000

6	Category 1 eGambling licence (Band D)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £5 million but is less than £7.5 million	£130,000
7	Category 1 eGambling licence (Band E)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £7.5 million but is less than £20 million	£200,000
8	Category 1 eGambling licence (Band F)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £20 million but is less than £30 million	£290,000
9	Category 1 eGambling licence (Band G)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £30 million	£400,000
10	Category 1 eGambling licence listed in items 3 to 9 (inclusive) of this Table	Annual gambling business association fee	£3,000 per gambling business associate
11	Category 2 eGambling licence	For a licensee with no previous licensed activity in Alderney as a Category 2 eGambling licensee, for its first year	£17,500
12	Category 2 eGambling licence	For a new application which does not satisfy the criteria set out in item 11 of this Table	£35,000
13	Category 2 eGambling licence	For renewal by a licensee.	£35,000
14	Category 2 eGambling licence listed in item 13 of this Table	Annual gambling business association fee Where the person who holds the Category 2 eGambling licence also holds a Category 1 eGambling licence (" existing Category 1 eGambling licensee "), the calculation of the annual gambling business association fee (in relation to the Category 2 eGambling licence) shall exclude any gambling business associate reported by an existing Category 1 eGambling licensee to be associated with the existing eGambling Category 1 licensee.	£3,000 per gambling business associate
15	Temporary eGambling licence	Annual licence fee	£10,000
16	Core services associate certificate		£10,000

17	Category 2 associate certificate	For a certificate holder with no previous licensed activity as a Category 2 associate certificate holder, for its first year	£35,000
18	Category 2 associate certificate	For a new application which does not satisfy the criteria set out in item 17 of this Table.	£50,000
19	Category 2 associate certificate	For renewal by a certificate holder.	£50,000
20	Category 2 associate certificate listed in item 19 of this Table	Annual gambling business association fee	£3,000 per gambling business associate
21	Hosting certificate		nil

Interpretation.

5. (1) The Interpretation (Guernsey) Law, 1948^c 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 2009 Ordinance 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.

Savings and transitional provisions.

6. The savings and transitional provisions set out in the Schedule to this Ordinance shall have effect.

Citation.

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

7. This Ordinance may be cited as the Alderney eGambling (Amendment) Ordinance, 2015.

Commencement.

8. This Ordinance shall come into force on the 1st April, 2015.

SCHEDULE

Section 6

SAVINGS AND TRANSITIONAL PROVISIONS

General.

1. This Schedule sets out the arrangements that will apply for the transition of certain aspects of the fees provisions established under section 8 of, and Schedule 3 to, the 2009 Ordinance to the new fees provisions established under section 4 of this Ordinance.

Renewal fee.

2. Notwithstanding section 8(1) of the 2009 Ordinance, if an eGambling licensee or Category 2 associate certificate holder's fee renewal date is during the period between the commencement date and 30th June, 2015, the renewal fee may be paid in two instalments, in which case –

(a) the pre-commencement fee shall be paid by the fee renewal date, and

(b) any fee difference shall be paid by the 1st July, 2015.

3. If, before the commencement date, a notice is sent to an eGambling licensee or a Category 2 associate certificate holder which specifies the renewal fee at a rate that is less than the rate payable under this Ordinance, the renewal fee payable shall be the rate specified in the notice.

Annual gambling business association fee.

4. Notwithstanding section 8(1) of the 2009 Ordinance, if an eGambling licensee or Category 2 associate certificate holder's fee renewal date is during the period between the commencement date and the 30th November, 2015, the annual gambling business association fee shall be paid by the 1st December, 2015.

Interpretation of this Schedule.

5. In this Schedule, unless the contrary intention appears –

"**commencement date**" means 1st April, 2015,

"**date of validity**" means the date of validity specified on the licence or certificate in accordance with section 7 of the 2009 Ordinance,

"**fee difference**" means the renewal fee payable at the rate applicable under this

Ordinance less the pre-commencement fee,

"fee renewal date" means the anniversary of the date of validity,

"pre-commencement fee" means the renewal fee payable at the rate applicable before the commencement date, and

"renewal fee" means the fee payable in advance of the anniversary of the date of validity under section 8 of the 2009 Ordinance.