



Jersey

# **GAMBLING (CHARITABLE AND MEMBERSHIP GAMBLING SERVICES) (JERSEY) REGULATIONS 2012**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued  
under the authority of the Legislation (Jersey) Law 2021.

11.300.32

Showing the law from 1 January 2019 to Current





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# **GAMBLING (CHARITABLE AND MEMBERSHIP GAMBLING SERVICES) (JERSEY) REGULATIONS 2012**

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## **GAMBLING (CHARITABLE AND MEMBERSHIP GAMBLING SERVICES) (JERSEY) REGULATIONS 2012**

**THE STATES**, in pursuance of Articles 25, 26 and 56 of the [Gambling \(Jersey\) Law 2012](#), have made the following Regulations –

Commencement [[see endnotes](#)]

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### **1 Interpretation**

In these Regulations, unless the context otherwise requires, “Law” means the [Gambling \(Jersey\) Law 2012](#).

### **2 Prohibited types of membership gambling service**

A person must not, in or from within Jersey, provide a membership gambling service –

- (a) to a child; or
- (b) in relation to gambling conducted in such a way that the chances in it are not equally favourable to all the persons gambling.

### **3 Designation of additional type of charitable gambling service**

A gambling service is designated as a charitable gambling service for the purposes of the Law, to the extent that it would not otherwise be such a service, if it –

- (a) is provided mainly for a charitable, sporting, cultural or other similar purpose that is neither a purpose of private gain nor of any commercial undertaking; and
- (b) is not –
  - (i) provided by way of business,
  - (ii) a public lottery for the purpose of Article 27 of the Law, or
  - (iii) a membership gambling service.

#### 4 Types of charitable gambling service requiring registration or permit

- (1) For the purpose of this Regulation a charitable gambling service is an exempt service unless –
  - (a) it is provided on 4 or more days in any calendar year;
  - (b) the total value of the prizes available, or of other items or amounts that may be won by those gambling, on any such day equals or exceeds £1,500; or
  - (c) the gambling to which it relates –
    - (i) involves the game known as Crown and Anchor, or
    - (ii) is effected by means of electronic communication or gambling-specific electronic equipment, as those expressions are defined by the [Gambling \(Ancillary Services and Miscellaneous Provisions\) \(Jersey\) Regulations 2012](#),  
and references to a “non-exempt” service are to be read accordingly.
- (2) The Commission must approve a code of practice, under Article 6 of the [Gambling Commission \(Jersey\) Law 2010](#), in relation to charitable gambling services.
- (3) The code of practice under paragraph (2) –
  - (a) must specify requirements that a person must comply with if the person provides a type of non-exempt charitable gambling service without holding a permit; and
  - (b) may be contained in one or more documents and may, if each provision forming part of the code is identified as such, form a part or parts of a document that also contains –
    - (i) the statement of policy under Regulation 7 in respect of charitable gambling services,
    - (ii) any information or advice given under Article 7(1) of the [Gambling Commission \(Jersey\) Law 2010](#) in that respect, or
    - (iii) both such elements.
- (4) A person must obtain a permit from the Commission if the person provides a non-exempt charitable gambling service, unless the person complies with every requirement referred to in paragraph (3)(a) that applies to a service of that type.
- (5) A person must register with the Commission if the person provides a non-exempt charitable gambling service and complies with every requirement referred to in paragraph (3)(a) that applies to a service of that type.
- (6) Regulations 5 to 8 apply to the permits required by paragraph (4) and the registration required by paragraph (5).

#### 5 Registered charitable gambling service

- (1) On applying for registration, a person must provide to the Commission such information or evidence as is required by the Commission in relation to the gambling to be conducted under the registration during the calendar year in which the person applies to be registered.

- (2) The Commission may refuse to register a person if it appears to the Commission that the person's conduct of gambling is likely to contravene a code of practice under Regulation 4(2).
- (3) A registered person must –
  - (a) on being registered; and
  - (b) in the January of each year following the year of that registration, pay an annual fee, determined and published by the Commission under Articles 46 and 47 of the Law (subject to the limit in Article 26(3)(b)(i) of the Law).
- (4) A registered person must provide to the Commission such accounts, reports or other information or evidence as are required by the Commission –
  - (a) in December of each year, in relation to gambling conducted in that year and to be conducted over the following year; and
  - (b) on demand –
    - (i) in relation to the provision of any charitable gambling service on a day specified in the demand, being a day on which, according to information provided by the person, such a service is to be provided, or
    - (ii) where the Commission reasonably suspects that there may be any ground for revoking the registration.
- (5) The Commission may revoke a registration if it has reason to believe –
  - (a) that the registered person –
    - (i) provided false or misleading information in purported compliance with paragraph (1),
    - (ii) has contravened paragraph (3) or (4), or
    - (iii) is conducting gambling, or has conducted or will conduct gambling, in contravention of a provision of the code of practice under Regulation 4(2); and
  - (b) that revocation is, in all the circumstances, a proportionate means of furthering the objectives furthered by that code of practice.

## **6 Permit for charitable gambling service**

- (1) In this Regulation "relevant provision" means any of the following provisions of the Law –
  - (a) Article 11;
  - (b) Article 12, modified so that the Commission may grant a permit in exceptional circumstances notwithstanding anything in that Article;
  - (c) Articles 13 to 15;
  - (d) Articles 16 and 17, modified so that the conditions set out in them are not mandatory but may be imposed by the Commission;
  - (e) Article 18, other than paragraphs (3)(a)(ii) and (3)(c)(ii), and with paragraph (1) modified so that the Commission may impose supplementary conditions in addition to any imposed under the modified Articles 16 and 17;

- (f) Article 19;
  - (g) Article 20, modified so that the matters set out in sub-paragraphs (b) to (k) of that Article are not compulsory but may be the subject of conditions imposed by the Commission;
  - (h) Article 21;
  - (i) Article 22(1) to (8); and
  - (j) each provision of Part 4 that otherwise applies only to licences, other than Article 39.
- (2) A relevant provision applies in respect of a permit as it applies in respect of a licence –
- (a) with the substitution of references to a permit for references to a licence;
  - (b) with the substitution of references to charitable gambling services for references to commercial gambling services; and
  - (c) with the substitution of references to Article 24 of the Law for references to Article 8 and Article 10 of the Law.

## **7 Statement of policy as to permits and registration**

- (1) Article 9 of the Law applies to the Commission's policy in respect of registration and permits as it applies to licences.
- (2) The statement of policy prepared under paragraph (1) may be included in the same document or documents as the statement prepared under Article 9 of the Law, or in a separate document or documents.

## **8 Notification of and appeal against decisions as to permits and registration**

- (1) The notification and appeal provisions apply to decisions in respect of registration and permits as they apply to decisions in respect of licences.
- (2) The notification and appeal provisions are –
  - (a) Articles 43 of the Law, other than paragraphs (2)(d) and (3) of that Article; and
  - (b) Article 45 of the Law.

## **9 Citation**

These Regulations may be cited as the Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations 2012.



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations 2012	<a href="#">R&amp;O.132/2012</a>	1 January 2013

### Table of Renumbered Provisions

Original	Current
None	

### Table of Endnote References

*There are currently no endnote references*