

ORDER IN COUNCIL

IV
1975

ratifying a Projet de Loi

ENTITLED

The Gambling (Alderney) Law, 1975

(Registered on the Records of the Island of Guernsey
on the 22nd day of April, 1975.)



1975

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of April, 1975, before John Henry Loveridge, Esquire, C.B.E., Bailiff; present:— Claude Fortescue Nason, Stanley Walter Gavey, D'Arcy George Le Tissier, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C. and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th day of March, 1975, ratifying a *Projet de Loi* of the States of Alderney entitled "The Gambling (Alderney) Law, 1975", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 18th day of March 1975

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 4th day of March 1975, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee a humble Petition of George William Baron, Esquire, President of the States of Alderney setting forth:

‘That at a meeting of the States of Alderney held on the 4th day of September 1974, the States adopted a Resolution that a *Projet de Loi* entitled “The Gambling (Alderney) Law, 1975” be approved: That at the meeting of the States aforesaid Your humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said *Projet de Loi* be sanctioned: That the said *Projet de Loi* is set forth in the words and figures of the Schedule hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled “The Gambling (Alderney) Law, 1975” and to order that the same shall have the force of law within the Island of Alderney.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have

taken the said Petition, and the Projet de Loi annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND HER MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Gambling (Alderney) Law, 1975

ARRANGEMENT OF SECTIONS

1. General prohibition on gambling.
2. Power of States to make Ordinances in relation to gambling.
3. Security given in respect of gambling to be deemed to have been given for illegal consideration.
4. Gambling contracts to be void.
5. Sales by lottery to be void.
6. Cheating to be an offence.
7. Prohibition on inciting young persons to gamble.
8. Prohibition on gambling transactions with certain persons.
9. Powers of police officers.
10. Powers of the Chairman to grant warrant for entry in places to which the public does not have the right of access.
11. Offences and penalties.
12. Savings.
13. Interpretation.
14. Repeal of Law of 1904.
15. Citation and commencement.

PROJET DE LOI

ENTITLED

The Gambling (Alderney) Law, 1975

THE STATES, in pursuance of their Resolution of the fourth day of September, nineteen hundred and seventy-four, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

1.—(1) Except as may be provided by the provisions of any Ordinance made under this Law all forms of gambling are unlawful. General prohibition on gambling.

(2) A person shall not organise or in any way take part in unlawful gambling.

2.—(1) Subject to the succeeding provisions of this Law, the States may from time to time by Ordinance make such provision as they may deem expedient for making lawful such forms of gambling as may be specified in any such Ordinance, for regulating any such form of gambling and for matters ancillary thereto, for prohibiting or regulating any form of advertising or publicity relating to any form of gambling and, without prejudice to the generality of the foregoing, they may, in particular, make provision in any such Ordinance for all or any of the following matters:— Power of States to make Ordinances in relation to gambling.

(a) empowering the Committee by regulations to prescribe conditions for the better conduct and control of, and for matters of administration in connection with, any form of gambling made lawful by Ordinance;

- (b) the fees and other charges to be made by the States for the purposes of any such Ordinance;
- (c) the imposition of penalties in respect of any offence under this Law, being a contravention of any provision of any Ordinance made under this Law, so, however, that such penalties shall not exceed the penalties provided by subsection (1) of section eleven of this Law;
- (d) the licensing of persons to organise any form of gambling made lawful by Ordinance;
- (e) the grant, renewal, suspension or revocation of licences for the organisation of gambling;
- (f) enabling any applicant for a licence for the organisation of gambling to appeal from any decision refusing to grant or renew, suspending or revoking any such licence; and
- (g) generally for carrying this Law into effect.

(2) An Ordinance made under the provisions of this section may make different provisions for different forms of gambling and for different forms of advertising or publicity relating thereto.

Security given in respect of gambling to be deemed to have been given for illegal consideration.

3. Any note, bill, bond, charge or other security or conveyance whatsoever given, granted, drawn or entered into or executed by any person whatsoever where the whole or any part of the consideration for such security or conveyance shall be for money or money's worth won in any gambling transaction, or for reimbursing or repaying any money knowingly lent or advanced for such gambling, or lent or advanced at the time and place of such gambling to any person gambling at such time and place shall be

deemed to have been made, drawn, accepted, given or executed for an illegal consideration.

4.—(1) Any contract or agreement, whether verbal or written, by way of gambling shall be void, and no action shall be brought or maintained for recovering any money or money's worth alleged to have been won in any gambling transaction, or any money or money's worth deposited in the hands of any person to await the event on which any gamble has been made:

Gambling
contracts
to be
void.

Provided that this paragraph shall not apply to any contribution or subscription, or agreement to contribute or subscribe, for or towards any plate, prize or sum of money to be awarded to the winner of any lawful game, sport, pastime or exercise.

(2) Any promise, express or implied, to pay any person any sum of money paid by him under or in respect of any contract or agreement made void by subsection (1) of this section or to pay any sum of money by way of commission, fee, reward or otherwise in respect of any such contract or agreement, or in respect of any service in relation to any such contract or agreement, shall be void and no action shall be brought or maintained to recover such sum of money.

5. No action shall be brought or maintained to recover any land, goods or other thing whatsoever sold by means of any game, lottery or other means depending on, or to be determined by, chance or lot.

Sales by
lottery to
be void.

6. Any person who, by means of any fraud or unlawful device or practice in any gambling transaction, wins from any other person for himself or for any other person any money or money's worth, shall

Cheating
to be an
offence.

be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand pounds or to imprisonment for a term not exceeding five years or to both such fine and such imprisonment.

Prohibition
on inciting
young
persons
to gamble.

7.—(1) No person shall for the purpose of earning commission, reward or other profit send, or cause to be sent, to a young person any circular, notice, advertisement, letter, telegram or other document which invites, or may reasonably be implied to invite the young person receiving it to enter or take any share or interest in any gambling transaction, or to apply to any person or at any place, with a view to obtaining advice or information for the purpose of gambling, or for information as to any race, fight, game, sport or other contingency on which any form of gambling is generally carried on.

(2) If any such circular, notice, advertisement, letter, telegram or other document as aforesaid, names or refers to anyone as a person to whom payment may be made, or from whom advice or information may be obtained, for the purpose of, or in relation to, gambling, the person so named or referred to shall be deemed to have sent, or caused to be sent, such document as aforesaid, unless he proves that he had not consented to be so named, and that he was not in any way party to, and was wholly ignorant of, the sending of such document.

(3) If any circular, notice, advertisement, letter, telegram or other document as aforesaid is sent to any person at any college, school or other place of education, and the person to whom such document is sent is a young person, the person sending the document, or causing it to be sent, shall be deemed to have known that the person to whom it was sent was a young person, unless he proves that he had

reasonable grounds for believing such person to be eighteen years of age or over.

8.—(1) Subject to the provisions of subsection (2) of this section, no person shall, whether as principal or as servant or agent of any other person—

Prohibition
on gambling
transactions
with certain
persons.

- (a) conduct any business in the course of which any gambling transaction is negotiated or entered into with, or on behalf of, a stranger;
- (b) permit a stranger to participate in any form of gambling lawfully conducted, organised or promoted by that person or that other person, as the case may be.

(2) The provisions of subsection (1) of this section shall not apply to—

- (a) the laying-off, by a person carrying on the business of bookmaker in the Island of Alderney, of bets lawfully negotiated or entered into by him;
- (b) bets (including bets made by way of pool betting) negotiated or entered into by a stranger on horse races or dog races lawfully run in the Island of Alderney;
- (c) the distribution by a licensed pool agent on behalf of a registered pool promoter who is the principal of such agent to persons in the Island of Alderney of entry forms relating to a pool betting competition promoted by such registered pool promoter, or to the collection by such agent of completed entry forms and entry fees from persons in the Island of Alderney and the despatch of such forms and fees to such registered pool promoter.

(3) In this section the expression "stranger" means a person who is not actually present in the Bailiwick of Guernsey, or, in the case of a lottery promoted by the States of Guernsey and the States of Jersey, is not actually present in the Channel Islands, and includes a body corporate whether incorporated in the Bailiwick of Guernsey or elsewhere.

Powers of
police
officers.

9.—(1) Where any police officer has reasonable grounds for suspecting that any provision of this Law or of any Ordinance made thereunder is being, or has been, or is about to be, contravened in any place to which members of the public resort or have access, he may enter such place and may—

- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found in such place which he has reasonable cause for believing may be required as evidence for the purposes of proceedings in respect of any such contravention; and
- (b) arrest and, subject to the provisions of subsection (2) of this section, search any person found on the premises whom he has reasonable cause to believe to be committing, or to have committed any such contravention.

(2) A person arrested by virtue of paragraph (b) of subsection (1) of this section shall be searched only by a person of the same sex as the person arrested.

(3) A person shall not wilfully delay or obstruct a police officer in the exercise of his powers under subsection (1) of this section, or fail to produce, when required by the police officer so to do, or conceal or

attempt to conceal, any document, money or valuable thing, instrument or other thing to which paragraph (a) of subsection (1) of this section relates.

10.—(1) If the Chairman of the Court of Alderney is satisfied by information on oath given by a police officer that there is reasonable ground to believe that in any place to which the public does not have the right of access any provision of this Law or of any Ordinance made thereunder is being, or has been, or is about to be, contravened, he may grant a warrant under his hand, by virtue whereof it shall be lawful for any police officer who is named in the warrant at any time or times within one month from the date thereof, to enter, if need be by force, any place specified in the warrant and there to do all or any of the acts set out in paragraphs (a) and (b) of subsection (1) of section nine of this Law.

Powers of the Chairman to grant warrant for entry in places to which the public does not have the right of access.

(2) A person arrested by virtue of subsection (1) of this section shall be searched only by a person of the same sex as the person arrested.

(3) A person shall not wilfully delay or obstruct a police officer in the exercise of his powers under subsection (1) of this section, or fail to produce, when required by the police officer so to do, or conceal or attempt to conceal any document, money or valuable thing, instrument or other thing whatsoever to which paragraph (a) of subsection (1) of section nine of this Law relates.

11.—(1) A person who contravenes any provision of this Law or of any Ordinance made thereunder shall be guilty of an offence under this Law and, save where otherwise provided by this Law or by the Ordinance, shall be liable, in the case of a first offence, to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not

Offences and penalties.

exceeding six months or to both such fine and such imprisonment and, in the case of a second or subsequent offence under the same provision, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

(2) Where an offence under this Law—

(a) committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly;

(b) is committed—

(i) by a servant or agent of any other person; or

(ii) except in a case to which sub-paragraph (iii) of this paragraph applies, on any premises by a person other than the occupier or person having the management of the premises; or

(iii) at or in connection with any event or any form of gambling by a person other than the person promoting, organizing or conducting the event or the gambling;

the principal, or the occupier or person having the management of the premises, or the person promoting, organizing or conducting the event or the gambling, as the case may require, shall also be guilty of that offence:

Provided that where, by virtue of the provisions of this paragraph, a person is charged with an offence by reason of a contravention on the part of some other person, it shall be a defence for him to prove that the offence was committed without his consent or connivance and that he exercised all due diligence to prevent it.

(3) The court by which any person is convicted of any offence under this Law may order anything produced to the court and show to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

12.—(1) Nothing in this Law or in any Ordinance made thereunder shall apply to securities issued by the States of Alderney or the States of Guernsey or by or under the authority of Her Majesty's Government in the United Kingdom by reason of any use or proposed use of chance to select particular securities for special benefits, if the terms of the issue provide that the amount subscribed is to be repayable in full in the case of all the securities. Savings.

(2) Nothing in this Law or in any Ordinance made thereunder shall be taken to apply to the disposal by lot of any land, goods or other thing whatsoever under and in accordance with the law, whether customary or enacted, of the Island of Alderney.

13.—(1) In this Law, unless the context otherwise requires— Interpretation.

“bookmaker” means any person who, whether on his own account or as servant or agent to any other person, carries on, whether occasionally

or regularly, the business of receiving or negotiating bets or conducting pool betting operations, or, by way of business in any manner holds himself out, or permits himself to be held out, as a person who receives or negotiates bets or conducts such operations, so, however, that a person shall not be deemed to be a bookmaker by reason only of the fact that he operates, or is employed in operating, a totalisator, but does not include a licensed pool agent;

“the Committee” means the States Finance Committee;

“contravention” in relation to any requirement, includes a failure to comply with that requirement;

“gambling” includes all forms of betting, gaming and wagering and any lottery and the expression “gamble” shall be construed accordingly;

“game of chance” includes a game of chance and skill combined and a pretended game of chance and skill combined, but does not include any athletic game or sport;

“gaming” means the playing of a game of chance for winnings in money or money’s worth, whether any person playing the game is at risk of losing any money or money’s worth or not;

“lawful gambling” means any form of gambling made lawful by Ordinance under section two of this Law;

“licensed pool agent” means a person who in accordance with the provisions of an Ordinance made under the provisions of section two of this Law is authorised by way

of business to distribute, collect or despatch within the Island entry forms and entry fees relating to a pool betting competition promoted in the United Kingdom by a registered pool promoter;

“money” includes a cheque, banknote, currency note, postal order or money order;

“pool betting” means bets made by a number of persons—

(a) on terms that the winnings of such of those persons as are winners shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons; whether the bets are made by means of a totalisator, or by filling up and returning coupons or other printed forms, or otherwise; or

(b) on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible in any proportions among such of those persons as are winners; or

(c) on the basis that the winners or their winnings shall, to any extent, be at the discretion of the promoter or some other person;

“police officer” means a member of the salaried police force of the Island of Guernsey, a member of any police force which may be established by the States of Alderney and a member of the special constabulary;

“premises” includes any place, whether enclosed or not;

“registered pool promoter” means a person who is a registered pool promoter for the purposes of the Betting, Gaming and Lotteries Act 1963;

“the States” means the States of Alderney;

“young person” means a person who has not attained the age of eighteen years.

(2) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

(3) Any power conferred by this Law to make any Ordinance or regulation shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance or regulation.

Repeal of
Law of
1904.

14. The Law entitled “Loi pour la suppression des maisons de jeu, des paris, et des poules”, registered on the twenty-sixth day of March, nineteen hundred and four(a), is hereby repealed.

Citation and
commence-
ment.

15.—(1) This Law may be cited as the Gambling (Alderney) Law, 1975.

(2) This Law shall come into force on such day as the States may by Ordinance appoint.

R. H. VIDELO,

Her Majesty's Greffier.

(a) Ordres en Conseil, Vol. III, p. 362.