

ORDER IN COUNCIL

II
2001

ratifying a Projet de Loi

ENTITLED

The Gambling (Amendment) (Guernsey) Law, 2000

(Registered on the Records of the Island of Guernsey
on the 6th March, 2001.)



2001

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 6th day of March, 2001 before Andrew Christopher King Day, Esquire, Deputy Bailiff; present:— Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane, Michael John Wilson, and Michael Henry De La Mare, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of February, 2001, approving and ratifying a *Projet de Loi* entitled “The Gambling (Amendment) (Guernsey) Law, 2000”, THE COURT, after having heard Her Majesty’s Comptroller thereon, ORDERED that the said Order in Council be registered on the records of this Island of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 14th day of February, 2001

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 6th day of February 2001 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 the humble Petition of the States of the Island of Guernsey setting forth:—

1. That, in pursuance of their Resolution of the 27th day of September 2000, the States of Deliberation at a meeting held on the 25th day of October, 2000 approved a Bill or “Projet de Loi” entitled “The Gambling (Amendment) (Guernsey) Law, 2000”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Gambling (Amendment) (Guernsey) Law, 2000”, and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou..”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi 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, and it is hereby ordered, that the same shall have the force of law within the Islands of Guernsey, Herm and Jethou.

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 in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

A. K. Galloway

Projet de Loi

entitled

The Gambling (Amendment) (Guernsey) Law, 2000

THE STATES, in pursuance of their Resolution of 27th September 2000^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Amendments to Law of 1971.

1. The Gambling (Guernsey) Law, 1971^b is amended as follows:

(a) immediately after section 12(2) there are inserted the following additional subsections:

“(3) For the avoidance of doubt, nothing in this Law or in any Ordinance made thereunder shall be taken to render unlawful, void or unenforceable any otherwise lawful contract:

(a) which is entered into by one or more of the parties thereto by the way of business, and

^a Article XI of Billet d’État No. XX of 2000.

^b Ordres en Conseil Vol. XXIII, p. 109; Vol. XXIV, p. 400; No. XXVII of 1997.

(b) the making or performance of which by any party thereto involves:

(i) dealing in any way with an investment, or

(ii) making arrangements for another person to do deal in any way with an investment, or

(iii) offering or agreeing to deal, or to make such arrangements in relation to an investment.

(4) For the purpose of subsection (3) of this section “investment” means any corporeal or incorporeal property or right in the nature of an investment, whether or not a controlled investment within the meaning of the Protection of Investors (Bailiwick of Guernsey) Law, 1987^c, and specifically includes all instruments, transactions, rights and interests of a type for the time being described in the Schedule to this Law.

^c Ordres en Conseil Vol. XXX pp. 281 and 243; No. XII of 1995; No. II of 1997; Recueil d’Ordonnances, Tome XXIV, p. 324; Tome XXVI, p. 333; No. X of 1998.

(5) The States may from time to time by Ordinance amend the Schedule to this Law so as to add any investment to, delete any investment from, or vary the description of any investment within, that Schedule.”;

(b) the following schedule is inserted immediately after section 15:

“SCHEDULE

Section 12(4)

Lawful investments not constituting gambling

Without prejudice to the generality of section 12(4) of this Law the following are within the scope of “investments” for the purposes of this Law:

- (a) shares in the share capital of a body corporate or an unincorporated body;
- (b) debentures, debenture stock, loan stock, bonds, certificates of deposit, and other instruments creating or acknowledging indebtedness of a body corporate, an unincorporated body, or a States, government or other public body or organisation;
- (c) units or other interests in a collective investment scheme, closed-ended limited partnership, or closed-ended unit trust;

- (d) rights under a contract of insurance;
- (e) rights under a contract for the deposit of a sum of money to be repaid with or without interest or premium;
- (f) rights under a contract for credit secured on land;
- (g) rights under a contract for differences, or under any other contract the purpose or intended purpose of which is to obtain a profit or avoid a loss by reference to fluctuations in the value or price of property of any description or in an index or other factor designated for that purpose in the contract;
- (h) rights under a contract for the sale of any property (including currency) under which delivery is to be made at a future date and at a price agreed when the contract is made;
- (i) options to acquire or dispose of any property;
- (j) warrants, certificates or other instruments conferring ownership, subscription, acquisition disposal, underwriting or conversion rights in respect of investments described in this Schedule;
- (k) other rights to, and other interests in, investments described in this Schedule.”.

Citation.

2. This Law may be cited as the Gambling (Amendment) (Guernsey) Law, 2000.