

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Gambling (Sark) (Amendment) Law, 2003**

(Registered on the Records of the Island of Guernsey  
on the 1st December, 2003.)



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# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 1st day of December, 2003 before Geoffrey Robert Rowland, Esquire, Deputy Bailiff; present:— David Charles Lowe, 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, Michael John Tanguy, Esquires, and Susan Mowbray, Jurats.*

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 8th day of October, 2003, approving and ratifying a Projet de Loi of the Chief Pleas of Sark entitled “The Gambling (Sark) (Amendment) Law, 2003”, THE COURT, after the reading of the said Order in Council and having heard Her Majesty’s Comptroller thereon, ORDERED:-

1. That the said Order in Council be registered on the records of this Island and
2. 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 Seneschal of Sark for registration on the records of that Island respectively.

# **At the Court at Buckingham Palace**

The 8th day of October, 2003

PRESENT,

## **The Queen's Most Excellent Majesty in Council**

THE FOLLOWING, report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“IN ACCORDANCE WITH YOUR MAJESTY’S General Order of Reference of the 22nd day of February 1952 the Committee have considered a petition of the Chief Pleas of the Island of Sark:”

“That, in pursuance of their Resolution of the 26th of March, 2003, the Chief Pleas of the Island of Sark at a meeting on the 23rd April, 2003, approved a Projet de Loi entitled “The Gambling (Sark) (Amendment) Law, 2003”. That the Projet de Loi is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction “The Gambling (Sark) (Amendment) Law, 2003” and to order that it shall have force of law in the Island of Sark.

“THE COMMITTEE have considered the Projet de Loi and have agreed to report that it may be advisable for Your Majesty to approve and ratify it.”

HER MAJESTY, having taken the Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Sark and shall be entered on the Register of the Island of Guernsey and observed accordingly.

HER MAJESTY'S Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

*A. K. Galloway*

# PROJET DE LOI

ENTITLED

## **The Gambling (Sark) (Amendment) Law, 2003**

**THE CHIEF PLEAS**, in pursuance of their Resolution of the 23<sup>rd</sup> day of April, 2003, 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 Sark.

### **Amendment.**

1. The Law of 2002 is amended as set out in the Schedule.

### **Interpretation.**

2. In this Law, unless the context otherwise requires -

“**the Law of 2002**” means the Gambling (Sark) Law, 2002<sup>a</sup>; and

“**the Schedule**” means the schedule to this Law.

### **Citation.**

3. This Law may be cited as the Gambling (Sark) (Amendment) Law, 2003.

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<sup>a</sup> Order in Council No. VIII of 2003.

## SCHEDULE

Section 1

### AMENDMENT OF LAW OF 2002

#### **Amendment of Index.**

1. In the index to the Law of 2002 -
  - (a) immediately after “36. Liability of members, officers and servants” insert -

#### “PART III

#### POWER OF CHIEF PLEAS TO RAISE REVENUES FROM GAMBLING

- 36A. Power of Chief Pleas to raise gambling levy.
  - 36B. Interpretation for purposes of section 36A.
  - 36C. Application of provisions of Reform (Sark) Law, 1951.”; and
- (b) for “PART III” substitute “PART IV”.

#### **Insertion of new Part III.**

2. Immediately after Part II of the Law of 2002 insert -

#### “PART III

#### POWER OF CHIEF PLEAS TO RAISE REVENUES FROM GAMBLING

#### **Power of Chief Pleas to raise gambling levy.**

**36A.** (1) Chief Pleas may by Ordinance provide for the imposition of a gambling levy payable by a licensee in such manner and at such intervals as may be provided for by Ordinance made under this subsection.

(2) The gambling levy which may be imposed pursuant to this Law may be either or both of the following -

(a) such fixed amount (not exceeding a rate of £75,000 per annum) payable in respect of each of such type of licence, as Chief Pleas may by Ordinance prescribe;

(b) an amount calculated by reference to a licensee's chargeable revenue at such rate (not exceeding 4.0%) per pound thereof as Chief Pleas may by Ordinance prescribe, subject to -

(i) such minimum amount (not exceeding a rate of £25,000 per annum) as Chief Pleas may by Ordinance prescribe; and

(ii) such maximum amount (not exceeding a rate of £175,000 per annum) as Chief Pleas may by Ordinance prescribe.

(3) Any sums received by way of gambling levy under the provisions of this Part shall accrue to Chief Pleas and may be applied for or towards financing such purposes as Chief Pleas may, upon the recommendation of the Committee, by Resolution determine.

(4) Nothing in this Part derogates from or applies to any right to levy or obligation to pay any taxes, dues, fees, charges or amounts payable pursuant to -

- (a) any other Part;
- (b) any other enactment; or
- (c) any rule of customary law.

(5) Chief Pleas may by Ordinance amend any amount or rate referred to in this section (“the original amount or rate”); provided that any such amendment does not cause the amount or rate to exceed the original amount or rate by a factor in excess of 3.

**Interpretation for purposes of section 36A.**

**36B** In section 36A, unless the context otherwise requires -

“**chargeable revenue**” means such income after such deductions (if any), as Chief Pleas may be Ordinance prescribe;

“**licence**” means a licence granted by the Commission or the Committee under this Law; and

“**licensee**” means a person licensed by the Commission or the Committee to organise any form of gambling made lawful by Ordinance made under section 2 of this Law.

**Application of provisions of Reform (Sark) Law, 1951.**

**36C.** The provisions of sections 17 and 26 of the Reform (Sark) Law, 1951 shall not apply in respect of a gambling levy imposed under this Part.”

**Substitution of Part III.**



3. For “PART III GENERAL” substitute “PART IV GENERAL”.