

ORDER IN COUNCIL

**XXVII
2001**

ratifying a Projet de Loi

ENTITLED

The Gambling (Amendment) (Alderney) Law, 2001

(Registered on the Records of the Island of Guernsey
on the 20th November, 2001.)



2001

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 20th day of November, 2001 before de Vic Graham Carey, Esquire, Bailiff; present:— David Charles Lowe, Esquire, 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 Gerald Peter Lane, Michael Henry De La Mare and Michael John Tanguy, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 31st day of October, 2001, approving and ratifying the Projet de Loi of the States of Alderney entitled “The Gambling (Amendment) (Alderney) Law, 2001”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ORDERED 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 31st day of October, 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 23rd day of October 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 at a Meeting of the States of Alderney held on the 18th day of July 2001, the States adopted a Resolution that a *Projet de Loi* entitled “The Gambling (Amendment) (Alderney) Law, 2001” 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 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 *Projet de Loi* entitled “The Gambling (Amendment) (Alderney) Law, 2001” and order that the same shall have 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 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 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.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Gambling (Amendment) (Alderney) Law, 2001

THE STATES, in pursuance of their Resolution of the 18th day of July, 2001, 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.

Amendments to Law of 1999.

1. In the Gambling (Alderney) Law, 1999^a -

(a) in the Arrangement of Sections thereto-

(i) for “SCHEDULE” substitute “SCHEDULE 1”; and

(ii) after the final entry insert the following entry-

“SCHEDULE 2 Lawful investments not
constituting gambling”;

(b) in section 1(2) and (3), for “the Schedule” substitute
“Schedule 1”;

(c) in section 3(1), immediately before “any information” insert

^a Order in Council No. XIV of 1999.

“of”;

- (d) in section 6, for paragraph (g) substitute the following paragraphs -

"(fa) the taking of steps by the Commission falling short of suspension, which may include the imposition of financial penalties, in respect of any contravention of the terms of a licence for the organisation of gambling:

Provided that any financial penalty imposed shall not exceed the penalties prescribed by section 13(1);

- (g) enabling any applicant for, or holder of, a licence for the organisation of gambling to appeal from any decision of the Commission refusing to grant or renew, suspending or revoking, or imposing penalties in respect of the conduct of, any such licence;"
- (e) in section 13(1)(a), for “level 5 on the Alderney uniform scale” substitute “£25,000”;
 - (f) in section 13(1)(b), for “twice level 5 on the Alderney uniform scale, or to imprisonment for a term not exceeding twelve months” substitute “£50,000, or to imprisonment for a term not exceeding two years”;
 - (g) immediately after section 19(2), insert 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 way of business; and

(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 deal in any way with an investment,
or

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

(4) For the purpose of subsection (3), “**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^b, and specifically includes all instruments, transactions, rights and interests of a type for the time being described in Schedule 2.

(5) The States may from time to time by Ordinance amend Schedule 2 so as to add any investment to, or delete any investment from, or vary the description of any investment within, that Schedule.”; and

(h) the Schedule shall become “SCHEDULE 1” and the following Schedule shall be inserted immediately thereafter -

“SCHEDULE 2

Section 19(4)

Without prejudice to the generality of section 19(4), 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;

^b 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.

- (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 the 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 (Alderney) (Amendment) Law, 2001.