

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

The Alderney eGambling Ordinance, 2009 *

[CONSOLIDATED TEXT]

NOTE

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* Alderney Ordinance No. X of 2009; as amended by the Alderney eGambling (Amendment) Ordinance, 2010 (Alderney Ordinance No. XIII of 2010); the Alderney eGambling (Amendment) Ordinance, 2013 (Alderney Ordinance No. IX of 2013); the Alderney eGambling (Amendment) Ordinance, 2014 (Alderney Ordinance No. XV of 2014); the Alderney eGambling (Amendment) Ordinance, 2015 (Alderney Ordinance No. I of 2015); the Alderney eGambling (Amendment) Ordinance, 2018 (Alderney Ordinance No. I of 2018); the Alderney eGambling (Amendment) (No. 2) Ordinance, 2018 (Alderney Ordinance No. XI of 2018). See also the Alderney eGambling Regulations, 2009 (A.S.I. No. 1 of 2010).

ORDINANCE OF THE STATES OF ALDERNEY

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The Alderney eGambling Ordinance, 2009

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(Made on 21st October, 2009.)

The Alderney eGambling Ordinance, 2009

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 21st day of October, 2009, and in exercise of the powers conferred upon them by sections 6 and 10(3) of the Gambling (Alderney) Law, 1999, as amended^a, hereby order: –

Lawfulness of eGambling

Lawful eGambling.

1. (1) Subject to subsection (2), effecting a gambling transaction shall not be unlawful gambling if the transaction is not effected by, with or through a young person and is –

- (a) organized or promoted by or with the holder of a Category 1 eGambling licence[, Category 1 associate certificate] [or a Temporary eGambling licence], or
- (b) effected by or with the holder of a Category 2 eGambling licence[, Temporary eGambling licence] or a [Category 2 associate certificate],

and, every person organizing, promoting or effecting a gambling transaction not made lawful by this subsection shall be guilty of an offence.

(2) The gambling referred to in subsection (1) shall only be lawful if –

^a Order in Council No. XIV of 1999; No. XXVII of 2001; Ordinance No. XVI of 2003.

- (a) the eGambling licence or certificate has not lapsed or been surrendered, suspended or revoked,
- (b) the eGambling licensee or certificate holder is acting in accordance with the Law, this Ordinance, regulations made under this Ordinance, and any general or special conditions that apply to the eGambling licence or certificate, [...]
- (c) the transaction is effected at –
 - (i) approved premises controlled by the holder of a hosting certificate, or
 - (ii) premises that the Commission is satisfied, in accordance with the regulations made by the Commission under this sub-paragraph, are suitable and secure[.]
- [(d) in the case of any person –
 - (i) located, registered or incorporated in Alderney or Guernsey or elsewhere, or
 - (ii) who is carrying out an activity in Alderney or Guernsey, or who is organising or promoting gambling transactions,

a Category 1 eGambling licence, a Category 1 associate certificate or a Temporary eGambling licence (as the

case may be) is held by that person,]

- (e) in the case of any person located, registered or incorporated in Alderney, who is effecting gambling transactions, a Category 2 eGambling licence[, a Temporary eGambling licence] or a Category 2 associate certificate must be held by that person,
- (f) in the case of any person who is carrying out an activity in Alderney, who is effecting gambling transactions, a Category 2 eGambling licence [or a Temporary eGambling licence] must be held by that person, and
- (g) in the case of any person –
 - (i) located, registered or incorporated in Guernsey, or
 - (ii) who is carrying out an activity in or Guernsey, who is effecting gambling transactions, a Category 2 eGambling licence [or a Temporary eGambling licence] must be held by that person.]

(3) [[An eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] may exercise its licence or certificate (as the case may be)] only if, before [...] allowing a customer to gamble with or through, any entity other than the holder of a –

- (a) Category 2 eGambling licence, [...] [or]

[(ab) ...]

(b) [Category 2 associate certificate],

the customer is notified and warned in the manner specified in [the eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] approved internal control system, that –

- (i) the proposed gambling is to be conducted outside of the jurisdiction of Alderney,
- (ii) the proposed gambling is to be conducted with an entity whose gambling Systems are not regulated or monitored by the Commission, and
- (iii) the Commission is not obliged to act upon any complaints received regarding such gambling.

NOTES

In section 1,

the words in the first pair of square brackets in paragraph (a) were inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(2), with effect from 10th January, 2018;

the words in, first, the second pair of square brackets in paragraph (a) and, second, the first pair of square brackets in paragraph (b) of subsection (1) were inserted by the Alderney eGambling (Amendment) Ordinance, 2014, section 3, respectively paragraph (a) and paragraph (b), with effect from 24th September, 2014;

the words "Category 2 associate certificate" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance;

the word omitted in square brackets in paragraph (b) of subsection

(2) was repealed, the punctuation in square brackets in paragraph (c) of subsection (2) was substituted and paragraph (e), paragraph (f) and paragraph (g) of subsection (2) were inserted by the Alderney eGambling (Amendment) Ordinance, 2014, section 4, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 16th July, 2014;

paragraph (d) of subsection (2) (which was originally inserted by the Alderney eGambling (Amendment) Ordinance, 2014, section 4(c), with effect from 16th July, 2014) was substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(3), with effect from 10th January, 2018;¹

the words in square brackets in, first, paragraph (e), second, paragraph (f) and, third, paragraph (g) of subsection (2) were inserted by the Alderney eGambling (Amendment) Ordinance, 2014, section 5, paragraph (b), paragraph (c) and paragraph (d), with effect from 24th September, 2014;

first, the words in the first pair of square brackets in subsection (3) were substituted and, second, the word omitted in square brackets at the end of subsection (3)(a) was repealed by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(4), respectively paragraph (b), and paragraph (a), with effect from 10th January, 2018;

the words omitted in the second pair of square brackets in subsection (3) were repealed by the Alderney eGambling (Amendment) Ordinance, 2010, section 2, with effect from 21st July, 2010;

first, the word in the second pair of square brackets at the end of paragraph (a) of subsection (3) was inserted, second, paragraph (ab) (which was originally inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(4)(a), with effect from 10th January, 2018) was repealed, third, the words in square brackets within the first pair of square brackets in subsection (3) were substituted and, fourth, the words "the eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's" in the seventh pair of square brackets therein (which words were previously substituted, in part, by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(4)(c), with effect from 10th January, 2018) were substituted by the Alderney eGambling (Amendment) (No. 2) Ordinance, 2018, section 1(2), respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 12th September, 2018.

The following Regulations have been made under section 1:

Alderney eGambling Regulations, 2009.

eGambling with strangers.

2. Notwithstanding section 10(1) of the Law, an eGambling licensee[, Category 1 associate certificate holder] and/or a [Category 2 associate certificate] holder complying with any conditions attached to its eGambling licence or certificate and acting in accordance with the provisions of this Ordinance and of regulations made under this Ordinance is thereby authorised to conduct a business in the course of which a gambling transaction is negotiated or entered into with, or on behalf of, a stranger and to permit a stranger to participate in any form of gambling lawfully conducted, organised or promoted by that licensee.

NOTE

In section 2,

the words in the first pair of square brackets were inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(5), with effect from 10th January, 2018;

the words in the second pair of square brackets were substituted by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

Activities outside Alderney.

3. For the avoidance of doubt, an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] does not organise or in any way take part in unlawful gambling for the purposes of section 5(2) of the Law by –

- (a) exercising its [eGambling licence, Category 1 associate certificate or Category 2 associate certificate], as the case may be, at, or from, premises situated outside Alderney and Guernsey, or
- (b) in the case of a Category 1 [eGambling licensee and

Category 1 associate certificate holder], and subject always to section 1(3), making arrangements in accordance with its approved internal control system for a customer to gamble with a person in a place outside of Alderney and Guernsey.

NOTES

In section 3,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(6), with effect from 10th January, 2018;²

the words in the second pair of square brackets were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(7), with effect from 10th January, 2018;³

the words in the third pair of square brackets were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(10), with effect from 10th January, 2018.

[Licensing Objectives and Functions of the Commission

Licensing objectives.

3A. In this Ordinance, and any Regulations made thereunder, "**licensing objectives**" means the objectives of –

- (a) protecting and enhancing the reputation of Alderney as a well regulated eGambling centre,
- (b) ensuring that eGambling is conducted honestly and fairly and in compliance with good governance,
- (c) preventing eGambling from being a source of crime,

being associated with crime, or being used to support crime, including preventing the funding, management and operation of eGambling from being under criminal influence, and

- (d) protecting the interests of young persons and other vulnerable persons from being harmed or exploited by eGambling.]

NOTE

Section 3A, and the corresponding entry in the Arrangement of Sections, were inserted by the Alderney eGambling (Amendment) Ordinance, 2014, respectively section 2(a) and section 6, with effect from 16th July, 2014.

Functions of the Commission.

3B. (1) Without prejudice to any existing functions assigned to the Commission by the Law or by any Ordinance made thereunder (including any provisions under this Ordinance), the functions of the Commission in relation to eGambling, include –

- (a) taking such steps as the Commission considers necessary or expedient –
 - (i) for the effective regulation, supervision and control of eGambling in Alderney, and pursuant to the Alderney eGambling (Operations in Guernsey) Ordinance, 2006, in Guernsey,
 - (ii) in order to pursue the licensing objectives,
 - (iii) for maintaining confidence in, and the safety,

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soundness, and integrity of Alderney's eGambling sector,

(b) the countering of financial crime and of the financing of terrorism in the eGambling sector; and in this paragraph "**financial crime**" includes any offence involving –

(i) fraud or dishonesty,

(ii) misconduct in, or misuse of information relating to, a financial market,

(iii) handling the proceeds of crime,

and "**offence**" includes an act or omission which would be an offence if it had taken place in Alderney.]

NOTE

Section 3B, and the corresponding entry in the Arrangement of Sections, were inserted by the Alderney eGambling (Amendment) Ordinance, 2014, respectively section 2(a) and section 6, with effect from 16th July, 2014.

Licensing and certification

Applications.

4. (1) A person who wishes to obtain –
- (a) a Category 1 eGambling licence,
 - (b) a Category 2 eGambling licence,

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- (c) a Temporary eGambling licence,
- (d) a key individual certificate,
- (e) a core services associate certificate,
- [(ea) a Category 1 associate certificate,]
- (f) a [Category 2 associate certificate], or
- (g) a hosting certificate,

shall make application in that behalf to the Commission.

(2) The Commission shall by regulations make provision in respect of an application under subsection (1) and, without prejudice to the generality of the foregoing, it shall, in particular, prescribe –

- (a) its form,
- (b) the information which it shall contain and the means by which further information may be sought,
- (c) the form, if any, in which it shall be publicised in order to invite representations with regard to it,
- (d) the means by which it may be withdrawn prior to determination,
- (e) the manner in which it shall be –

- (i) investigated and assessed by servants or agents of the Commission,
 - (ii) determined, and
 - (iii) the outcome notified to the applicant.
- (3) The Commission shall by regulations make provision for the manner in which –
- (a) an eGambling licensee or a certificate holder may apply to the Commission to supplement, vary or remove any details contained in the eGambling licence or certificate in question, and
 - (b) such an application shall be processed and determined.
- (4) An application may be made under this section by a promoter on behalf of a company that has not yet been incorporated if the Commission is satisfied that appropriate steps are being or will be taken in order for such a company to be incorporated as an Alderney company.

NOTES

In section 4,

paragraph (ea) of subsection (1) was inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(8), with effect from 10th January, 2018;

the words in square brackets in paragraph (f) of subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

The following Regulations have been made under section 4:

Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) (No. 2) Regulations, 2014.

[Grant or refusal of] applications.

5. [(A1) The Commission may upon receipt and consideration of an application for a licence or certificate grant or refuse the application.]

(1) The Commission may only grant a Category 1 eGambling licence or a Category 2 eGambling licence, to an Alderney company.

(2) [Without prejudice to the generality of its powers conferred by subsection (A1), the Commission] shall refuse the grant of the eGambling licence or certificate for which application has been made under section 4 if it is not satisfied that –

- (a) the applicant is a fit and proper person to hold that licence or certificate,
- (b) where applicable, any associate of the applicant is a fit and proper person to be associated with the operations proposed by the applicant,
- (c) in the case of an applicant for a Temporary eGambling licence, the applicant is licensed or properly licensed in another jurisdiction to conduct eGambling operations[,]
- [(d) it would be in the best interests of Alderney for the applicant to be granted a licence or certificate,
- (e) the reputation of Alderney as a well regulated

eGambling centre would not be jeopardised by the applicant being granted a licence or certificate.]

(3) The Commission shall prescribe by regulations the matters it shall or may take into account in deciding whether –

- (a) an applicant or, as the case may be, an associate is a fit and proper person,
- (b) an applicant for a Temporary eGambling licence is licensed or properly licensed in another jurisdiction to conduct eGambling operations,

for the purposes of subsection (2).

(4) The Commission may only grant a Temporary eGambling licence to a foreign company.

NOTES

In section 5,

the words in square brackets in the marginal note thereto were substituted by the Alderney eGambling (Amendment) Ordinance, 2014, section 7(a), with effect from 16th July, 2014;⁴

first, subsection (A1) was inserted, second, the words in the first and third, the punctuation in the second pairs of square brackets in subsection (2) were substituted and, fourth, paragraph (d) and paragraph (e) of subsection (2) were inserted by the Alderney eGambling (Amendment) Ordinance, 2014, section 7, respectively paragraph (b), paragraph (c)(i), paragraph (c)(ii) and paragraph (c)(iii), with effect from 16th July, 2014.

The following Regulations have been made under section 5:

Alderney eGambling Regulations, 2009.

Application costs.

6. (1) A person making an application under section 4 shall pay to the Commission the reasonable costs associated with processing, investigating and determining that application.

(2) The Commission shall by regulations make provision for the manner in which –

- (a) monies shall be deposited from time to time by, or on behalf of, an applicant,
- (b) any surplus monies deposited with the Commission and not utilised by it for the purposes of subsection (1) shall be retained or, as the case may be repaid, and
- (c) information concerning the costs incurred by the Commission shall be provided.

NOTE

The following Regulations have been made under section 6:

Alderney eGambling Regulations, 2009.

Grant and duration of licences and certificates.

7. (1) If the Commission grants an application made under section 4, it shall promptly issue to the applicant the eGambling licence or the certificate sought in a form prescribed by regulations which, unless surrendered, lapsed, suspended or revoked under this Ordinance or in accordance with regulations made under this Ordinance, shall be valid from the date specified thereon as directed by the Commission for an indefinite period.

(2) The Commission may in regulations made under this Ordinance specify the provisions and conditions that apply to different categories of eGambling licence and certificates.

NOTE

The following Regulations have been made under section 7:

Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) Regulations, 2011;
Alderney eGambling (Amendment) Regulations, 2012;
Alderney eGambling (Amendment) Regulations, 2013;
Alderney eGambling (Amendment) Regulations, 2018.

Fees for licences and certificates.

8. (1) Subject to subsections (2) and (3), the fees specified in column 4 of Schedule 3 to this Ordinance and corresponding to the type and description of eGambling licence or certificate specified in columns 2 and 3 respectively of Schedule 3 shall be paid by an eGambling licensee or certificate holder to the Commission as agent for the States –

- (a) within seven days of the Commission issuing the licence or certificate, and
- (b) in advance of each anniversary of the date of validity specified on the licence or certificate in accordance with section 7,

and if such fee is not paid within the periods set out above in paragraphs (a) and (b), the eGambling licence or certificate shall, without prejudice to section 12 [and subject to subsections (1A) and (1B)], be suspended.

[(1A) If a fee referred to in subsection (1) is not paid –

- (a) within one month of the Commission issuing the licence or certificate, or
- (b) within one month after the anniversary of the date of validity specified on the licence or certificate in accordance with section 7,

the eGambling licence or certificate shall be deemed to have lapsed.

(1B) The Commission may, at its discretion, increase the periods in paragraph (a) or (b) of subsection (1) or (1A), as those subsections apply in any particular case.]

- (2) If the Commission determines that –
 - (a) an eGambling licensee or certificate holder has constructed a mechanism in order to reduce the fee payable by it under this Ordinance, and
 - (b) [any] of the conditions specified in subsection (3) are satisfied,

the Commission may specify the fee payable under this Ordinance without reference to Schedule 3, provided that such a fee [(except the annual gambling business association fee)] shall not exceed the maximum fee set out in Schedule 3.

- (3) The conditions for the purposes of subsection (2)(b) are –
 - (a) an eGambling licensee or certificate holder is so closely related to another entity, [...]

- (b) the net gaming yield revealed by an [eGambling licensee or Category 1 certificate holder] is not an accurate reflection of its net gaming receipts in any period[, or]
- [(c) the number of gambling business associates reported by an eGambling licensee or certificate holder is not an accurate reflection of the number of gambling business associates associated with the eGambling licensee or certificate holder.]

[(4) If an eGambling licensee or certificate holder applies for a different category of eGambling licence or certificate ("**new licence**") and it wishes to surrender its existing eGambling licence or certificate ("**existing licence**") prior to the anniversary of the date of validity specified on the existing licence ("**existing licence's anniversary date**"), the Commission may specify that the fee payable under this Ordinance for the new licence is reduced by an amount which does not exceed the amount set out in subsection (5), provided that the eGambling licence or certificate holder surrenders its existing licence by the date of the issue of the new licence.

(5) The amount referred to in subsection (4) is the fee amount for the existing licence apportioned pro rata on a monthly basis multiplied by the number of whole calendar months remaining prior to the existing licence's anniversary date.]

NOTES

In section 8,

first, the words in square brackets in subsection (1) and, second, subsection (1A) and subsection (1B) were inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(9), with effect from

10th January, 2018;

the words in the first and second pairs of square brackets in subsection (2) were, respectively, substituted and inserted by the Alderney eGambling (Amendment) Ordinance, 2015, section 2(a)(i) and section 2(a)(ii), with effect from 1st April, 2015, subject to the savings and transitional provisions in section 6 of and the Schedule to the 2015 Ordinance;

the words in square brackets in subsection (3)(b) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(11), with effect from 10th January, 2018;

first, the word omitted in paragraph (a) of subsection (3) was repealed, second, the punctuation and word in square brackets in paragraph (b) of subsection (3) were substituted and, third, paragraph (c) of subsection (3) was inserted by the Alderney eGambling (Amendment) Ordinance, 2015, section 2(b), respectively subparagraph (i), subparagraph (ii) and subparagraph (iii), with effect from 1st April, 2015, subject to the savings and transitional provisions in section 6 of and the Schedule to the 2015 Ordinance;

subsection (4) and subsection (5) were inserted by the Alderney eGambling (Amendment) Ordinance, 2014, section 8, with effect from 16th July, 2014.

In accordance with the provisions of the Alderney eGambling Regulations, 2009, regulation 268, with effect from 1st January, 2010 and for the purposes of this section, if the change in the annualised net gaming yield calculated by reference to sub-paragraphs (a) and (b) of the definition of "annualised net gaming yield" in regulation 265 of the 2009 Regulations affects the fee level that the licensee or certificate holder would be appointed to (as specified in Schedule 3 to this Ordinance), this change will only be taken into account in the fee calculation for the next renewal period of that licensee or certificate holder's fee.

Licences and certificates personal to holder.

9. An eGambling licence or any certificate issued by the Commission under section 7 of this Ordinance is not capable of being assigned and cannot be transferred by the eGambling licensee or certificate holder.

Licence or certificate conditions.

10. (1) The Commission may attach to an eGambling licence or a certificate issued by it under section 7 of this Ordinance such conditions as it

considers necessary, expedient or desirable –

- (a) for the proper conduct of eGambling, [...]
- (b) in the public interest[, or]
- [(c) in pursuit of the licensing objectives.]

(2) The Commission shall by regulations make provision for the manner in which a condition may be added to an eGambling licence or a certificate and thereafter varied or rescinded.

NOTES

In section 10, the word omitted in square brackets in paragraph (a) of subsection (1) was repealed, the punctuation and word in square brackets in paragraph (b) of subsection (1) were substituted and paragraph (c) of subsection (1) was inserted by the Alderney eGambling (Amendment) Ordinance, 2014, section 9, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 16th July, 2014.

The following Regulations have been made under section 10:

*Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) Regulations, 2013;
Alderney eGambling (Amendment) Regulations, 2018.*

Surrender of licence or certificate.

11. An eGambling licensee or a certificate holder may at any time surrender the licence or certificate held in the manner prescribed by regulations of the Commission made under this section.

NOTE

The following Regulations have been made under section 11:

Suspension, revocation and other sanctions.

12. (1) The Commission may take action under this section where –
- (a) an eGambling licensee or a certificate holder is no longer a fit and proper person to hold the eGambling licence or certificate in question,
 - (b) an associate of an eGambling licensee or a certificate holder is not, or is no longer, a fit and proper person to be associated with the operations of the licensee or certificate holder,
 - (c) an eGambling licensee or a certificate holder has contravened –
 - (i) a provision of this Ordinance or of regulations made under this Ordinance, or
 - (ii) a condition attached to the eGambling licence or certificate in question, [...]
 - (d) a Temporary eGambling licensee is no longer licensed or properly licensed in another jurisdiction to conduct eGambling operations[, or]
 - [(e) the licensed activity is being, or has been, carried out by an eGambling licensee or certificate holder, or an associate of an eGambling licensee or certificate holder, in a manner which is inconsistent with the licensing

objectives.]

(2) The Commission shall prescribe by regulations the matters it shall or may take into account in deciding whether –

- (a) an eGambling licensee or a certificate holder or, as the case may be, an associate is a fit and proper person, and
- (b) a Temporary eGambling licensee is licensed or properly licensed in another jurisdiction to conduct eGambling operations,

for the purposes of subsection (1).

(3) Where subsection (1) applies, the Commission may –

- (a) issue a direction to rectify,
- (b) issue a written caution,
- (c) impose a financial penalty not exceeding £25,000, which may take immediate effect or be suspended for such period as may be directed, during which it can be activated should subsection (1) again apply,
- (d) suspend the validity of the eGambling licence or certificate,
- (e) revoke the eGambling licence or withdraw the certificate.

(4) In respect of any one incident, the Commission may combine two or more of the actions specified in paragraphs (a) to (d) of subsection (3).

(5) The Commission shall by regulations make provision for the procedure it will adopt prior to taking action under this section, which shall include (without limitation) providing an opportunity for the eGambling licensee or certificate holder to make representations and the consequences of any action being taken.

NOTES

In section 12, the word omitted in square brackets in paragraph (c)(ii) of subsection (1) was repealed, the punctuation and word in square brackets in paragraph (d) of subsection (1) were substituted and paragraph (e) of subsection (1) was inserted by the Alderney eGambling (Amendment) Ordinance, 2014, section 10, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 16th July, 2014.

The following Regulations have been made under section 12:

Alderney eGambling Regulations, 2009.

Register of licences and certificates.

13. (1) The Commission shall maintain a register, in such bound or loose-leaf paper format as it thinks fit and kept solely for that purpose, of all eGambling licences and certificates issued by it under this Ordinance and shall note therein any changes affecting an eGambling licence or a certificate.

(2) The Commission shall make the register available at its offices for inspection by members of the public, but only by prior appointment.

(3) The Commission may also publish the register or any extract therefrom in electronic form.

Operational requirements

Internal controls.

14. (1) An [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] may exercise its [eGambling licence, Category 1 associate certificate or Category 2 associate certificate] only if –

- (a) it has obtained approval of its internal control system by the Commission, and
- (b) it conducts its business of organizing, promoting or effecting gambling transactions, as the case may be, under and in accordance with that system.

(2) An [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] who wishes to obtain approval of –

- (a) its internal control system, or
- (b) a change to its approved internal control system, shall make application in that behalf to the Commission.

(3) The Commission shall by regulations make provision in respect of an application under subsection (2) and, without prejudice to the generality of the foregoing, it shall, in particular, prescribe –

- (a) its form,
- (b) the matters on which information shall be provided and the means by which further information, where appropriate, may be sought,

- (c) the manner in which it shall be –
 - (i) assessed by servants or agents of the Commission carrying out an evaluation of the proposed internal controls,
 - (ii) determined, and
 - (iii) the outcome notified to the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder].

(4) Subsections (1), (2) and (3) do not apply to a Temporary eGambling licensee.

(5) In accordance with regulations made by the Commission under this subsection, a Temporary eGambling licensee must, at all times whilst operating under its licence, satisfy the Commission that the internal control system it utilises provides a safe, secure and fair system for the conduct of gambling.

(6) In accordance with regulations made by the Commission under this subsection, the Commission may give an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] a direction to change its approved internal control system.

NOTES

In section 14,

the words "eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(12), with effect from 10th January,

2018;⁵

the words in the second pair of square brackets in subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(7), with effect from 10th January, 2018;⁶

the words in square brackets in subsection (6) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(6), with effect from 10th January, 2018.⁷

The following Regulations have been made under section 14:

*Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) Regulations, 2012;
Alderney eGambling (Amendment) Regulations, 2013;
Alderney eGambling (Amendment) Regulations, 2015;
Alderney eGambling (Amendment) Regulations, 2018.*

Gambling equipment.

15. (1) An eGambling licensee may exercise its eGambling licence only if it has obtained approval by the Commission of the gambling equipment it utilises to conduct its business of facilitating or effecting gambling transactions, including gambling equipment supplied to it by an associate.

[(1A) A Category 1 associate certificate holder may not operate under its certificate unless it has obtained approval by the Commission of the gambling equipment it utilises to organise and promote gambling transactions, including gambling equipment supplied to it by an associate.]

(2) A [Category 2 associate certificate] holder may not operate under its certificate unless it has obtained approval by the Commission of the gambling equipment it utilises to effect gambling transactions, including gambling equipment supplied to it by an associate.

(3) An eGambling licensee[, Category 1 associate certificate holder] or a [Category 2 associate certificate] holder that wants to obtain approval of such gambling equipment shall make application in that behalf to the Commission.

(4) An application by an eGambling licensee[, a Category 1 associate certificate holder or a Category 2 associate certificate holder] under subsection (3) may be made in conjunction with an application under section 14(2).

(5) The Commission shall by regulations make provision in respect of an application under subsection (3) and, without prejudice to the generality of the foregoing, it shall, in particular, prescribe –

- (a) its form,
- (b) the information which it shall contain and the means by which further information may be sought,
- (c) the manner in which it shall be –
 - (i) assessed by servants or agents of the Commission carrying out an evaluation of the gambling equipment in question,
 - (ii) determined, and
 - (iii) the outcome notified to the eGambling licensee[, Category 1 associate certificate holder] or [Category 2 associate certificate] holder.

(6) The holder of a core services associate certificate who wishes to obtain approval in principle of any gambling equipment belonging to it intended for future use by an eGambling licensee[, a Category 1 associate certificate holder] or a [Category 2 associate certificate] holder may make application in that behalf to the

Commission in the manner prescribed by regulations made by the Commission under this subsection as if it were an application by an eGambling licensee.

(7) If the Commission grants an application under subsection (6), a description of the gambling equipment so approved in principle shall be endorsed on the core services associate certificate in question in accordance with regulations made under this subsection.

(8) Subsections (1) to (7) do not apply to a Temporary eGambling licensee.

(9) In accordance with regulations made by the Commission under this subsection, a Temporary eGambling licensee must, at all times whilst operating under its eGambling licence, satisfy the Commission that the gambling equipment it utilises to conduct its business of facilitating or effecting gambling transactions is safe, secure and fair.

NOTES

In section 15,

first, subsection (1A), second, the words in the first pair of square brackets in subsection (3), third, the words in square brackets in subsection (4), fourth, the words in the first pair of square brackets in subsection (5) and, fifth, the words in the first pair of square brackets in subsection (6) were inserted, by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(13), respectively paragraph (a), paragraph (b), paragraph (c), paragraph (d) and paragraph (e), with effect from 10th January, 2018;

the words "Category 2 associate certificate" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

The following Regulations have been made under section 15:

*Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) Regulations, 2018.*

Evaluation and testing costs.

16. (1) A person making an application under section 14 or 15 shall pay to the Commission the reasonable costs associated with evaluating and testing the proposed internal controls or, as the case may be, the software and processing and determining that application.

(2) The Commission shall by regulations make provision for the manner in which –

- (a) monies shall be deposited from time to time by, or on behalf of, an [eGambling licensee or Category 1 certificate holder] or, as the case may be, an associate,
- (b) any surplus monies deposited with the Commission and not utilised by it for the purposes of subsection (1) shall be retained or, as the case may be, repaid, and
- (c) information concerning the costs incurred by the Commission shall be provided.

NOTES

In section 16, the words in square brackets in subsection (3)(b) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(11), with effect from 10th January, 2018.

The following Regulations have been made under section 16:

*Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) Regulations, 2018.*

Associates providing core services.

17. (1) An eGambling licensee may exercise its eGambling licence, and a [Category 1 associate certificate holder and a] [Category 2 associate certificate] holder may exercise its certificate, only if every business associate providing it with one or more core services as prescribed by regulations of the Commission made under this subsection holds a current core services associate certificate.

(2) Notwithstanding subsection (1), –

(a) if within 21 days of first becoming an associate providing one or more core services to an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] a person makes application for a core services associate certificate under section 4, until his application is determined by the Commission he shall be deemed to hold a core services associate certificate,

(b) a Temporary eGambling licensee may lawfully exercise its eGambling licence without every associate, that provides it with one or more core services, holding a core services associate certificate, unless the Commission advises the Temporary eGambling licensee by way of written notice that it is not satisfied that every such associate is fit and proper to be an associate of the Temporary eGambling licensee.

NOTES

In section 17,

the words in the first pair of square brackets in subsection (1) were inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(14), with effect from 10th January, 2018;

the words in the second pair of square brackets in subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance;

the words in square brackets in subsection (2) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(12), with effect from 10th January, 2018.⁸

The following Regulations have been made under section 17:

Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) Regulations, 2012.

[Category 1 Associate Certificates.

17A. (1) The Commission may by regulations make provision generally for, or in relation to, the grant, use, effect and requirements of Category 1 associate certificates.

(2) A Category 1 associate certificate may be issued to an Alderney company that is a Category 1 eGambling licensee or a Category 2 eGambling licensee, but in no other circumstances shall a Category 1 associate certificate be issued to an Alderney company. (3) A Category 1 associate certificate may not be issued to a natural person.]

NOTES

Section 17A was inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(14), with effect from 10th January, 2018.

The following Regulations have been made under section 17A:

Alderney eGambling (Amendment) Regulations, 2018.

[Category 2 Associate Certificates.]

18. (1) The Commission may by regulations make provision generally for, or in relation to, the grant, use, effect and requirements of [Category 2 associate

certificate]s.

(2) A [Category 2 associate certificate] may be issued to an Alderney company that is a Category 1 eGambling licensee or a Category 2 eGambling licensee, but in no other circumstance shall a [Category 2 associate certificate] be issued to an Alderney company.

(3) A [Category 2 associate certificate] may not be issued to a natural person.

NOTES

In section 18,

the marginal note thereto was substituted by the Alderney eGambling (Amendment) Ordinance, 2013, section 2, with effect from 18th July, 2013;

the words "Category 2 associate certificate" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

The following Regulations have been made under section 18:

*Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) Regulations, 2012;
Alderney eGambling (Amendment) Regulations, 2013;
Alderney eGambling (Amendment) (No. 3) Regulations, 2013.*

Key individuals.

19. (1) An [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] may exercise its [eGambling licence, Category 1 associate certificate or Category 2 associate certificate] only if every person –

- (a) performing functions identified by the licensee or certificate holder in its approved internal control system

as those of a key individual, or

- (b) designated as a key individual by the Commission in accordance with regulations made under this paragraph,

holds a current key individual certificate.

(2) Notwithstanding subsection (1), if within 21 days of first becoming a key individual a person makes application for a key individual certificate under section 4, until his application is determined by the Commission he shall be deemed to hold a key individual certificate.

(3) A person who is a key individual end who does not, without reasonable excuse, hold a key individual certificate shall be guilty of an offence and liable, on conviction, to a fine not exceeding £25,000.

NOTES

In section 19,

the words in the first pair of square brackets in subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(6), with effect from 10th January, 2018;⁹

the words in the second pair of square brackets in subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(7), with effect from 10th January, 2018.¹⁰

The following Regulations have been made under section 19:

Alderney eGambling Regulations, 2009.

Exercise of Temporary eGambling licence.

20. An eGambling licensee who holds a Temporary eGambling licence may exercise that licence only if all the requirements of the Law, this Ordinance,

regulations made by the Commission under this section, and any conditions attached to the licence are satisfied.

NOTE

The following Regulations have been made under section 20:

*Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) Regulations, 2012;
Alderney eGambling (Amendment) Regulations, 2013.*

Investigations.

21. (1) The Commission may conduct such ordinary or special investigations as it considers necessary or expedient into –

- (a) an [eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder], including its operations, whether located in Alderney, Guernsey or elsewhere,
- (b) an associate of an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], whether or not it holds a core services associate certificate, including the operations undertaken by it on behalf of the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], whether located in Alderney, Guernsey or elsewhere,
- (c) a holder of a hosting certificate, including its approved premises, or

(d) a holder of a key individual certificate.

(2) If the Commission carries out an investigation under this section, the eGambling licensee or the certificate holder in question shall pay, or cause to be paid, to the Commission the reasonable costs incurred by the Commission associated with the carrying out of that investigation.

(3) The Commission shall by regulations make provision for –

(a) the conduct of an investigation, including the procedures to be adopted by it before, during and following an investigation, and

(b) the manner in which –

(i) payment shall be made,

(ii) any surplus monies deposited with the Commission and not utilised by it for the purpose of subsection (2) shall be retained, or as the case may be, repaid, and

(iii) information concerning the costs incurred by the Commission shall be provided.

NOTES

In section 21,

the words in square brackets in paragraph (a) of subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(15), with effect from 10th January, 2018;¹¹

*the words in the first pair of square brackets in paragraph (b) of subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(6), with effect from 10th January, 2018;*¹²

*the words in the second pair of square brackets in paragraph (b) of subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(12), with effect from 10th January, 2018;*¹³

The following Regulations have been made under section 21:

*Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) Regulations, 2018.*

General compliance matters.

22. [(1) The Commission may by regulation provide for anything necessary or expedient –

- (a) for the regulation, good conduct and control of eGambling,
- (b) in pursuit of the licensing objectives.]

(2) Without prejudice to the generality of subsection (1), the Commission shall make regulations to provide for the way in which –

- (a) a customer of an [eGambling licensee and Category 1 associate certificate holder] is registered,
- (b) a customer is informed by an [eGambling licensee and Category 1 associate certificate holder] about the rules for effecting a gambling transaction,
- (c) payment for a customer's gambling is received by, or on behalf of, an [eGambling licensee and Category 1 associate certificate holder],

- (d) winnings accruing to a customer are returned by, or on behalf of, an [eGambling licensee and Category 1 associate certificate holder],
- (e) an [eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder] and, where appropriate, its associates are obliged to take steps to comply with applicable [...] measures in respect of money laundering and terrorist financing[, and such regulations shall include, without limitation, the duties and requirements to be complied with by such licensees, certificate holders and associates for the purposes of forestalling and preventing money laundering] [and terrorist financing],
- (f) a customer can impose limitations on his gambling activity with an [eGambling licensee and Category 1 associate certificate holder],
- (g) a complaint by a customer of an [eGambling licensee and Category 1 associate certificate holder] is handled,
- (h) an [eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder] shall keep, or cause to be kept, accounting and other records and provide, or arrange to provide, such records, reports and other information relating to its business to the Commission, and
- (i) the operations of an [eGambling licensee, Category 1

associate certificate holder and a Category 2 associate certificate holder] are to be monitored by the Commission.

- (3) The Commission may –
- (a) establish and maintain a website to support the performance of its functions under this Ordinance and regulations made thereunder, and
 - [(b) make such notices, instructions, guidance or other similar instruments as it considers appropriate for the purposes of this Ordinance and regulations made thereunder, including, without limitation, such notices, instructions, guidance or other similar instruments for the purposes of providing information about compliance with the provisions of this Ordinance and regulations made thereunder.]

[(4) The Commission and any court shall take the notices, instructions, guidance and other similar instruments made under subsection (3) into account in determining whether any person has complied with this Ordinance and the regulations made thereunder.

(5) Paragraphs (a) and (b) of section 27(1) and section 27(2) (general provisions as to regulations) have effect in relation to notices, instructions, guidance and other similar instruments made by the Commission as if references in that section to regulations were references respectively to notices, instructions, guidance and other similar instruments.]

NOTES

In section 22,

subsection (1) was substituted, the word omitted in the second pair of square brackets in paragraph (e) of subsection (2) was repealed and the words in the fourth pair of square brackets therein were inserted by the Alderney eGambling (Amendment) Ordinance, 2014, section 11, respectively paragraph (a), paragraph (b)(i) and paragraph (b)(ii), with effect from 16th July, 2014;

the words "eGambling licensee and Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(10), with effect from 10th January, 2018;

the words "eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(15), with effect from 10th January, 2018,¹⁴

the words in the third pair of square brackets in paragraph (e) of subsection (2) were inserted, paragraph (b) of subsection (3) was substituted, and subsection (4) and subsection (5) were inserted by the Alderney eGambling (Amendment) Ordinance, 2013, section 3, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 18th July, 2013.

The following Regulations have been made under section 22:

*Alderney eGambling Regulations, 2009;
Alderney eGambling (Amendment) Regulations, 2010;
Alderney eGambling (Amendment) (No. 2) Regulations, 2010;
Alderney eGambling (Amendment) Regulations, 2011;
Alderney eGambling (Amendment) Regulations, 2012;
Alderney eGambling (Amendment) Regulations, 2013;
Alderney eGambling (Amendment) (No. 2) Regulations, 2013;
Alderney eGambling (Amendment) (No. 3) Regulations, 2013;
Alderney eGambling (Amendment) Regulations, 2014;
Alderney eGambling (Amendment) (No. 2) Regulations, 2014;
Alderney eGambling (Amendment) Regulations, 2015;
Alderney eGambling (Amendment) Regulations, 2018.*

Miscellaneous and general provisions

Appeals.

23. (1) Any person aggrieved by a decision of the Commission under

this Ordinance or under regulations made under this Ordinance may, within 28 days immediately following the date of notification to him of the Commission's decision, appeal to the Court of Alderney against that decision on the grounds that it was ultra vires or was an unreasonable exercise of the powers of the Commission.

(2) An appeal under this section shall be instituted by way of summons served on the chairman of the Commission stating the grounds, and setting out the material facts, on which the appellant relies.

(3) On an appeal under this section, the appellant shall have the burden of proof and the final right of reply.

(4) On an appeal under this section, the Court of Alderney may, upon the application of the appellant, and on such terms as the Court thinks just, suspend or modify the operation of the decision against which the appeal is brought, pending the determination of the appeal in question.

(5) On an appeal under this section, the Court of Alderney may quash or confirm the decision of the Commission against which the appeal is brought, or may substitute any other decision which the Commission could have made.

(6) An appeal on a question of law shall lie from the Court of Alderney to the Royal Court of Guernsey and, for that purpose, Part II of the Court of Alderney (Appeals) Law, 1969^b shall apply as if it were an appeal in a civil matter.

Offences.

24. (1) A person who, for the purpose of –

(a) obtaining the grant of a licence or certificate under this

^b Ordres en Conseil Vol. XXII, p. 192; amended by 1987/XVII.

Ordinance, whether to himself or to some other person,
or

- (b) satisfying a requirement imposed by regulations made under this Ordinance,

makes any declaration or statement or gives any information, or produces or makes any document, knowing the same to be false in a material particular shall be guilty of an offence.

(2) A person who, without the Commission's written authorisation, interferes in the conduct of a gambling transaction made lawful by this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding £25,000.

(3) A customer of an eGambling licensee who fails to comply with the rules of a gambling transaction made lawful by this Ordinance as notified to him by the [eGambling licensee or Category 1 certificate holder] shall be guilty of an offence and liable, on conviction, to a fine not exceeding level 5 on the Alderney uniform scale.

(4) A person who has not registered as a customer of an [eGambling licensee or Category 1 certificate holder] but effects a gambling transaction with that licensee shall be guilty of an offence and liable, on conviction, to a fine not exceeding level 5 on the Alderney uniform scale.

(5) A person who contravenes any provision of regulations made under this Ordinance which is specified therein as a "money laundering offence" for the purposes of this subsection shall be guilty of an offence.

NOTES

In section 24, the words in square brackets were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(11), with effect from 10th January, 2018.

The following Regulations have been made under section 24:

*Alderney eGambling (Amendment) Regulations, 2013;
Alderney eGambling (Amendment) Regulations, 2018.*

In accordance with the provisions of the Alderney eGambling Regulations, 2009, regulation 233(2), with effect from 22nd May, 2013 and for the purposes of subsection (5) of this section, each requirement set out in Schedule 16 to, and each requirement under regulations 175(2)(j), 175(3), 226, 227, 228, 229 and 230 of, the 2009 Regulations is specified as a "money laundering offence".

Offences by bodies corporate.

25. (1) Where an offence under this Ordinance is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to or to have been facilitated by 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, is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with his functions of management as if he were a director.

Accessories and abettors.

26. Without prejudice to the generality of section 25, a person who knowingly and wilfully aids, abets, counsels, causes, procures or commands the commission of an offence under this Ordinance shall be liable to be dealt with, tried and punished as a principal offender.

General provisions as to regulations.

27. (1) Regulations made by the Commission under this Ordinance –
- (a) may be amended or repealed by subsequent regulations hereunder,
 - (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Commission to be necessary or expedient, and
 - (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(2) Any powers conferred upon the Commission by this Ordinance to make regulations may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exemptions, or in relation to specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different

provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes, or

- (iii) any such provision either unconditionally or subject to any prescribed conditions.

Giving notices.

28. (1) Any document other than a summons to be given under this Ordinance or under regulations made under this Ordinance may be given to –

- (a) an individual, by being delivered to him, or by being left at, or sent by post or transmitted to, his usual or last known place of abode,
- (b) a company with a registered office in Alderney, by being left at, or sent by post or transmitted to, that office,
- (c) a company without a registered office in Alderney, by being left at, or sent by post or transmitted to, its principal or last known principal place of business in Alderney or, if there is no such place, its registered office or principal or last known principal place of business outside Alderney,
- (d) an unincorporated body, by being given to any partner, member, manager, director or other similar officer thereof in accordance with paragraph (a), or by being left at, or sent by post or transmitted to, the body's principal or last known principal place of business in

Alderney or, if there is no such place, its principal or last known principal place of business elsewhere,

- (e) the Commission or its chairman, by being left at, or sent by post or transmitted to, the offices of the Commission.

(2) Notwithstanding the provisions of subsection (1) and of any other rule of law in relation to the giving of documents, no document to be given to the Commission or its chairman under this Ordinance or under regulations made hereunder shall be deemed to have been given until it is received.

(3) A document sent by post shall, unless the contrary is shown, be deemed for the purposes of this Ordinance to have been received –

- (a) in the case of a document sent to an address in the United Kingdom, the Channel Islands or the Isle of Man, on the third day after the day of posting,
- (b) in the case of a document sent elsewhere, on the eighth day after the day of posting.

(4) In this section –

"by post" means by registered post, recorded delivery service or ordinary letter post, and

"transmitted" means transmitted by electronic communication, facsimile transmission or other similar means which produce a document containing the text of the communication; in which event the document shall be regarded as given when it is received.

Right to prohibit gambling and to refuse transactions.

29. Nothing in this Ordinance or in any regulations made under this Ordinance shall be construed as requiring an [eGambling licensee or Category 1 certificate holder] or any of its servants or agents to negotiate or enter into any gambling transaction.

NOTE

In section 29, the words in square brackets were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(11), with effect from 10th January, 2018.

Interpretation.

30. (1) In this Ordinance, unless the context otherwise requires –

"**Alderney company**" means a company incorporated in Alderney and registered in the Register of Companies kept in accordance with the Companies (Alderney) Law, 1994^c,

["**annual gambling business association fee**" shall be calculated in accordance with Schedule 3 and by reference to the number of gambling business associates that are reported by an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], in the form and manner prescribed by regulations of the Commission under this Ordinance, to be associated with that [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] (as the case may be),]

"**annualised net gaming yield**" shall be calculated by reference to

^c Orders in Council Nos. XXXIV of 1994, I of 2001, XV of 2002.

regulations made by the Commission under this Ordinance,

"applicant" means a person making an application under section 4,

"approved internal control system" means an internal control system approved by the Commission in accordance with section 14, and includes an approved internal control system changed with the approval, or under the direction, of the Commission,

"approved premises" means premises approved by the Commission and specified on a hosting certificate at which an [eGambling licensee's or associate certificate holder's] gambling equipment may be situated,

"associate" means a business associate or an executive associate,

"associate certificate" means –

(a) a core services associate certificate issued under section 7 to an associate by which the Commission approves that associate during the currency of the certificate as being a fit and proper person to be associated with the operations of an eGambling licensee[, a Category 1 associate certificate holder] or a [Category 2 associate certificate] holder, [...]

[(ab) a Category 1 associate certificate, and]

(b) a [Category 2 associate certificate] [...],

"business associate" means a person who the Commission reasonably believes is or, as the case may be, will be associated with the ownership,

management or performance of the operations of an eGambling licensee or a certificate holder, and includes (without limitation) –

- (a) a supplier of software,
- (b) a person who maintains a database of customer information,
- (c) a person involved in receiving payments from, and making payments to, customers, and
- (d) another company within the same group of companies,

["**Category 1 associate certificate**" means a certificate issued under section 7 and in accordance with section 17A,]

"**Category 1 eGambling licensee**" means the holder of a Category 1 eGambling licence issued under section 7, and "**Category 1 eGambling licence**" has a corresponding meaning,

["**Category 2 associate certificate**" means a certificate issued under section 7 and in accordance with section 18,]

"**Category 2 eGambling licensee**" means the holder of a Category 2 eGambling licence issued under section 7, and "**Category 2 eGambling licence**" has a corresponding meaning,

"**certificate**" means, as the case may be, a core services associate certificate, [a Category 1 associate certificate,] a [Category 2 associate certificate], a hosting certificate or a key individual certificate,

"certificate holder" means, as the case may be, a person holding a core services associate certificate, [a Category 1 associate certificate,] a [Category 2 associate certificate], a hosting certificate or a key individual certificate,

"conduct" includes promote, organise, effect and operate,

"controlled" includes owned, leased and occupied under licence,

"customer" means a person who enters into an arrangement with a [Category 1 eGambling licensee or Category 1 associate certificate holder] [or a business associate of a Category 2 eGambling licensee] for the purpose of taking part in a gambling transaction,

"direction to rectify" means a notice to an eGambling licensee or a certificate holder containing –

- (a) a requirement that the eGambling licensee or certificate holder acts, or desists from acting, in a manner and within the period of time specified in the notice, and
- (b) a warning to the recipient of the consequences of failing to comply with the notice,

"enactment" means any Law, Ordinance or subordinate legislation,

"executive associate" means an executive officer of a company, partner or trustee, or another person identified in writing by the Commission who the Commission reasonably believes is or, as the case may be, will be associated with the ownership or management of the operations of an eGambling licensee or a certificate holder,

"executive officer", of a company, means a person who is concerned with, or takes part in, the company's management, whether or not the person is a director or the person's position is given the name of executive officer,

"eGambling" means gambling where the gambling transaction with an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] is effected remotely by a customer by means of a telecommunication device,

"eGambling licence" means a Category 1 eGambling licence, a Category 2 eGambling licence and a Temporary eGambling licence,

"eGambling licensee" means a person who holds an eGambling licence,

"foreign company" means a company that is not an Alderney company,

[...]

"former associate certificate" means a certificate issued to an associate under section 7 of the 2006 Ordinance,

"full eGambling licence" means an eGambling licence issued under section 7 of the 2006 Ordinance (by which the holder is permitted to conduct eGambling at any time),

[**"gambling business associate"** means a business associate who –

- (a) contracts [(either directly or through a contract or other

arrangement with a third party)) with a –

- (i) [Category 1 eGambling licensee or Category 1 associate certificate holder], in an arrangement whereby the business associate effects the gambling transaction on behalf of the Category 1 eGambling licensee,
- (ii) [Category 1 eGambling licensee or Category 1 associate certificate holder], in an arrangement whereby the Category 1 eGambling licensee organises or promotes a gambling transaction on behalf of the business associate, or [...]
- (iii) Category 2 eGambling licensee or a Category 2 associate certificate holder, in an arrangement whereby the Category 2 eGambling licensee or Category 2 associate certificate holder effects the gambling transaction on behalf of the business associate, [or]
- [(iv) Category 2 eGambling licensee or a Category 2 associate certificate holder, in any arrangement whereby the business associate effects the gambling transaction on behalf of the Category 2 eGambling licensee or Category 2 associate certificate holder, and]

(b) is not –

- (i) the holder of an [eGambling licence, a Category

1 associate certificate or a Category 2 associate certificate], or

- (ii) another company within the same group of companies as the holder of the [eGambling licence, Category 1 associate certificate or Category 2 associate certificate] that the business associate has contracted with,]

"gambling equipment" means a machine or other device, whether electronic, electrical or mechanical, computer software, or another thing, used, or suitable for use, in eGambling,

"gambling transaction" means a transaction involving any form of betting, gaming and wagering and participation in any lottery,

"Guernsey" means the Island of Guernsey and includes Herm and Jethou,

"hosting certificate" means a certificate issued under section 7 to a person authorising it to accommodate gambling equipment in approved premises,

"internal control system" means a system of controls and administrative and accounting procedures used for the conduct of eGambling,

"key individual" means a person who –

- (a) occupies or acts in a position designated in [an eGambling licensee's, a Category 1 associate certificate holder's or a Category 2 associate certificate holder's]

approved internal control system as a key position,

- (b) is an associate, or occupies or acts in a managerial position, or carries out managerial functions, or is in a position to control or exercise significant influence over the operations conducted under an [eGambling licence, a Category 1 associate certificate or a Category 2 associate certificate], designated by the Commission,

"key individual certificate" means a certificate issued under section 7 to a key individual enabling him to perform functions for, or on behalf of, an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder],

"the Law" means the Gambling (Alderney) Law, 1999, as amended^d,

[**"licensed activity"** means any gambling transaction organised, promoted or effected by an eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder in exercise of its eGambling licence, Category 1 associate certificate or Category 2 associate certificate, as the case may be,]

[**"licensing objectives"** means the objectives set out in section 3A,]

[**"money laundering"** means doing any act which –

- (a) constitutes an offence under section 38, 39 or 40 of the Criminal Justice (Proceeds of Crime) (Bailiwick of

^d Order in Council No. XIV of 1999; No. XXVII of 2001; Ordinance No. XVI of 2003.

Guernsey) Law, 1999,

- (b) constitutes an offence under section 57, 58 or 59 of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000,
- (c) constitutes an attempt, conspiracy or incitement to commit an offence specified in paragraph (a) or (b),
- (d) constitutes aiding, abetting, counselling or procuring the commission of an offence specified in paragraph (a) or (b),
- (e) would, in the case of an act done otherwise than in the Bailiwick of Guernsey, constitute an offence specified in paragraph (a), (b), (c) or (d) if done in the Bailiwick of Guernsey,

irrespective of the value of any property or the amount of any money involved and, for the purposes of this definition –

- (f) having possession of any property shall be taken to be doing an act in relation to it, and
- (g) if the context allows, a reference to money laundering includes a reference to the funding of terrorism,]

"net gaming yield" in relation to an [eGambling licensee or Category 1 certificate holder] means the gross sum received by the [eGambling licensee or Category 1 certificate holder] as a result of the licensed activity, after deduction of –

- (a) winnings and prizes paid or payable to a customer, and
- (b) such sums paid out by the [eGambling licensee or Category 1 certificate holder] pursuant to contractual revenue sharing arrangements that the Commission considers to be bona fide and at arms length,

and shall be calculated by reference to regulations made by the Commission under this Ordinance,

"ordinary investigation" means a general investigation carried out periodically by the Commission in relation to an [eGambling licensee's or associate certificate holder's] operations and, where applicable, those parts of the operations undertaken by an associate,

"promoter" means a person who undertakes preparatory work, including, without limitation, making an application under this Ordinance, for the purpose of fostering the grant of an eGambling licence or certificate by the Commission to an entity which may lawfully hold that eGambling licence or certificate,

"restricted use eGambling licence" means an eGambling licence issued under section 7 of the 2006 Ordinance (by which the holder is only permitted to conduct eGambling in accordance with certain limitations imposed by it),

"special investigation" means an investigation for a specific purpose arising outside the ambit of an ordinary investigation,

"telecommunication device" means –

- (a) a computer adapted for communicating by way of the internet or another communications network, or
- (b) a telephone, or
- (c) a television receiver adapted to allow the user to transmit information by way of a cable television network, a satellite or another communications network, or
- (d) any other electronic device or thing for communicating at a distance, and

["**Temporary eGambling licence**" means an eGambling licence issued under section 7 by which the holder is only permitted to conduct eGambling in accordance with the limitations imposed by section 20,]

["**terrorist financing**" means doing any act which –

- (a) constitutes an offence under section 8, 9, 10 or 11 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002, section 9, 10, 11, 12 or 13 of the Terrorist Asset Freezing (Bailiwick of Guernsey) Law, 2011, section 1 of the Afghanistan (Restrictive Measures) (Alderney) Ordinance, 2011, section 1 of the Afghanistan (Restrictive Measures) (Guernsey) Ordinance, 2011, section 1 of the Afghanistan (Restrictive Measures) (Sark) Ordinance, 2011, section 1 of the Al-Qaida (Restrictive Measures) (Alderney) Ordinance, 2013, section 1 of the Al-Qaida (Restrictive Measures) (Guernsey) Ordinance, 2013, section 1 of the Al-Qaida

(Restrictive Measures) (Sark) Ordinance, 2013, and in those sections the "purposes of terrorism" include, to the extent that they do not already do so –

- (i) any attempt, conspiracy or incitement to carry out terrorism within the meaning of section 1 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002, or
 - (ii) aiding, abetting, counselling or procuring the carrying out of such terrorism,
- (b) constitutes an attempt, conspiracy or incitement to commit an offence specified in paragraph (a),
 - (c) constitutes aiding, abetting, counselling or procuring the commission of an offence specified in paragraph (a), or
 - (d) would, in the case of an act done otherwise than in the Bailiwick of Guernsey, constitute an offence specified in paragraph (a), (b) or (c) if done in the Bailiwick of Guernsey,

irrespective of the value of the property involved, and for the purposes of this definition, having possession of any property shall be taken to be doing an act in relation to it.]

"2006 Ordinance" means the Alderney eGambling Ordinance 2006,

as amended^e.

(2) Unless the context otherwise requires, a reference in this Ordinance to any enactment includes a reference to that enactment as amended, repealed and replaced, extended or applied by or under any enactment including this Ordinance.

(3) The Interpretation (Guernsey) Law, 1948^f applies to the interpretation of this Ordinance as it applies to the interpretation of an enactment in force in Guernsey.

NOTES

In section 30,

the definitions of the expressions, first, "annual gambling business association fee" and, second, "gambling business associate" in subsection (1) were inserted, third, the words in the first pair of square brackets and, fourth, the words in the second pair of square brackets in the definition of the expression "licensed activity" in subsection (1) were inserted by the Alderney eGambling (Amendment) Ordinance, 2015, respectively section 3(a), section 3(b), section 3(c)(i) and section 3(c)(ii), with effect from 1st April, 2015, subject to the savings and transitional provisions in section 6 of and the Schedule to the 2015 Ordinance;

the words in, first, the first pair of square brackets within the definition of the expression "annual gambling business association fee" and in square brackets in the definition of the expression "key individual certificate" in subsection (1) and, second, in the second pair of square brackets within the definition of the expression "annual gambling business association fee" and in square brackets in the definition of the expression "eGambling" in subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2, respectively subsection (6) and subsection (12), with effect from 10th January, 2018;¹⁵

first, the words in square brackets in the definitions of the

^e Ordinance No. VI of 2006, Ordinance No. XIII of 2007, Ordinance No. XI of 2008.

^f Ordres en Conseil Vol. XIII, p. 355.

expressions "approved premises" and "ordinary investigation" in subsection (1) were substituted and, second, the words in the first pair of square brackets in the definition of the expression "associate certificate" in subsection (1) were inserted, the word omitted in square brackets at the end of paragraph (a) of that definition was repealed and paragraph (ab) of that definition was inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(16), respectively paragraph (a) and paragraph (b), with effect from 10th January, 2018;

the words "Category 2 associate certificate" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance;

the words omitted in square brackets in, first, paragraph (b) of the definition of the expression "associate certificate" in subsection (1) and, second, immediately after the definition of the expression "foreign company" in subsection (1) were repealed by the Alderney eGambling (Amendment) Ordinance, 2013, section 5, respectively paragraph (a) and paragraph (c), with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance;

the definition of the expression "Category 1 associate certificate" in subsection (1) was inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(16)(c), with effect from 10th January, 2018;

the definition of the expression "Category 2 associate certificate" in subsection (1) was inserted by the Alderney eGambling (Amendment) Ordinance, 2013, section 5(b), with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance;

the words in square brackets in the definitions of the expressions "certificate" and "certificate holder" in subsection (1) were inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(16)(d), with effect from 10th January, 2018;

first, the words in the first pair of square brackets in the definition of the expression "customer" in subsection (1) and, second, the words in the second and third pairs of square brackets within paragraphs (a)(i) and (ii) of the definition of the expression "gambling business associate" in subsection (1) were inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(16)(e), with effect from 10th January, 2018;

the words in the second pair of square brackets in the definition of the expression "customer" in subsection (1) were inserted by the Alderney eGambling (Amendment) Ordinance, 2010, section 3, with effect from 21st July, 2010;

the words in, first, the first pair of square brackets in paragraph (a) within the definition of the expression "gambling business associate" and,

second, in the first and second pairs of square brackets in paragraph (b) within that definition in subsection (1) were, respectively, inserted and substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(16)(f), with effect from 10th January, 2018;

first, the word omitted in the second pair of square brackets in paragraph (a)(ii) of the definition of the expression "gambling business associate" in subsection (1) was repealed, second the word in square brackets in paragraph (a)(iii) thereof was substituted and, third, paragraph (a)(iv) thereof was inserted by the Alderney eGambling (Amendment) (No. 2) Ordinance, 2018, section 1(3), respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 12th September, 2018;

the words in the first and second pairs of square brackets in the definition of the expression "key individual" in subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(16)(g), with effect from 10th January, 2018;¹⁶

the definition of the expression "licensed activity" in subsection (1) was substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(16)(h), with effect from 10th January, 2018;¹⁷

the definitions of the expressions "licensing objectives", "money laundering" and "terrorist financing" in subsection (1) were inserted and the definition of the expression "Temporary eGambling licence" was moved so that it appears immediately after the definition of "telecommunication device" by the Alderney eGambling (Amendment) Ordinance, 2014, section 12, respectively paragraph (a), paragraph (b), paragraph (d) and paragraph (c), with effect from 16th July, 2014;

the words in square brackets in the definition of the expression "net gaming yield" in subsection (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(10), with effect from 10th January, 2018.

The following Regulations have been made under section 30:

Alderney eGambling Regulations, 2009.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Repeals, savings and transitional provisions.

31. (1) The enactments set out in Schedule 1 are hereby repealed.
- (2) ...

NOTE

In section 31, subsection (2) was repealed by the Alderney eGambling (Amendment) Ordinance, 2013, section 6, with effect from 18th July, 2013.

Citation.

32. This Ordinance may be cited as the Alderney eGambling Ordinance, 2009.

Commencement.

33. This Ordinance shall come into force on 1st January, 2010.

SCHEDULE 1

Section 31(1)

REPEALS

Alderney eGambling Ordinance, 2006^g

Alderney eGambling (Amendment) Ordinance, 2007^h

Alderney eGambling (Amendment) Ordinance, 2008ⁱ

g Alderney Ordinance No. VI of 2006.

h Alderney Ordinance No. XIII of 2007.

i Alderney Ordinance No. XI of 2008.

SCHEDULE 2
SAVINGS AND TRANSITIONAL PROVISIONS

Section 31(2)

...

NOTE

Schedule 2 was repealed by the Alderney eGambling (Amendment) Ordinance, 2013, section 7, with effect from 18th July, 2013.

[SCHEDULE 3
FEESSection 8

Column 1 ITEM	Column 2 LICENCE OR CERTIFICATE	Column 3 DESCRIPTION	Column 4 FEE
1	Category 1 eGambling licence	For a licensee with no previous licensed activity in Alderney as a Category 1 eGambling licensee, for its first year	£17,500
2	Category 1 eGambling licence	For a new application which does not satisfy the criteria set out in item 1 of this Table	£35,000
3	Category 1 eGambling licence (Band A)	For renewal by a licensee whose annualised net gaming yield is less than £500,000	£35,000
4	Category 1 eGambling licence (Band B)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £500,000 but is less than £1 million	£60,000
5	Category 1 eGambling licence (Band C)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £1 million but is less than £5 million	£80,000
6	Category 1 eGambling licence (Band D)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £5 million but is less than £7.5 million	£130,000
7	Category 1 eGambling licence (Band E)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £7.5 million but is less than £20 million	£200,000

Consolidated text

8	Category 1 eGambling licence (Band F)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £20 million but is less than £30 million	£290,000
9	Category 1 eGambling licence (Band G)	For renewal by a licensee whose annualised net gaming yield equals or exceeds £30 million	£400,000
10	Category 1 eGambling licence listed in items 3 to 9 (inclusive) of this Table	Annual gambling business association fee	£3,000 per gambling business associate
11	Category 2 eGambling licence	For a licensee with no previous licensed activity in Alderney as a Category 2 eGambling licensee, for its first year	£17,500
12	Category 2 eGambling licence	For a new application which does not satisfy the criteria set out in item 11 of this Table	£35,000
13	Category 2 eGambling licence	For renewal by a licensee	£35,000
14	Category 2 eGambling licence listed in item 13 of this Table	Annual gambling business association fee Where the person who holds the Category 2 eGambling licence also holds a Category 1 eGambling licence (" existing Category 1 eGambling licensee "), the calculation of the annual gambling business association fee (in relation to the Category 2 eGambling licence) shall exclude any gambling business associate reported	£3,000 per gambling business associate

Consolidated text

		by an existing Category 1 eGambling licensee to be associated with the existing eGambling Category 1 licensee.	
15	Temporary eGambling licence	Annual licence fee	£10,000
16	Core services associate certificate		£10,000
[16A	Category 1 associate certificate	For a certificate holder with no previous licensed activity as a Category 1 associate certificate holder, for its first year	£35,000]
[16B	Category 1 associate certificate	For a new application which does not satisfy the criteria set out at Item 16A of this Table	£50,000]
[16C	Category 1 associate certificate	For renewal by a certificate holder	£50,000, and an additional fee as set out at Items 4 to 9 of this Table: see Note]
[16D	Category 1 associate certificate listed in item 16C of this table	Annual gambling business association fee	£3,000 per gambling business associate]
17	Category 2 associate certificate	For a certificate holder with no previous licensed activity as a Category 2 associate certificate	£35,000

		holder, for its first year	
18	Category 2 associate certificate	For a new application which does not satisfy the criteria set out in item 17 of this Table	£50,000
19	Category 2 associate certificate	For renewal by a certificate holder	£50,000
20	Category 2 associate certificate listed in item 19 of this Table	Annual gambling business association fee	£3,000 per gambling business associate
21	Hosting certificate		nil

]

NOTES

Schedule 3 was substituted by the Alderney eGambling (Amendment) Ordinance, 2015, section 4, with effect from 1st April, 2015, subject to the savings and transitional provisions in section 6 of and the Schedule to the 2015 Ordinance.¹⁸

In Schedule 3, Items 16A, 16B, 16C and 16D were inserted by the Alderney eGambling (Amendment) Ordinance, 2018, section 2(17), with effect from 10th January, 2018.

In accordance with the provisions of the Alderney eGambling Regulations, 2009, regulation 265(1), with effect from 1st January, 2010 and for the purposes of this Schedule, "annualised net gaming yield" shall be calculated as set out therein.

1 Prior to its substitution, paragraph (d) of subsection (2) was amended by the Alderney eGambling (Amendment) Ordinance, 2014, section 5(a), with effect from 24th September, 2014.

2 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

3 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

4 The corresponding entry in the Arrangement of Sections was substituted by the Alderney eGambling (Amendment) Ordinance, 2014, section 2(b), with effect from 16th July, 2014.

5 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

6 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

7 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

8 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

9 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

10 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

11 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

12 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

13 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

14 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

15 The words in the definition of the expressions "eGambling" and "key individual certificate" were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

16 These words were previously amended, in part, by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.

17 Prior to this substitution, the definition of the expression "licensed activity" was amended by the Alderney eGambling (Amendment) Ordinance, 2015, section 3(c), with effect from 1st April, 2015, subject to the savings and transitional provisions in section 6 of and the Schedule to the 2015 Ordinance.

18 Prior to its substitution, Schedule 3 was amended by the Alderney eGambling (Amendment) Ordinance, 2013, section 4, with effect from 13th August, 2013, subject to the transitional provisions in section 8 of the 2013 Ordinance.