

ALDERNEY STATUTORY INSTRUMENT

ENTITLED

The Alderney eGambling Regulations, 2009 *

[CONSOLIDATED TEXT]

NOTE

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* A.S.I. No. 1 of 2010; as amended by the: Transfer of Funds (Alderney) Ordinance, 2017 (Alderney Ordinance No. III of 2017); Alderney eGambling (Amendment) (No. 2) Ordinance, 2018 (Alderney Ordinance No. XI of 2018); Alderney eGambling (Amendment) Ordinance, 2020 (Alderney Ordinance No. III of 2020); Alderney eGambling (Amendment) Regulations 2010 (A.S.I. No 5 of 2010); Alderney eGambling (Amendment) (No 2) Regulations, 2010 (A.S.I. No 6 of 2010); Alderney eGambling (Amendment) Regulations, 2011 (A.S.I. No. 3 of 2011); Alderney eGambling (Amendment) Regulations, 2012 (A.S.I. No. 4 of 2012); Alderney eGambling (Amendment) Regulations, 2013 (A.S.I. No. 2 of 2013); Alderney eGambling (Amendment) (No. 2) Regulations, 2013 (A.S.I. No. 3 of 2013); Alderney eGambling (Amendment) (No 3) Regulations 2013 (A.S.I. No. 5 of 2013); Alderney eGambling (Amendment) Regulations, 2014 (A.S.I. No. 4 of 2014); Alderney eGambling (Amendment) (No. 2) Regulations, 2014 (A.S.I. No. I of 2015); Alderney eGambling (Amendment) Regulations, 2015 (A.S.I. No. 3 of 2015); Alderney eGambling (Amendment) Regulations, 2018 (A.S.I. No. 2 of 2018); Alderney eGambling (Amendment) Regulations, 2021 (A.S.I. No. 1 of 2022).

ALDERNEY STATUTORY INSTRUMENT

ENTITLED

The Alderney eGambling Regulations, 2009

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(Made on 15th December, 2009.)

The Alderney eGambling Regulations, 2009

THE ALDERNEY GAMBLING CONTROL COMMISSION, in exercise of the powers conferred upon it by sections 1(2)(c), 4(2), 4(3), 5(3), 6(2), 7(1), 7(2), 10(2), 11, 12(2), 12(5), 14(3), 14(5), 14(6), 15(5), 15(6), 15(7), 15(9), 16(2), 17(1), 18(1), 19(1), 20, 21(3), 22, 27, 30, of the Alderney eGambling Ordinance, 2009 and all other powers thereto enabling, hereby makes the following Regulations: –

PART I

eGAMBLING LICENCES

CHAPTER I

PRELIMINARY

Categories of eGambling licence.

1. These regulations provide for three different categories of eGambling licence –

- (a) Category 1 eGambling licences, that permit the Category 1 eGambling licensee to contract with customers to organise and prepare the customer for gambling, as detailed in Chapter II of this Part,
- (b) Category 2 eGambling licences, that permit the Category 2 eGambling licensee to effect gambling transactions, as detailed in Chapter III of this Part, and
- (c) Temporary eGambling licences, that are primarily designed for temporary use by foreign company

licensees whilst their usual gambling operations are interrupted, as detailed in Chapter IV of this Part.

Interpretation of this Part.

2. (1) In this Part, the terms "**eGambling licence**" and "**licence**" mean, unless otherwise specified or unless the context otherwise requires, an eGambling licence of any category.

(2) The provisions of Chapters V and VI of this Part apply to all categories of eGambling licence, unless otherwise specified or unless the context otherwise requires.

CHAPTER II

CATEGORY 1 eGAMBLING LICENCES

Category 1 eGambling Licences.

3. (1) A Category 1 eGambling licence permits a Category 1 eGambling licensee to contract with customers to organise and prepare the customer to gamble.

(2) Activities that organise and prepare a customer to gamble include, but are not limited to, one or more of the following activities –

- (a) entering into an agreement with the customer,
- (b) registration and verification of the customer,
- (c) [engaging in financial transactions with the customer and the] management of the customer's funds,
- (d) offering or promoting gambling to the customer,

- (e) such other actions that the Commission determines to be activities that may only be carried out by a Category 1 eGambling licensee.

(3) In accordance with section 5 of the Ordinance, a Category 1 eGambling licence may only be held by an Alderney company.

(4) A Category 1 eGambling licensee may not effect a gambling transaction unless it also holds a Category 2 eGambling licence.

NOTE

In regulation 3, the words in square brackets in paragraph (2)(c) were inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 2, with effect from 2nd July, 2010.

General Conditions of Category 1 Licence.

4. A Category 1 eGambling licence issued by the Commission under section 7 of the Ordinance is subject to the following general conditions –

- (a) a Category 1 eGambling licensee shall not [...] allow a customer to gamble with or through, any entity other than –

- (i) a Category 2 eGambling licensee, or

- (ii) the holder of a [Category 2 associate certificate],

unless the customer is notified and warned, in the manner specified in the Category 1 eGambling licensee's approved internal control system, of the

matters specified in section 1(3) of the Ordinance,

- (b) in no circumstances may cash be accepted from a customer by, or on behalf of, the Category 1 eGambling licensee,
- (c) any advertising carried out by, or conducted on behalf of, the Category 1 eGambling licensee –
 - (i) must be truthful,
 - (ii) must not be distasteful,
 - (iii) must not promote gambling by, with or through persons under the age of 18 years, and this factor must be taken into account when determining media selection and placement of the advertising,
 - (iv) must not encourage people to engage in excessive participation in eGambling that would be socially irresponsible or could result in harm to them or others,
 - (v) must not imply or convey any message that a person's status, general abilities or social success can be attributable to gambling,
 - (vi) must not challenge or dare people to participate in eGambling,

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- (vii) must not, having regard to the expected returns to customers through eGambling, promote or suggest any unrealistic expectation of winning,
- (viii) must not bring into disrepute –
 - (A) the Island of Alderney,
 - (B) the Commission, or
 - (C) in any broader context, the Bailiwick of Guernsey, and
- (ix) must comply with any requirements relating to the content or nature of advertising imposed in the jurisdiction covering the target market for that advertising,
- (d) the Category 1 eGambling licensee must appoint an executive officer to fulfil the duties of compliance officer, who will report to the Commission on all compliance matters,
- [(e) the Category 1 eGambling licensee must appoint a money laundering reporting officer in accordance with [Schedule 4 to the Ordinance], who may, but need not be, the compliance officer,]
- (f) the Category 1 eGambling licensee must use reasonable endeavours to keep abreast of international developments as they affect the lawfulness of any form

of eGambling in order, so far as is reasonably practicable, not to allow eGambling where to do so would constitute criminal activity by its customers,

- (g) the Category 1 eGambling licensee must within 48 hours of any serious incident negatively affecting the operation of its eGambling licence notify the Commission in writing of the details and consequences of the incident and of the remedial steps, if any, taken,
- (h) the Category 1 eGambling licensee must give notification in writing to the Commission containing full details within seven days of the occurrence of any of the following relevant events –
 - (i) when the status of any licence or permission however described allowing it, or one of its associates, to conduct or otherwise be involved in any form of gambling in another jurisdiction changes, including (without limitation) where the licence or permission is voluntarily surrendered, made subject to different conditions, suspended or revoked or some other sanction in respect of it is imposed on the holder,
 - (ii) when the beneficial ownership of the licensee, or of any parent company of the licensee, or of any associated company within the group of companies to which the licensee belongs, has changed so that a person's shareholding is, or

becomes, 3% or more,

- (iii) when the licensee decides that it will change the auditors it uses for the purpose of regulation 245, or
 - (iv) when a material change is discovered in the information previously supplied by it to the Commission, whether prior to being granted the licence or subsequently, to which the Commission would be able to have regard in considering whether or not the licensee is a fit and proper person to hold a Category 1 eGambling licence,
- (i) the Category 1 eGambling licensee shall, before it commences to operate under its licence, notify the Commission of the day that such operations are to commence,
 - (j) upon being given reasonable notice, which shall wherever possible be not less than seven days, the Category 1 eGambling licensee shall attend at a meeting of the Commissioners for the purpose set out in the notice,
 - (k) the Category 1 eGambling licensee must maintain and operate its gambling equipment in premises that the Commission is satisfied are suitable and secure at all times, and for this purpose if the gambling equipment is not situated in approved premises controlled by the

holder of a hosting certificate –

- (i) upon request from a duly authorised officer of the Commission about the level of activity being undertaken by the licensee at the premises housing the gambling equipment, the licensee must, as soon as reasonably practicable, provide the information requested or explain why that information cannot be supplied,
- (ii) the licensee must within 48 hours of any serious incident negatively affecting the operations of any service provided to it at the premises housing the gambling equipment notify the Commission in writing of the details and consequences of the incident and of the remedial steps, if any, taken, and
- (iii) the licensee must within seven days of a material change in information previously supplied by it to the Commission in relation to the premises housing the gambling equipment (whether prior to being granted the licence or subsequently), give written notice to the Commission containing full details so that the Commission can assess whether or not the gambling equipment is housed suitably and securely, [...]

[(1) the Category 1 eGambling licensee must have regard to, and meet the requirements of, any relevant guidance,

notice, instruction and counter-measure issued by the Commission which is necessary or expedient for the regulation, good conduct and control of eGambling, including, without limitation, any such guidance, notice, instruction or counter-measure which relates to anti-money laundering and counter terrorist financing.]

[(m) where required for such purpose as the Commission may specify, a Category 1 eGambling licensee shall incorporate, or include, such software on its website, download or application as the Commission may, for that purpose, supply or specify][,] [...]

[(n) the Category 1 eGambling licensee must –

(i) take reasonable steps to identify any improper attempts to influence the outcome of any event upon which gambling may take place, and

(ii) where any such activity is identified –

(A) notify the Commission in writing of the details and consequences (if known) of the activity within 24 hours of identifying such activity, and

(B) co-operate with any investigation, regulatory process or legal proceedings arising from such activity][, and]

[(o) the Category 1 eGambling licensee must at all times

comply with the money laundering and terrorist financing provisions under [Schedule 4 to the Ordinance] and the associated regulations to the extent that such provisions are therein stated to apply to the licensee.]

NOTES

In regulation 4,

the words omitted in square brackets in paragraph (a) were revoked by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 3, with effect from 2nd July, 2010;

the words in square brackets in paragraph (a)(ii) were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013;

paragraph (e) was substituted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 2(a), with effect from 15th May, 2013;

first, the word omitted in square brackets at the end of paragraph (k)(iii) was revoked and, second, paragraph (m) was inserted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 2, respectively paragraph (a), and paragraph (c), with effect from 1st April, 2011;

the words "Schedule 4 to the Ordinance" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(2), with effect from 9th September, 2020;

paragraph (l) was substituted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 2(b), with effect from 15th May, 2013;¹

first, the punctuation at the end of paragraph (m) was substituted and, second, paragraph (n) was inserted by the Alderney eGambling (Amendment) Regulations, 2012, regulation 2, respectively paragraph (b) and paragraph (c), with effect from 24th July, 2012;

first, the word omitted in square brackets at the end of paragraph (m) (which word was originally inserted by the Alderney eGambling (Amendment) Regulations, 2012, regulation 2(c), with effect from 24th July, 2012) was revoked, second, the punctuation and word in square brackets at

the end of paragraph (n) were substituted and, third, paragraph (o) was inserted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 2, respectively paragraph (c), paragraph (d) and paragraph (e), with effect from 15th May, 2013.

CHAPTER III
CATEGORY 2 eGAMBLING LICENCES

Category 2 eGambling Licences.

5. (1) A Category 2 eGambling licence permits a Category 2 eGambling licensee to effect gambling transactions.

(2) Effecting a gambling transaction [means] one or more of the following activities –

- (a) striking a bet,
- (b) housing and recording the random element or gambling transaction outcome, [or]
- (c) operating a system of hardware and software upon which the gambling transaction is conducted,

[and for the avoidance of doubt, "**effecting a gambling transaction**" does not include engaging in a financial transaction with the customer.]

(d) ...

(3) A Category 2 eGambling licensee may –

- (a) operate more than one form of gambling,

- (b) operate multiple gambling platforms,
- (c) operate gambling on behalf of a Category 1 licensee or on behalf of operators based elsewhere in the world, as prescribed by these regulations and any general or special conditions that apply.

(4) In accordance with section 5 of the Ordinance, a Category 2 eGambling licence may only be held by an Alderney company.

(5) A Category 2 eGambling licensee may not contract directly with customers unless it also holds a Category 1 eGambling licence.

NOTE

In regulation 5, the word in the first pair of square brackets in paragraph (2) was substituted, the word in square brackets immediately after paragraph (2)(b) was inserted, paragraph (2)(d) was revoked and the words in square brackets immediately after paragraph (2)(c) were inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 5, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 2nd July, 2010.

General Conditions of Category 2 Licence.

6. A Category 2 eGambling licence issued by the Commission under section 7 of the Ordinance is subject to the following general conditions –

- (a) ...
- (b) in no circumstances may cash be accepted from a customer by, or on behalf of, the Category 2 eGambling licensee,

- (c) any advertising carried out by, or conducted on behalf of, the Category 2 eGambling licensee –
 - (i) must be truthful,
 - (ii) must not be distasteful,
 - (iii) must not promote gambling by, with or through persons under the age of 18 years, and this factor must be taken into account when determining media selection and placement of the advertising,
 - (iv) must not encourage people to engage in excessive participation in eGambling that would be socially irresponsible or could result in harm to them or others,
 - (v) must not imply or convey any message that a person's status, general abilities or social success can be attributable to gambling,
 - (vi) must not challenge or dare people to participate in eGambling,
 - (vii) must not, having regard to the expected returns to customers through eGambling, promote or suggest any unrealistic expectation of winning,
 - (viii) must not bring into disrepute –

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- (A) the Island of Alderney,
 - (B) the Commission, or
 - (C) in any broader context, the Bailiwick of Guernsey, and
- (ix) must comply with any requirements relating to the content or nature of advertising imposed in the jurisdiction covering the target market for that advertising,
- (d) the Category 2 eGambling licensee must appoint an executive officer to fulfil the duties of compliance officer, who will report to the Commission on all compliance matters,
- [(e) the Category 2 eGambling licensee must appoint a money laundering reporting officer in accordance with [Schedule 4 to the Ordinance], who may, but need not be, the compliance officer,]
- (f) the Category 2 eGambling licensee must use reasonable endeavours to keep abreast of international developments as they affect the lawfulness of any form of eGambling in order, so far as is reasonably practicable, not to allow eGambling where to do so would constitute criminal activity by its customer,
- (g) the Category 2 eGambling licensee must within 48 hours of any serious incident negatively affecting the

operation of its Category 2 eGambling licence notify the Commission in writing of the details and consequences of the incident and of the remedial steps, if any, taken,

- (h) the Category 2 eGambling licensee must give notification in writing to the Commission containing full details within seven days of the occurrence of any of the following relevant events –
 - (i) when the status of any licence or permission however described allowing it, or one of its associates, to conduct or otherwise be involved in any form of gambling in another jurisdiction changes, including (without limitation) where the licence or permission is voluntarily surrendered, made subject to different conditions, suspended or revoked or some other sanction in respect of it is imposed on the holder,
 - (ii) when the beneficial ownership of the licensee, or of any parent company of the licensee, or of any associated company within the group of companies to which the licensee belongs, has changed so that a person's shareholding is, or becomes, 3% or more,
 - (iii) when the licensee decides that it will change the auditors it uses for the purpose of regulation 245, or

- (iv) when a material change is discovered in the information previously supplied by it to the Commission, whether prior to being granted the licence or subsequently, to which the Commission would be able to have regard in considering whether or not the licensee is a fit and proper person to hold a Category 2 eGambling licence,
- (i) the Category 2 eGambling licensee shall, before it commences to operate under its licence, notify the Commission of the day that such operations are to commence,
- (j) upon being given reasonable notice, which shall wherever possible be not less than seven days, the Category 2 eGambling licensee shall attend at a meeting of the Commissioners for the purpose set out in the notice, [...]
- (k) the Category 2 eGambling licensee must maintain and operate its gambling equipment in premises that the Commission is satisfied are suitable and secure at all times, and for this purpose if the gambling equipment is not situated in approved premises controlled by the holder of a hosting certificate –
 - (i) upon request from a duly authorised officer of the Commission about the level of activity being undertaken by the licensee at the premises

housing the gambling equipment, the licensee must, as soon as reasonably practicable, provide the information requested or explain why that information cannot be supplied,

- (ii) the licensee must within 48 hours of any serious incident negatively affecting the operations of any service provided to it at the premises housing the gambling equipment notify the Commission in writing of the details and consequences of the incident and of the remedial steps, if any, taken, and
- (iii) the licensee must within seven days of a material change in information previously supplied by it to the Commission in relation to the premises housing the gambling equipment (whether prior to being granted the licence or subsequently), give written notice to the Commission containing full details so that the Commission can assess whether or not the gambling equipment is housed suitably and securely[.]

[[1) the Category 2 eGambling licensee must have regard to, and meet the requirements of, any relevant guidance, notice, instruction and counter-measure issued by the Commission which is necessary or expedient for the regulation, good conduct and control of eGambling, including, without limitation, any such guidance, notice, instruction or counter-measure which relates to

anti-money laundering and counter terrorist financing,]

- (m) the Category 2 eGambling licensee shall not effect gambling transactions on behalf of an operator who is not a [Category 1 eGambling licensee or Category 1 associate certificate holder] unless that operator –
 - (i) has been approved by the Commission as a business associate that is a fit and proper person to be associated with the Category 2 eGambling licensee in accordance with regulation 22, and
 - (ii) complies with all of the requirements set out in [paragraph 14(2) of Schedule 4 to the Ordinance]][,] [...]
- (n) where required for such purpose as the Commission may specify, a Category 2 eGambling licensee shall incorporate in, or include on, its website, download or application such software as the Commission may, for that purpose, supply or specify][,] [...]
- (o) the Category 2 eGambling licensee must –
 - (i) take reasonable steps to identify any improper attempts to influence the outcome of any event upon which gambling may take place, and
 - (ii) where any such activity is identified –
 - (A) notify the Commission in writing of the

details and consequences (if known) of the activity within 24 hours of identifying such activity, and

(B) co-operate with any investigation, regulatory process or legal proceedings arising from such activity][, and]

[(p) the Category 2 eGambling licensee must at all times comply with the money laundering and terrorist financing provisions under [Schedule 4 to the Ordinance] and the associated regulations to the extent that such provisions are therein stated to apply to the licensee.]

NOTES

In regulation 6,

paragraph (a) was revoked by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 6(a), with effect from 2nd July, 2010;

paragraph (e) and paragraph (l) (which latter was originally inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 6(d), with effect from 2nd July, 2010) were substituted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 3, respectively paragraph (a) and paragraph (b), with effect from 15th May, 2013;²

the words, first, "Schedule 4 to the Ordinance" and, second, "paragraph 14(2) of Schedule 4 to the Ordinance" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(3), with effect from 9th September, 2020;³

first, the word omitted in square brackets at the end of paragraph (j) was revoked, second, the punctuation in square brackets at the end of paragraph (k)(iii) was substituted and, third, the words in square brackets after paragraph (k) were inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 6, respectively paragraph (b),

paragraph (c) and paragraph (d), with effect from 2nd July, 2010;

the words in square brackets within paragraph (m) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the punctuation in square brackets immediately after paragraph (m) was substituted and paragraph (n) was inserted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 3, respectively paragraph (b) and paragraph (c), with effect from 1st April, 2011;

first, the word omitted in square brackets immediately after paragraph (m) (which word was originally inserted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 3(c), with effect from 1st April, 2011) was revoked, second, the punctuation in square brackets immediately after paragraph (n) was substituted and, third, paragraph (o) was inserted by the Alderney eGambling (Amendment) Regulations, 2012, regulation 3, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 24th July, 2012;

first, the word omitted in square brackets immediately after paragraph (n) (which word was originally inserted by the Alderney eGambling (Amendment) Regulations, 2012, regulation 3(c), with effect from 24th July, 2012) was revoked, second, the punctuation and word in square brackets immediately after paragraph (o) were substituted and, third, paragraph (p) was inserted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 3, respectively paragraph (c), paragraph (d) and paragraph (e), with effect from 15th May, 2013.

CHAPTER IV

TEMPORARY eGAMBLING LICENCES

Temporary eGambling Licences.

7. (1) A Temporary eGambling licence permits a foreign company licensee to act both as a Category 1 eGambling licensee to contract with customers to organise and prepare the customer to gamble as prescribed by regulation 3(2) and as a Category 2 eGambling licensee to effect a gambling transaction as prescribed in regulation 5(2); for a limited period only for the specific purposes set out in these regulations and the conditions attached to the licence.

(2) Subject to these regulations and any special conditions attached

to its licence, whilst operating under its Temporary eGambling licence the Temporary eGambling licensee shall have all the rights and obligations of a Category 1 eGambling licensee or a Category 2 eGambling licensee, as the case may be, unless a contrary intention is expressed or required by the circumstances or context.

(3) In accordance with section 5(4) of the Ordinance a Temporary eGambling licence may not be held by an Alderney company.

General conditions attaching to Temporary eGambling licence.

8. (1) A Temporary eGambling licence issued by the Commission under section 7 of the Ordinance is subject to the following conditions –

- (a) a Temporary eGambling licensee must hold, and continue to hold, a licence or permission (however described) from some other jurisdiction allowing it to conduct an equivalent form of eGambling to that which it proposes to conduct under its Temporary eGambling licence,
- (b) in no circumstances may cash be accepted from a customer by, or on behalf of, the Temporary eGambling licensee,
- (c) any advertising carried out by, or conducted on behalf of, the Temporary eGambling licensee whilst operating under that Temporary eGambling licence and coming to the attention of the Commission –
 - (i) must be truthful,
 - (ii) must not be distasteful,

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- (iii) must not promote gambling by, with or through persons under the age of 18 years, and this factor must be taken into account when determining media selection and placement of the advertising,
- (iv) must not encourage people to engage in excessive participation in eGambling that would be socially irresponsible or could result in harm to them or others,
- (v) must not imply or convey any message that a person's status, general abilities or social success can be attributable to gambling,
- (vi) must not challenge or dare people to participate in eGambling,
- (vii) must not, having regard to the expected returns to customers through eGambling, promote or suggest any unrealistic expectation of winning,
- (viii) must not bring into disrepute –
 - (A) the Island of Alderney,
 - (B) the Commission or,
 - (C) in any broader context, the Bailiwick of Guernsey, and

- (ix) must comply with any requirements relating to the content or nature of advertising imposed in the jurisdiction covering the target market for that advertising,
- (d) the Temporary eGambling licensee must use reasonable endeavours to keep abreast of international developments as they affect the lawfulness of any form of eGambling in order, so far as is reasonably practicable, not to allow eGambling when it exercises its Temporary eGambling licence where to do so would constitute criminal activity by its customers,
- (e) the Temporary eGambling licensee must give notification in writing to the Commission containing full details within seven days of any of the following relevant events –
 - (i) when the status of any licence or permission however described allowing it, or one of its associates, to conduct or otherwise be involved in any form of gambling in another jurisdiction changes, including (without limitation) where the licence or permission is voluntarily surrendered, made subject to different conditions, suspended or revoked or some other sanction in respect of it is imposed on the holder,
 - (ii) when the beneficial ownership of the licensee,

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or of any parent company of the licensee, or of any associated company within the group of companies to which the licensee belongs, has changed so that a person's shareholding is, or becomes, 3% or more,

- (iii) when the licensee decides that it will change the auditors it uses for the purpose of regulation 245, or
 - (iv) when a material change is discovered in the information previously supplied by it to the Commission, whether prior to being granted the licence or subsequently, to which the Commission would be able to have regard in considering whether or not the licensee is a fit and proper person to hold a Temporary eGambling licence,
- (f) upon being given reasonable notice, which shall wherever possible be not less than seven days, the Temporary eGambling licensee shall attend at a meeting of the Commissioners for the purpose set out in the notice,
- (g) the Temporary eGambling licensee must maintain and operate its gambling equipment in premises that the Commission is satisfied are suitable and secure at all times, and for mis purpose if the gambling equipment is not situated in approved premises controlled by the holder of a hosting certificate –

- (i) upon request from a duly authorised officer of the Commission about the level of activity being undertaken by the licensee at the premises housing the gambling equipment, the licensee must, as soon as reasonably practicable, provide the information requested or explain why that information cannot be supplied,
 - (ii) the licensee must within 48 hours of any serious incident negatively affecting the operations of any service provided to it at the premises housing the gambling equipment notify the Commission in writing of the details and consequences of the incident and of the remedial steps, if any, taken, and
 - (iii) the licensee must within 7 days of a material change in information previously supplied by it to the Commission in relation to the premises housing the gambling equipment (whether prior to being granted the licence or subsequently), give written notice to the Commission containing full details so that the Commission can assess whether or not the gambling equipment is housed suitably and securely,
- (h) the Temporary eGambling licensee must, at all times whilst operating under its Temporary eGambling licence, operate under an internal control system that provides a safe, secure and fair system for the conduct

of gambling, [...]

- (i) the Temporary eGambling licensee must, at all times whilst operating under its Temporary eGambling licence, only utilise gambling equipment that is safe, secure and fair to conduct its business of facilitating or effecting gambling transactions[,] [...]
- (j) where required for such purpose as the Commission may specify, a Temporary eGambling licensee shall incorporate in, or include on, its website, download or application such software as the Commission may, for that purpose, supply or specify[,] [...]
- (k) the Temporary eGambling licensee must –
 - (i) take reasonable steps to identify any improper attempts to influence the outcome of any event upon which gambling may take place, and
 - (ii) where any such activity is identified –
 - (A) notify the Commission in writing of the details and consequences (if known) of the activity within 24 hours of identifying such activity, and
 - (B) co-operate with any investigation, regulatory process or legal proceedings arising from such activity[,] [and

- (l) the Temporary eGambling licensee must appoint an executive officer to fulfil the duties of compliance officer, who will report to the Commission on all compliance matters,
- (m) the Temporary eGambling licensee must appoint a money laundering reporting officer in accordance with [Schedule 4 to the Ordinance], who may, but need not be, the compliance officer,
- (n) the Temporary eGambling licensee must within 48 hours of any serious incident negatively affecting the operation of its eGambling licence notify the Commission in writing of the details and consequences of the incident and of the remedial steps, if any, taken,
- (o) the Temporary eGambling licensee must have regard to, and meet the requirements of, any relevant guidance, notice, instruction and counter-measure issued by the Commission which is necessary or expedient for the regulation, good conduct and control of eGambling, including, without limitation, any such guidance, notice, instruction or counter-measure which relates to anti-money laundering and counter terrorist financing, and
- (p) the Temporary eGambling licensee must at all times comply with the money laundering and terrorist financing provisions under [Schedule 4 to the Ordinance] and the associated regulations to the extent that such provisions apply to a Temporary eGambling

licensee.]

[(1A) A Temporary eGambling licensee is also subject to the conditions which apply to a Category 1 eGambling licensee under regulation 4(a) and/or a Category 2 eGambling licensee under regulation 6(m), as the case may be, unless a contrary intention is expressed or required by the circumstances or context.]

(2) Pursuant to section 14(5) of the Ordinance, the following provisions shall apply with respect to the internal control system of a Temporary eGambling licensee –

- (a) regulation 175 is the only regulation within Chapters I and II of Part V that shall apply to a Temporary eGambling licensee,
- (b) when submitting its application under regulation 16 or upon request made by the Commission at any time, the Temporary eGambling licensee shall provide details of its internal control system and demonstrate how it operates under that internal control system,
- (c) the Commission shall evaluate the Temporary eGambling licensee's internal control system to determine that it contains all of the information required by regulation 175, and
- (d) the Commission shall decide if it is satisfied that the internal control system used by the Temporary eGambling licensee provides a safe, secure and fair system for the conduct of eGambling and in making that decision the Commission shall take into account

whether the internal control system –

- (i) satisfies the requirements of the Ordinance and these regulations,
- (ii) is capable of providing satisfactory and effective control over the conduct of any form of eGambling the Temporary eGambling licensee proposes to operate, and
- (iii) complies with the internal control system requirements of the primary licensing authority of the jurisdiction referred to in regulation 8(1)(a).

(3) Pursuant to section 15(9) of the Ordinance, the following provisions shall apply with respect to the gambling equipment of a Temporary eGambling licensee –

- (a) Chapters III and IV of Part V of these regulations shall not apply to a Temporary eGambling licensee,
- (b) when submitting its application under regulation 16 or upon request made by the Commission at any time, the Temporary eGambling licensee shall provide full details of its gambling equipment, and
- (c) the Commission shall decide if it is satisfied that the gambling equipment that the Temporary eGambling licensee utilises to conduct its business of facilitating or effecting gambling transactions is safe, secure and fair

and in making that decision the Commission shall take into account whether –

- (i) the equipment is in use in other situations and is known to be generally suitable,
- (ii) the equipment has been approved by the Commission or by some other authority that has adopted operating standards equivalent to those approved by the International Association of Gambling Regulators, and
- (iii) the equipment is technically and operationally capable of being –
 - (A) utilised safely, securely and fairly, when taken both individually and collectively, in the conduct of any form of eGambling the licensee proposes to operate, and
 - (B) interrogated, and subjected to audit, by, or on behalf of, the Commission, whether in accordance with monitoring conducted under regulation 249 or otherwise.

NOTES

In regulation 8,

the word omitted in square brackets in paragraph (1)(h) was revoked, the punctuation at the end of paragraph (1)(i) was substituted and paragraph (1)(j) was inserted by the Alderney eGambling (Amendment)

Regulations, 2011, regulation 4, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 1st April, 2011;

the word omitted in square brackets in paragraph (1)(i) (which word was originally inserted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 4(c), with effect from 1st April, 2011) was revoked, the punctuation in square brackets at the end of paragraph (1)(j) was substituted and paragraph (1)(k) was inserted by the Alderney eGambling (Amendment) Regulations, 2012, regulation 4, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 24th July, 2012;

the word omitted in square brackets in paragraph (1)(j) (which word was originally inserted by the Alderney eGambling (Amendment) Regulations, 2012, regulation 4(c), with effect from 24th July, 2012) was revoked, the punctuation in square brackets at the end of paragraph (1)(k) was substituted and paragraph (1)(l), paragraph (1)(m), paragraph (1)(n), paragraph (1)(o) and paragraph (1)(p), the word immediately after paragraph (1)(k) and paragraph (1A) were inserted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 4, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 15th May, 2013;

the words "Schedule 4 to the Ordinance" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(2), with effect from 9th September, 2020.

General requirement for exercise of Temporary eGambling licence.

9. (1) Unless a Temporary eGambling licensee is given an exemption or dispensation contained in a written notice given to it by the Commission under this regulation, whether at the same time as its Temporary eGambling licence is issued under section 7 of the Ordinance or subsequently, it shall comply with all the requirements imposed on an eGambling licensee under the Ordinance and these Regulations.

(2) An application for an exemption or dispensation in accordance with paragraph (1) shall be made by letter signed by a duly authorised officer of an applicant for a Temporary eGambling licence or, as the case may be, of a Temporary eGambling licensee, setting out the reason for the application and delivered to the offices of the Commission.

(3) After consideration of the application under paragraph (2), the Commission may grant or refuse the application for an exemption or dispensation and shall give the applicant written notice of its decision and the reasons for it.

Notification of exercise of licence.

10. (1) Before, or within one hour of, commencing to exercise its Temporary eGambling licence, a Temporary eGambling licensee shall notify the Commission of its intention to, or its actual, exercise of that licence and the reason for its exercise.

(2) In the first instance, the notification required by paragraph (1) shall be by email communication to the email address of the Commission specified on its website.

(3) As soon as reasonably practicable after complying with paragraph (2), a letter signed by a duly authorised officer of the Temporary eGambling licensee shall be sent to the offices of the Commission confirming the precise time at which it commenced to exercise its licence.

Notification of cessation of exercise of licence.

11. (1) At, or within one hour of, ceasing to exercise its Temporary eGambling licence, a Temporary eGambling licensee shall notify the Commission of this fact and the reason for ceasing to exercise the licence.

(2) In the first instance, the notification required by paragraph (1) shall be by email communication to the email address of the Commission specified on its website.

(3) As soon as reasonably practicable after complying with paragraph (2), a letter signed by a duly authorised officer of the Temporary

eGambling licensee shall be sent to the offices of the Commission confirming the precise time at which it ceased to exercise its licence.

Computation of period of exercise of licence.

12. For the purpose of computing the number of days during which a Temporary eGambling licence has been exercised by the licensee, the exercise of the licence at any time, however short or long, between midnight and the midnight following, as those times occur in Alderney, shall be computed as the licence being exercised for one day.

Circumstances in which application for Category 1 or 2 eGambling licence must be made.

13. (1) Where a Temporary eGambling licence has been exercised –
- (a) for 30 days continuously, or
 - (b) for an aggregate of 60 days in any six month period,

the Temporary eGambling licensee shall forthwith cause a company to be incorporated in accordance with the Companies (Alderney) Law, 1994^a in order for that company to submit an application for a Category 1 eGambling licence and/or Category 2 eGambling licence in accordance with regulation 16(1), and if the Temporary eGambling licensee fails to comply with this requirement, the Commission may give the Temporary eGambling licensee notice in writing (a "**conversion notice**") requiring it within 42 days of receipt of the conversion notice to comply with the requirements of this paragraph.

- (2) If, before the expiry of the period specified in the conversion

^a Order in Council Nos. XXXIV of 1994, 1 of 2001, XV of 2002.

notice, a Temporary eGambling licensee believes that it will not be able to comply with the requirements of the conversion notice, it may, by making application to the Commission by letter signed by a duly authorised officer of the licensee, seek an extension of the 42-day period.

(3) The Commission shall give the Temporary eGambling licensee written notice of its decision under paragraph (2) and of the reasons for it.

Effect of compliance with conversion notice.

14. (1) A Temporary eGambling licensee which complies with the requirements of regulation 13 may continue to exercise its Temporary eGambling licence until the application made for a Category 1 eGambling licence and/or Category 2 eGambling licence has been determined by the Commissioners.

(2) On the day on which the Commissioners determine the application made for a Category 1 eGambling licence and/or Category 2 eGambling licence, the Temporary eGambling licensee shall be deemed to have surrendered its Temporary eGambling licence without the requirement for a surrender notice in accordance with regulation 40.

Consequences of non-compliance with conversion notice.

15. A Temporary eGambling licensee which fails to comply with the conversion notice given in accordance with regulation 13 shall be deemed to have surrendered its Temporary eGambling licence on the third day after the expiry of the period for compliance with the conversion notice, without the requirement for a surrender notice in accordance with regulation 40.

CHAPTER V

GENERAL PROVISIONS FOR eGAMBLING LICENCES

DIVISION 1

INITIAL LICENCE APPLICATION

Submission of application.

16. (1) An application for an eGambling licence shall be made in writing by completing the application form in Schedule 1 and the notice in the form set out in Schedule 2, signed by a duly authorised officer of the applicant and delivered to the offices of the Commission.

(2) Before making an application in accordance with paragraph (1), a person intending to apply for an eGambling licence, or a person acting on behalf of a prospective applicant, may submit to the Commission, in electronic or paper format, all or part of the application form in Schedule 1 for the purposes specified in regulation 20(2).

Initial deposit of investigation monies.

17. (1) Before, or at the time of, the submission of an application for an eGambling licence, the relevant sum of money specified under Schedule 21 of these regulations shall be deposited with the Commission by, or on behalf of, the applicant.

(2) The Commission is permitted to draw from the money deposited under paragraph (1) the costs associated with processing, investigating and determining that application.

Publication of Gazette notice.

18. An applicant for a Category 1 eGambling licence and/or Category 2 eGambling licence shall cause a notice in the form set out in Schedule 2 containing the information required thereon to be published in the edition of the Alderney Official Gazette next following the date of its application.

Display on Commission's website.

19. Following receipt of an application for an eGambling licence, the Commission shall post and thereafter continuously display a copy of the applicant's notice in the form set out in Schedule 2 on its website until the application is withdrawn by the applicant or determined by the Commission.

Commencement of investigations.

20. (1) When an applicant has complied with regulations 16(1) and 17, the Commission shall make arrangements to investigate the applicant and, where applicable, any associate of the applicant in order to assess whether the applicant appears to be a fit and proper person to hold an eGambling licence.

(2) If a person submits all or part of an application form in accordance with regulation 16(2) and complies with regulation 17, at the request of that person, the Commission may make arrangements to commence an investigation in accordance with paragraph (1) insofar as that is practicable from the information supplied, pending compliance with regulation 16(1).

Criteria against which applicant assessed.

21. (1) In deciding whether an applicant for an eGambling licence is a fit and proper person to hold that licence, the Commissioners shall have regard to the following matters –

- (a) the applicant's character,
- (b) the applicant's business reputation,
- (c) the applicant's current financial position and financial background,
- (d) whether the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure,

- (e) whether an associate of the applicant satisfies regulation 22,
- (f) whether the applicant has, or is able to obtain, appropriate resources and appropriate services,
- (g) whether the applicant has the appropriate business ability to conduct eGambling successfully under an eGambling licence, and
- (h) the manner in which the applicant currently conducts any form of eGambling in any jurisdiction (if at all).

(2) In deciding whether an applicant for an eGambling licence is a fit and proper person to hold that licence, the Commissioners may have regard to any other licence or permission however described allowing the applicant, or an associate of the applicant, to conduct any form of gambling lawfully in Alderney or another jurisdiction.

(3) Sub-paragraphs (d), (f) and (g) of paragraph (1) do not apply to applicants for a Temporary eGambling licence.

Criteria against which associate assessed.

22. (1) In deciding whether an associate of an applicant for an eGambling licence is a fit and proper person to be associated with the operations proposed by the applicant –

- (a) an associate who holds an associate certificate or, as the case may be, a hosting certificate shall without further investigation be regarded as having satisfied the

Commissioners that it is a fit and proper person to be associated with an eGambling licensee's operations, and

- (b) where an associate does not hold an associate certificate or a hosting certificate, the Commissioners shall have regard to the following matters –
 - (i) the associate's character,
 - (ii) the associate's business reputation,
 - (iii) the associate's current financial position and financial background, and
 - (iv) where applicable, whether the associate has the appropriate business ability to assist the applicant to conduct eGambling successfully under an eGambling licence.

(2) Where an associate of an applicant for a Category 1 eGambling licence or Category 2 eGambling licence holds a Temporary eGambling licence issued under section 7 of the Ordinance, the Commission shall take that into account for the purposes of paragraph (1)(a) as if that Temporary eGambling licensee held an associate certificate.

Objection to application for Category 1 or 2 eGambling licence.

23. (1) Where the Commission receives any representation made as a result of the publication or display of the notices required by regulations 18 and 19 which raises any objection to the grant of a Category 1 eGambling licence or Category 2 eGambling licence, a duly authorised officer of the Commission shall enquire of the person making the representation whether he wishes to make oral

representations at a hearing before the Commissioners or whether he is content for the Commissioners to take into account his objection, including any further written representations he may wish to submit within 14 days of receipt of the enquiry, without the need for a hearing.

(2) If the person making the objection elects to make oral representations, the Commission shall, by giving at least 14 days' notice of the hearing to the applicant and the person raising the objection, appoint a date, time and place for the hearing.

(3) At a hearing under paragraph (2) –

- (a) the person raising the objection shall make his representations and the applicant shall respond,
- (b) a duly authorised officer of the Commission shall be entitled to ask questions of either person,
- (c) the parties and the duly authorised officer may appear in person or through any representative, and
- (d) the Commissioners may ask questions of any party present at the hearing.

(4) Unless the Commissioners otherwise direct, a hearing under paragraph (2) shall be held in public in Alderney.

Request for further information.

24. At any time before an application for an eGambling licence is determined by the Commission, an officer or servant of the Commission may request from the applicant or, with the applicant's prior permission, from some other person

such further information or documentation as the officer or servant considers necessary to enable a proper assessment of the application to be made.

Requirement for further information.

25. (1) Whether or not a request in accordance with regulation 24 has been made, a duly authorised officer of the Commission may, by notice in writing given to the applicant, require the applicant to supply to the Commission such further information or documentation as may reasonably be required to make a proper assessment of the application.

(2) Where a notice under paragraph (1) has been given, the Commission –

- (a) is not required to determine the application until the notice has been complied with,
- (b) may, if the applicant fails to comply with the notice under paragraph (1) within a reasonable time, give the applicant notice by email or other means that if it fails to so comply within 7 days, then the applicant shall be deemed to have withdrawn its application pursuant to regulation 28(1).

External consultations.

26. As part of the investigation of an application for an eGambling licence, an officer or servant of the Commission may make appropriate enquiries of an officer of police, any gambling regulator operating outside Alderney, any law enforcement agency operating outside the Bailiwick of Guernsey or such other person as he considers can assist him in order to enable a proper assessment of the application to be made.

Supplementary deposit of investigation monies.

27. (1) If, prior to the determination of an application for an eGambling licence, the monies deposited with the Commission in accordance with regulation 17 or this regulation have been exhausted, the Commission may by notice in writing to the applicant require that the relevant further sum specified under Schedule 21 be deposited with the Commission by, or on behalf of, the applicant from which the Commission is permitted to draw the further costs associated with processing, investigating and determining that application.

(2) Where a notice under paragraph (1) has been given, the Commission is not required to determine the application until the notice has been complied with.

Withdrawal and lapse of application.

28. (1) At any time before the Commissioners determine an application for an eGambling licence, the applicant may, by notice in writing given to the Commission, withdraw its application.

- (2) If an applicant fails to proceed with its application by –
- (a) not taking a required step in furtherance of the application for 3 months, or
 - (b) failing to substantially respond to an enquiry or direction by the Commission within 3 months,

the application shall lapse and be treated as if it had been withdrawn.

(3) Where an applicant withdraws its application or that application lapses by the operation of paragraph (2), the Commission shall repay to the applicant or, as the case may be, the person who deposited monies on behalf of

the applicant any monies not drawn by it from the monies deposited in accordance with regulation 17 or, where applicable, regulation 27.

Report to Commissioners.

29. On completion of an investigation of an applicant for an eGambling licence and, where applicable, any associate of the applicant, a report containing details of the application, the investigation and the assessment made of the application shall be prepared by a duly authorised officer of the Commission for submission to the Commissioners for their consideration.

Determination of application.

30. (1) Before deciding whether to grant or refuse an application for an eGambling licence, the Commissioners shall consider –

- (a) the report submitted to them in accordance with regulation 29,
- (b) any representations received as a result of the publication or display of the notices required by regulations 18 and 19 and, where applicable, any further representations made in accordance with regulation 23, whether written or oral, and
- (c) such other material or information supplied to the Commission by, or on behalf of, the applicant as they consider appropriate.

(2) Where the Commissioners consider that they have insufficient information on which to decide whether to grant or refuse the application, they shall defer their decision on the application and –

- (a) shall cause an appropriate requirement under regulation 25 to be made, and
- (b) may invite a representative of the applicant to attend before them for interview.

Notification of refusal.

31. If the Commissioners refuse to grant an application for an eGambling licence, the Commission shall give the applicant written notice of the decision and of the reasons for the refusal.

Form of eGambling licence.

32. If the Commissioners grant an application for an eGambling licence, the licence issued under section 7 of the Ordinance shall be in the form set out in Schedule 3.

Payment of investigation costs not deposited.

33. Where the costs payable by an applicant under section 6(1) of the Ordinance exceed the total of the monies deposited in accordance with regulation 17 and, where applicable, regulation 27, the eGambling licence shall not be exercisable by the eGambling licensee until payment of the amount by which the costs incurred exceeded the amount deposited, as notified to it in writing by the Commission, has been received by the Commission.

Re-allocation or return of surplus investigation monies deposited.

34. After determining an application for an eGambling licence, the Commission shall, in respect of the monies not drawn by it from those deposited by the applicant in accordance with regulation 17 or, where applicable, regulation 27 for processing, investigating and determining the application –

- (a) where the applicant is granted an eGambling licence –

- (i) retain all the monies and treat them as having been deposited with it in accordance with regulation 260, or
 - (ii) retain only such specific amount, if any, as the applicant has indicated it wishes the Commission to continue to hold and apply towards the amount to be deposited in accordance with regulation 260 and repay to the applicant the balance, or
- (b) where the application was refused, repay the whole amount to the applicant.

Accounting for investigation monies deposited.

35. The Commission shall, whenever requested to do so by an applicant, account to the applicant in respect of the costs as at that time incurred by the Commission in respect of the application.

DIVISION 2

LICENCE CONDITIONS

Imposition or change of licence conditions.

36. (1) Where the Commission considers it necessary, expedient or desirable to –

- (a) attach a condition to an eGambling licence,
- (b) modify an existing condition attached to an eGambling licence, or

- (c) rescind an existing condition attached to an eGambling licence,

it shall issue to the eGambling licensee a notice in writing (a "**condition notice**") which shall explain the proposed change of condition and set out the Commission's reasons for the change.

- (2) Subject to regulation 37, a change of conditions takes effect on

—

- (a) the day on which the condition notice is given to the eGambling licensee, or
- (b) such later day as is specified in the condition notice.

Challenge to condition notice.

37. (1) If an eGambling licensee wishes to make representations to the Commission about anything in the condition notice, it may do so in writing within seven days of receipt of the condition notice.

(2) Representations under paragraph (1) may include a request that the date from which the change of conditions takes effect be postponed until the Commission has considered the representations.

(3) After consideration of an eGambling licensee's representations, the Commission may confirm, modify or withdraw the condition notice.

(4) The Commission shall give the eGambling licensee written notice of its decision under this regulation and of the reasons for it.

Return of eGambling licence for endorsement of changed conditions.

38. (1) An eGambling licensee shall return its eGambling licence to the Commission within seven days of –

- (a) receiving a condition notice, or
- (b) where it exercises its right to make representations in accordance with regulation 37, receipt of a notice from the Commission in accordance with regulation 37(4) confirming or modifying the condition notice.

(2) On receiving the eGambling licence, the Commission shall –

- (a) amend the licence in an appropriate way and return the amended licence to the eGambling licensee, or
- (b) if the Commission does not consider that it is practicable to amend the licence, issue an appropriate replacement eGambling licence free of charge, incorporating the change of conditions to the eGambling licence.

(3) A change of conditions does not depend on the eGambling licence being amended to record the change or a replacement eGambling licence being issued.

DIVISION 3

MODIFICATION TO AND SURRENDER OF LICENCE

Modification to eGambling licence.

39. (1) An eGambling licensee who wants or needs to obtain the

Commission's approval for a proposed modification to the details contained on its eGambling licence shall make application by letter to the Commission setting out the modification for which it seeks approval.

(2) Without prejudice to the generality of paragraph (1), an application is required within seven days of –

- (a) an eGambling licensee's name changing, or
- (b) an eGambling licensee's registered office changing.

(3) An application under paragraph (1) shall be accompanied by –

- (a) the eGambling licensee's eGambling licence,
- (b) where applicable, a certified copy of the resolution of the eGambling licensee effecting the change in question, and
- (c) payment in respect of the relevant administration charge specified in Schedule 21.

(4) If the Commission refuses to grant an application under this regulation, it shall return the eGambling licensee's eGambling licence and give to it written notice of its decision and of the reasons for the refusal.

(5) If the Commission grants an application under this regulation, it shall –

- (a) amend the eGambling licence in an appropriate way and return the amended licence to the eGambling

licensee, or

- (b) if the Commission does not consider that it is practicable to amend the eGambling licence, issue a replacement eGambling licence free of charge, incorporating the change of conditions to the eGambling licence.

Surrender of eGambling licence.

40. (1) An eGambling licensee may surrender its eGambling licence by written notice (a "**surrender notice**") given to the Commission.

(2) The surrender takes effect –

- (a) on the day specified in the surrender notice, or
- (b) if no day is specified in the surrender notice, one month after the surrender notice is given to the Commission.

(3) A person who has surrendered an eGambling licence must, unless it provides an explanation which is acceptable to the Commission, return the licence to the Commission within seven days after the day on which the surrender takes effect.

CHAPTER VI

SUSPENSION, REVOCATION AND OTHER SANCTIONS

Fit and proper test and properly licensed test: eGambling licensee.

41. (1) For the purposes of section 12(1)(a) of the Ordinance, in deciding whether an eGambling licensee continues to be a fit and proper person to hold that licence, the Commission shall have regard to the following matters –

- (a) the eGambling licensee's character,
- (b) the eGambling licensee's business reputation,
- (c) the eGambling licensee's current financial position and financial background,
- (d) the level and nature of the contribution made by, or on behalf of, the eGambling licensee to any appropriate body involved in conducting research into, or providing education about, the risks of gambling or the treatment of problem gamblers,
- (e) actions taken, by a Category 1 eGambling licensee, under regulation 236 to discover and combat problem gambling,
- (f) whether the eGambling licensee has, or has arranged, a satisfactory ownership, trust or corporate structure,
- (g) whether an associate of the eGambling licensee satisfies regulation 42,
- (h) whether the eGambling licensee has, or is able to obtain, appropriate resources and appropriate services, and
- (i) whether the eGambling licensee has the appropriate business ability to conduct eGambling successfully under an eGambling licence.

(2) For the purposes of section 12(1)(a) of the Ordinance, in deciding whether an eGambling licensee continues to be a fit and proper person to hold that licence, the Commission may have regard to –

- (a) any changes to the validity of any other licence or permission however described held at the time the eGambling licence was issued or obtained since then allowing the eGambling licensee, or an associate, to conduct any form of gambling lawfully in another jurisdiction, and
- (b) any penalties or sanctions however described imposed on the eGambling licensee, or an associate, by gambling or other regulators outside Alderney.

(3) For the purposes of section 12(1)(d) of the Ordinance, in deciding whether a Temporary eGambling licensee is no longer licensed or properly licensed in another jurisdiction to conduct eGambling operations, the Commission shall have regard to the following matters –

- (a) any changes to the validity of any other licence or permission (however described) held at the time the Temporary eGambling licence was issued which enable the Temporary eGambling licensee, or an associate, to conduct any form of gambling lawfully in another jurisdiction, and
- (b) any changes to the relevant regulatory requirements in the jurisdiction in which the Temporary eGambling licensee holds any other licence or permission (however

described) which enable the Temporary eGambling licensee, or an associate, to conduct any form of gambling lawfully.

Fit and proper test: associate.

42. (1) For the purposes of section 12(1)(b) of the Ordinance, in deciding whether an associate of an eGambling licensee continues to be a fit and proper person to be associated with the operations conducted by the eGambling licensee –

- (a) an associate who holds an associate certificate or, as the case may be, a hosting certificate shall without further investigation be regarded as having satisfied the Commission that it is a fit and proper person to be associated with an eGambling licensee's operations, and
- (b) where an associate does not hold an associate certificate or a hosting certificate, the Commission shall have regard to the following matters –
 - (i) the associate's character,
 - (ii) the associate's business reputation,
 - (iii) the associate's current financial position and financial background, and
 - (iv) where applicable, whether the associate has the appropriate business ability to assist the eGambling licensee to conduct eGambling successfully under its eGambling licence.

(2) For the purposes of section 12(1)(b) of the Ordinance, in deciding whether an associate who does not hold an associate certificate or a hosting certificate continues to be a fit and proper person to be associated with the operations conducted by the eGambling licensee, the Commission may have regard to –

- (a) any changes to the validity of any other licence or permission however described held by the associate allowing it to conduct any form of gambling lawfully in another jurisdiction, and
- (b) any penalties or sanctions however described imposed on the associate by gambling or other regulators outside Alderney.

Rectification: Commission proposal.

43. (1) Where the Commission believes that –

- (a) a ground referred to in section 12(1) of the Ordinance exists, and
- (b) it is appropriate to give the eGambling licensee an opportunity to rectify the matter or matters giving rise to the Commission's belief that such a ground exists,

it shall issue to the eGambling licensee a notice in writing (a "**rectification proposal**") which shall explain the proposed direction under regulation 44 and set out the Commission's reasons for proposing to give the direction.

(2) If an eGambling licensee wishes to make representations to the Commission about anything in the rectification proposal, it may do so in writing

within seven days of receipt of the rectification proposal.

(3) After consideration of an eGambling licensee's representations, the Commission may –

- (a) confirm, modify or withdraw the rectification proposal, or
- (b) take no further action concerning the rectification proposal indefinitely, or for such period as the Commission considers appropriate.

(4) The Commission shall give the eGambling licensee written notice of its decision under paragraph (3) and of the reasons for it.

Direction to rectify.

44. (1) Where –

- (a) an eGambling licensee elects not to make any representations in accordance with regulation 43(2), or
- (b) after considering an eGambling licensee's representations, the Commission decides to confirm or modify its proposals as set out in the rectification proposal,

the Commission shall, by written notice to the eGambling licensee (a "**rectification notice**"), direct it to rectify the matter or matters specified in the notice in the manner specified in the notice within the period of time specified in the notice.

(2) A rectification notice shall warn the eGambling licensee of the

consequences of failing to comply with the notice as specified in regulation 46(2).

(3) During the period of time specified in a rectification notice, its terms may be modified in any way that the Commission sees fit, whether as a result of written representations from the eGambling licensee or of the Commission's own motion.

Written caution.

45. Where the Commission is satisfied that –

- (a) a ground referred to in section 12(1) of the Ordinance –
 - (i) exists, or
 - (ii) existed and has been resolved, whether voluntarily or in accordance with a rectification notice, and
- (b) it is appropriate to give the eGambling licensee formal notice warning it about the consequences of any repetition of the type of act or omission giving rise to the Commission's view,

it may issue to the eGambling licensee a notice in writing setting out the basis for its finding that a ground in section 12(1) of the Ordinance has arisen and warn the eGambling licensee of the consequences of any repetition of the same or a similar type of act or omission.

Regulatory hearing: notice.

46. (1) Where the [Executive Director] believes that –

- (a) a ground referred to in section 12(1) of the Ordinance exists, and
- (b) the circumstances are such that it is necessary to convene a hearing of the Commissioners at which the eGambling licensee shall be given the opportunity of making representations in response,

he shall give to the eGambling licensee a notice in writing (a "**hearing notice**") which shall explain that the [Executive Director] is recommending to the Commission that it should impose a financial penalty or suspend or revoke the eGambling licence and set out the [Executive Director]'s reasons for convening the hearing.

(2) Where the [Executive Director] believes that a rectification notice has not been fully complied with, he shall give to the eGambling licensee a hearing notice which shall explain that the [Executive Director] is recommending to the Commission that it should impose a financial penalty or suspend or revoke the eGambling licence and set out the [Executive Director]'s reasons for convening the hearing.

(3) A hearing notice shall give at least seven days' notice of the hearing to the eGambling licensee and appoint a date, time and place for the hearing.

(4) An eGambling licensee may elect not to attend the hearing convened by the hearing notice and confine its representations to any it wishes to make in writing to the Commission prior to the date of the hearing.

NOTE

In regulation 46, the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April,

2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Immediate suspension.

47. (1) At the same time as giving a hearing notice, the [Executive Director] may, with the approval of at least one Commissioner, suspend an eGambling licence under this regulation if he is satisfied on reasonable grounds that

–

- (a) a ground referred to in section 12(1) of the Ordinance exists,
- (b) the seriousness and urgency of the matter requires that immediate action be taken ahead of a regulatory hearing,
- (c) the seriousness and urgency of the matter do not permit the taking of action by way of a rectification proposal, and
- (d) the circumstances require that the eGambling licence be suspended to ensure that –
 - (i) the public interest is not affected in an adverse and material way, or
 - (ii) the integrity of the eGambling licensee's operation is not jeopardised in any way.

(2) A suspension under this regulation –

- (a) shall be effected by written notice given to the eGambling licensee (a "**suspension notice**"),
- (b) takes effect immediately when the suspension notice is given, and
- (c) is effective until –
 - (i) the Commissioners have reached a determination at the conclusion of the hearing convened in accordance with regulation 46, or
 - (ii) it is cancelled by notice in writing of the [Executive Director] in accordance with regulation 48.

[(3) Where the Executive Director believes that the eGambling licensee has an existing relationship with another eGambling licensee or, as the case may be, an associate, the Executive Director shall give a copy of the suspension notice to that eGambling licensee or associate.]

NOTES

In regulation 47,

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

paragraph (3) was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(2), with effect from 11th January, 2018.

Cancellation of suspension notice.

48. (1) If an eGambling licensee wishes to request that the immediate suspension imposed by a suspension notice be cancelled, it may make representations in writing to the [Executive Director] at any time whilst the suspension is effective.

(2) After consideration of an eGambling licensee's representations, the [Executive Director], with the approval of at least one Commissioner, may confirm or cancel the suspension notice.

(3) The [Executive Director] shall give the eGambling licensee written notice of the decision under paragraph (2) and of the reasons for it.

(4) Where, prior to the Commission reaching a determination at the conclusion of the hearing convened in accordance with regulation 46, the [Executive Director] considers that it is no longer necessary to continue the suspension of an eGambling licence, he shall, with the approval of at least one Commissioner, cancel the suspension notice and give written notice to that effect to the eGambling licensee.

NOTE

In regulation 48, the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Conduct of regulatory hearing.

49. (1) At a hearing convened in accordance with regulation 46 –

- (a) the proceedings shall be opened and directed by the Chairman of the Commission or, in his absence, the

Commissioner presiding at the hearing, who shall be responsible for the proper conduct of the hearing,

- (b) the Commissioners shall, so far as it appears to them appropriate, seek to avoid formality in their proceedings and shall conduct the hearing in such manner as they consider most appropriate for the clarification of the issues before them and generally to the just handling of the hearing, and
- (c) the eGambling licensee may appear before the Commissioners through any representative.

(2) Without prejudice to the generality of paragraph (1)(b), where the eGambling licensee indicates that it wishes to challenge the allegation set out in the hearing notice given to it, the Commissioners may adopt the following procedure

–

- (a) a duly authorised officer of the Commission or any representative of that officer shall first be invited to present the case setting out the ground under section 12(1) of the Ordinance alleged against the eGambling licensee and may, for that purpose, call unsworn evidence from witnesses and produce documents,
- (b) in the event that a witness gives evidence in support of the duly authorised officer's presentation, cross-examination by the eGambling licensee's representative and re-examination by the duly authorised officer or his representative shall be permitted,

Consolidated text

- (c) the representative of the eGambling licensee shall next present its response and may, for that purpose, call unsworn evidence from witnesses and produce documents,
- (d) in the event that a witness gives evidence in support of the eGambling licensee's presentation, cross-examination by the duly authorised officer or his representative and re-examination by the representative of the eGambling licensee shall be permitted,
- (e) written representations may be lodged with the Commissioners by, or on behalf of, the duly authorised officer or the eGambling licensee before or during the hearing or in such other manner as the Commissioners may direct,
- (f) questions may be asked at any time by the Commissioners, and
- (g) the Commissioners may proceed to determining whether or not a ground referred to in section 12(1) of the Ordinance has been established before inviting comments from the representative of the eGambling licensee in relation to any appropriate sanction.

(3) Where the Commissioners proceed in accordance with paragraph (2)(g) and determine that a ground referred to in section 12(1) of the Ordinance has been established, they shall provide an opportunity for the representative of the eGambling licensee to offer any explanation and make such other comment as he wishes.

(4) Without prejudice to the generality of paragraph (1)(b), where the eGambling licensee indicates that it accepts the allegation set out in the hearing notice given to it, the Commissioners may adopt the following procedure –

- (a) a duly authorised officer of the Commission or any representative of that officer may first be invited to summarise the case setting out the ground under section 12(1) of the Ordinance alleged against the eGambling licensee,
- (b) the representative of the eGambling licensee shall be provided with the opportunity to offer any explanation and make such other comment as he wishes, and
- (c) questions may be asked at any time by the Commissioners.

(5) A hearing under this regulation may be adjourned by the Commissioners at any time and for any purpose.

(6) Unless the Commissioners otherwise direct, a hearing under this regulation shall be held in public in Alderney.

Regulatory hearing: Commissioners' determination.

50. (1) During or at the conclusion of a hearing convened in accordance with regulation 46, having taken into account everything said before and lodged with them, the Commissioners shall first determine whether the existence of a ground referred to in section 12(1) of the Ordinance has been accepted by, or established against, the eGambling licensee and –

- (a) if so, shall then determine which of the actions specified in section 12(3) of the Ordinance, if any, to take in respect of the eGambling licensee or, as the case may be, its licence, or
- (b) if not, shall direct that the allegation against it be recorded as not having been established.

(2) The Commission shall give the eGambling licensee written notice of its decision under this regulation and of the reasons for it (a "**determination notice**").

Financial penalties.

51. (1) Where the Commissioners decide to impose a financial penalty on an eGambling licensee –

- (a) the amount shall not exceed [£250,000, or 10% of the annual turnover of the licensee in the 12 months preceding the date on which the belief referred to in regulation 46(1) was first formed, whichever is the greater], and
- (b) the determination notice shall direct whether the penalty is payable immediately or is to be of suspended effect.

(2) Where a financial penalty is payable immediately, the amount shall be paid to the Commission as agent for the States in the manner specified in the determination notice.

(3) Where the Commissioners direct that a financial penalty shall

be of suspended effect, the determination notice shall specify the period, which shall not in any event exceed 12 months, during which the penalty is capable of being activated in accordance with regulation 52 and, at the end of the period so specified, the penalty shall no longer be capable of taking effect.

NOTE

In regulation 51, the words in square brackets in paragraph (1)(a) were substituted by the Alderney eGambling (Amendment) Regulations, 2021, regulation 1(2), with effect from 26th November, 2021.

Activation of suspended financial penalty.

52. (1) Where, during the period of suspension specified in a determination notice, the [Executive Director] believes that a ground in section 12(1) of the Ordinance exists, the hearing notice that may be given to the eGambling licensee in accordance with regulation 46 shall also explain that the [Executive Director] is recommending to the Commission that it should consider activating the suspended financial penalty.

(2) If, at the conclusion of a hearing convened by such a hearing notice, the Commissioners are satisfied that a ground in section 12(1) of the Ordinance exists, or existed at the time of the hearing notice, having taken into account the representations of the eGambling licensee, the Commission's determination notice shall direct that the original financial penalty of suspended effect

–

(a) shall be payable to it as agent of the States immediately in the manner specified in the determination notice –

(i) with the original amount unaltered, or

(ii) with the substitution of a lesser amount for the

original amount,

- (b) shall be suspended for such further period not exceeding 12 months as the determination notice specifies, or
- (c) shall not be activated on this occasion and shall continue unaltered.

NOTE

In regulation 52, the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Post-hearing suspension.

53. Where the Commissioners decide to suspend an eGambling licence, the determination notice shall specify –

- (a) the date from which the suspension takes effect, and
- (b) the period of time during which the suspension shall be effective.

Revocation of eGambling licence.

54. (1) The Commissioners may revoke an eGambling licence if they are satisfied that any of the grounds specified in section 12(1) of the Ordinance apply, and –

- (a) the integrity of the conduct of eGambling by the

eGambling licensee may be jeopardised in a material way, or

- (b) the public interest or the integrity and reputation of eGambling in Alderney may be affected in an adverse way.

(2) Revocation of an eGambling licence takes effect when the determination notice is given or, if the determination notice specifies a later day, on the later day.

(3) A person whose eGambling licence has been revoked shall return the licence to the Commission within seven days of the revocation taking effect.

PART II

ASSOCIATE CERTIFICATES

CHAPTER I

PRELIMINARY

Types of associate certificate.

55. These regulations provide for [three types] of associate certificate –

- (a) core services associate certificates, issued under section 7 of the Ordinance, and specified in section 17 of the Ordinance, [...]
- [(ab) Category 1 associate certificates, issued under section 7 of the Ordinance, and specified in section 17A of the Ordinance, and]

- (b) [Category 2 associate certificates], issued under section 7 of the Ordinance, and specified in section 18 of the Ordinance.

NOTES

In regulation 55,

the words in the first pair of square brackets were substituted, the words omitted in the second pair of square brackets were revoked and paragraph (ab) was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(3), respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 11th January, 2018;

the words in square brackets in paragraph (b) were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

Interpretation of this Part.

56. (1) In this Part of the regulations, in accordance with the definition in section 30 of the Ordinance, the term "**associate certificate**" includes, unless otherwise specified or unless the context otherwise requires, [all types] of associate certificate specified in regulation 55.

(2) The provisions of Chapters IV, V and VI of this Part apply to all associate certificates, unless otherwise specified or unless the context otherwise requires.

NOTE

In regulation 56, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(4), with effect from 11th January, 2018.

CHAPTER II
ASSOCIATES PROVIDING CORE SERVICES

Providers of core services.

57. (1) Subject to paragraph (2), for the purposes of section 17(1) of the Ordinance, an entity –

- (a) with which an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] contracts directly for the provision to the licensee or certificate holder of gambling specific software, but not including a contract for the outright purchase of that software and all rights associated therewith,
- (b) with which a customer deposits the funds to pay for gambling transactions effected with an [eGambling licensee or Category 1 associate certificate holder] in accordance with regulation 230, or
- (c) to which an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] has outsourced its management, or any part thereof, as described in its approved internal control System,

is prescribed as a business associate providing the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] with a core service.

- (2) The Commission may determine that, to the extent specified

and on the conditions specified in the determination, paragraph (1) shall not apply to

—

- (a) an entity which is another company –
 - (i) within the same group of companies as the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], or
 - (ii) beneficially owned or, as the case may be, controlled by the same individual who owns or controls the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], or
- (b) a Category 2 eGambling licensee in respect of the provision of gambling specific software.

(3) In this regulation, "**gambling specific software**" means computer software requiring approval as gambling equipment in accordance with section 15 of the Ordinance which affects or records the outcome of at least one gambling transaction.

NOTES

In regulation 57,

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;⁴

the words in square brackets in paragraph (1)(b) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 11, with effect from 11th January, 2018;

the words in square brackets in paragraph (1)(c) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.⁵

General conditions attaching to core services associate certificate.

58. A core services associate certificate issued by the Commission under section 7 of the Ordinance is subject to the following conditions –

- (a) the core services associate certificate holder must within 48 hours of any serious incident negatively affecting the operations of any service provided to an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] notify the Commission in writing of the details and consequences of the incident and of the remedial steps, if any, taken,
- (b) the core services associate certificate holder must give notification in writing to the Commission containing full details within seven days of any of the following relevant events –
 - (i) when the status of any licence or permission however described allowing it, or one of its associates, to conduct or otherwise be involved in any form of gambling in another jurisdiction changes, including (without limitation) where the licence or permission is voluntarily surrendered, made subject to different

conditions, suspended or revoked or some other sanction in respect of it is imposed on the holder, or

- (ii) when a material change occurs in the information previously supplied by it to the Commission, whether prior to being granted the certificate or subsequently, to which the Commission would be able to have regard in considering whether or not the certificate holder is a fit and proper person to hold an associate certificate, and
- (c) upon being given reasonable notice, which shall wherever possible be not less than seven days, the core services associate certificate holder shall attend at a meeting of the Commissioners for the purpose set out in the notice.

NOTE

In regulation 58, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁶

[CHAPTER IIA
CATEGORY 1 ASSOCIATE CERTIFICATES]

[Category 1 associate certificates.]

58A. (1) A Category 1 associate certificate permits a Category 1 associate certificate holder to contract with customers to organise and prepare the customer to gamble.

(2) Activities that organise and prepare a customer to gamble include, but are not limited to, one or more of the following activities –

- (a) entering into an agreement with the customer,
- (b) registration and verification of the customer,
- (c) engaging in financial transactions with the customer and the management of the customer's funds,
- (d) offering or promoting gambling to the customer,
- (e) such other actions that the Commission determines to be activities that may only be carried out by a Category 1 associate certificate holder.

(3) A Category 1 associate certificate issued by the Commission under section 7 of the Ordinance is subject to the same general conditions as apply in respect of a Category 1 eGambling licence under regulation 4, and for these purposes references in that regulation to "a Category 1 eGambling licensee", "the Category 1 eGambling licensee" and "the licensee" shall be construed accordingly.]

NOTES

The words in square brackets in the Chapter heading to Chapter IIA were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(4), with effect from 9th September, 2020.⁷

Regulation 58A was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(5), with effect from 11th January, 2018.

[Requirement to have resident representative.]

58B. (1) Subject to paragraph (2), a Category 1 associate certificate holder may exercise its certificate only if it has a resident representative as set out in its approved internal control system in accordance with Part V Chapter 1 of these Regulations.

(2) A Category 1 associate certificate holder having a Key Individual resident in the Bailiwick of Guernsey ("**the Bailiwick**") may exercise its certificate without having a resident representative.

(3) The Executive Director may only approve a resident representative if –

- (a) the resident representative is resident in or located registered or incorporated in the Bailiwick, and
- (b) the Executive Director is satisfied that the resident representative is a fit and proper person to be approved.

(4) When deciding whether a resident representative is a fit and proper person to be approved, the Executive Director shall have regard to the resident representative's –

- (a) character,
- (b) business reputation,
- (c) current financial position, and
- (d) financial background.]

NOTE

Regulation 58B was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(5), with effect from 11th January, 2018.

[Functions of resident representative.]

58C. (1) A resident representative approved by the Executive Director shall act as a proxy for the Key Individuals and Executive Associates of the Category 1 associate certificate holder in respect of the operations of that Category 1 associate certificate holder.

(2) The holder of a Category 1 associate certificate shall authorise its resident representative to deal with the Commission as if the resident representative were a Key Individual or Executive Associate of that certificate holder, and any notice or other communication required to be given by the Commission to the certificate holder shall also be given to the certificate holder's resident representative and acted upon by the resident representative as if the resident representative were the certificate holder.]

NOTE

Regulation 58C was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(5), with effect from 11th January, 2018.

[Absence of resident representative.]

58D. (1) This regulation and regulation 58E apply in respect of a resident representative who is an individual.

(2) Subject to the provisions of this regulation, a resident representative shall not absent himself from the Bailiwick –

(a) for any single period exceeding 28 days,

(b) cumulatively for more than 60 days in any period of 12 months.

(2) A resident representative who wishes to absent himself from the Bailiwick for any period in excess of those specified in paragraph (1) shall, before so absenting himself, apply to the Executive Director for permission.

(3) An application under paragraph (2) shall propose a person eligible to be a resident representative to act as a temporary resident representative during the resident representative's absence and, in default of proposing such a person, the application shall be refused.

(4) On application being made to it under this regulation, the Executive Director may approve a temporary resident representative for such period and subject to such conditions as it considers necessary, expedient or desirable.

(5) A temporary resident representative approved under this regulation shall for a period to which the approval under this regulation relates perform the same functions and be subject to the same duties as if he were the certificate holder's resident representative.]

NOTE

Regulation 58D was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(5), with effect from 11th January, 2018.

[Replacement resident representative.]

58E. (1) Upon –

(a) the decease of a Category 1 associate certificate

holder's resident representative,

- (b) a Category 1 associate certificate holder's resident representative being certified by a medical practitioner authorised to practice in the Bailiwick as being unfit to continue to act as resident representative, or
- (c) the resignation of a Category 1 associate certificate holder's resident representative,

within 7 days the certificate holder shall propose to the Executive Director another person, who satisfies the Executive Director that he is ordinarily resident in the Bailiwick, as replacement resident representative to carry out the functions and duties conferred by these Regulations on a resident representative of a Category 1 associate certificate holder.

(2) A Category 1 associate certificate holder who wishes to obtain approval from the Executive Director to replace its resident representative shall make an application to amend its internal control system in accordance with regulation 191 and 192.

(3) The Executive Director shall determine a proposal under paragraph (1) or an application under paragraph (2) by reference to the same criteria that are applied in approving a resident representative of an applicant for a Category 1 associate certificate.]

NOTE

Regulation 58E was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(5), with effect from 11th January, 2018.

[Nomination of new resident representative.]

58F. Where a resident representative or temporary resident representative of an Category 1 associate certificate holder ceases to be a fit and proper person in accordance with Regulation 58B(4) to exercise that function, the Executive Director may direct that the Category 1 associate certificate holder nominate a new resident representative in accordance with 58B(1).]

NOTE

Regulation 58F was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(5), with effect from 11th January, 2018.

CHAPTER III

[CATEGORY 2 ASSOCIATE CERTIFICATES]

[Category 2 Associate Certificates].

[**59.** (1) A [Category 2 associate certificate] [holder] is an entity (other than a Category 2 eGambling licensee) that effects gambling transactions on behalf of a [Category 1 eGambling licensee or Category 1 associate certificate holder].

(2) Effecting a gambling transaction means one or more of the following activities –

- (a) striking a bet,
- (b) housing and recording the random element or gambling transaction outcome, or
- (c) operating a system of hardware and software upon which the gambling transaction is conducted; and for the avoidance of doubt, "**effecting a gambling**

transaction" does not include engaging in a financial transaction with the customer.]

NOTES

The words in square brackets in, first, the Heading to Chapter III and, second, the marginal note to Regulation 59 were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

Regulation 59 was substituted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 7, with effect from 2nd July, 2010.

In regulation 59,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013;

the word in the second pair of square brackets was inserted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 4, with effect from 13th August, 2013;

the words in the third pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018.

General conditions of [Category 2 associate certificate].

60. A [Category 2 associate certificate] issued by the Commission under section 7 of the Ordinance is subject to the following general conditions for activities related to Alderney certification –

- (a) in no circumstances may cash be accepted from a customer by, or on behalf of, the [Category 2 associate certificate] holder,
- (b) any advertising carried out by, or conducted on behalf of, the [Category 2 associate certificate] holder –

Consolidated text

- (i) must be truthful,
- (ii) must not be distasteful,
- (iii) must not promote gambling by, with or through persons under the age of 18 years, and this factor must be taken into account when determining media selection and placement of the advertising,
- (iv) must not encourage people to engage in excessive participation in eGambling that would be socially irresponsible or could result in harm to them or others,
- (v) must not imply or convey any message that a person's status, general abilities or social success can be attributable to gambling,
- (vi) must not challenge or dare people to participate in eGambling,
- (vii) must not, having regard to the expected returns to customers through eGambling, promote or suggest any unrealistic expectation of winning,
- (viii) must not bring into disrepute –
 - (A) the Island of Alderney,
 - (B) the Commission, or

- (C) in any broader context, the Bailiwick of Guernsey, and
 - (ix) must comply with any requirements relating to the content or nature of advertising imposed in the jurisdiction covering the target market for that advertising,
- (c) the [Category 2 associate certificate] holder must appoint an executive officer to fulfil the duties of compliance officer, who will report to the Commission on all compliance matters,
- [(d) the [Category 2 associate certificate] holder must appoint a money laundering reporting officer in accordance with [Schedule 4 to the Ordinance], who may, but need not be, the compliance officer,]
- (e) the [Category 2 associate certificate] holder must use reasonable endeavours to keep abreast of international developments as they affect the lawfulness of any form of eGambling in order, so far as is reasonably practicable, not to allow eGambling where to do so would constitute criminal activity by its customer,
- (f) the [Category 2 associate certificate] holder must within 48 hours of any serious incident negatively affecting the operation of its [Category 2 associate certificate] notify the Commission in writing of the details and consequences of the incident and of the remedial steps,

if any, taken,

- (g) the [Category 2 associate certificate] holder must give notification in writing to the Commission containing full details within seven days of any of the following relevant events –
 - (i) when the status of any licence or permission however described allowing it, or one of its associates, to conduct or otherwise be involved in any form of gambling in another jurisdiction changes, including (without limitation) where the licence or permission is voluntarily surrendered, made subject to different conditions, suspended or revoked or some other sanction in respect of it is imposed on the holder,
 - (ii) when the beneficial ownership of the [Category 2 associate certificate] holder, or of any parent company of the [Category 2 associate certificate] holder, or of any associated company within the group of companies to which the [Category 2 associate certificate] holder belongs, has changed so that a person's shareholding is, or becomes, 3% or more,
 - (iii) when the [Category 2 associate certificate] holder decides that it will change the auditors it uses for the purpose of regulation 245, or

- (iv) when a material change is discovered in the information previously supplied by it to the Commission, whether prior to being granted the licence or subsequently, to which the Commission would be able to have regard in considering whether or not the [Category 2 associate certificate] holder is a fit and proper person to hold a certificate,

- (h) upon being given reasonable notice, which shall wherever possible be not less than seven days, the [Category 2 associate certificate] holder shall attend at a meeting of the Commissioners for the purpose set out in the notice, [...]

- (i) the [Category 2 associate certificate] holder must maintain and operate its gambling equipment in premises that the Commission is satisfied are suitable and secure at all times, and for this purpose if the gambling equipment is not situated in approved premises controlled by the holder of a hosting certificate –
 - (i) upon request from a duly authorised officer of the Commission about the level of activity being undertaken by the certificate holder at the premises housing the gambling equipment, the [Category 2 associate certificate] holder must, as soon as reasonably practicable, provide the information requested or explain why that information cannot be supplied,

- (ii) the [Category 2 associate certificate] holder must within 48 hours of any serious incident negatively affecting the operations of any service provided to it at the premises housing the gambling equipment notify the Commission in writing of the details and consequences of the incident and of the remedial steps, if any, taken, and
- (iii) the [Category 2 associate certificate] holder must, within seven days of a material change in information previously supplied to the Commission in relation to the premises housing the gambling equipment (whether prior to being granted the certificate or subsequently), give written notice to the Commission containing full details so that the Commission can assess whether or not the gambling equipment is housed suitably and securely[,] [...]
- [j) the [Category 2 associate certificate] holder must have regard to, and meet the requirements of, any relevant guidance, notice, instruction and counter-measure issued by the Commission which is necessary or expedient for the regulation, good conduct and control of eGambling, including, without limitation, any such guidance, notice, instruction or counter-measure which relates to anti-money laundering and counter terrorist financing,]

- [(k) where required for such purpose as the Commission may specify, a [Category 2 associate certificate] holder must incorporate in, or include on, its website, download or application such software as the Commission may, for that purpose, supply or specify][,] [...]

- (l) the [Category 2 associate certificate] holder must –
 - (i) take reasonable steps to identify any improper attempts to influence the outcome of any event upon which gambling may take place, and

 - (ii) where any such activity is identified –
 - (A) notify the Commission in writing of the details and consequences (if known) of the activity within 24 hours of identifying such activity, and

 - (B) co-operate with any investigation, regulatory process or legal proceedings arising from such activity][, and

- (m) the [Category 2 associate certificate] holder must at all times comply with the money laundering and terrorist financing provisions under [Schedule 4 to the Ordinance] and the associated regulations to the extent that such provisions are therein stated to apply to the certificate holder.]

NOTES

In regulation 60,

the words "Category 2 associate certificate" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013;

paragraph (d) and paragraph (j) (which latter was originally inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 8(c), with effect from 2nd July, 2010) were substituted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 5, respectively paragraph (a) and paragraph (b), with effect from 15th May, 2013;⁸

the words "Schedule 4 to the Ordinance" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(2), with effect from 9th September, 2020;

first, the word omitted in square brackets at the end of paragraph (h) was revoked and, second, the punctuation in the second pair of square brackets in paragraph (i)(iii) was substituted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 8, respectively paragraph (a) and paragraph (b), with effect from 2nd July, 2010;

first, the word omitted in square brackets at the end of paragraph (i) (which word was originally inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 8(b)) was revoked and, second, paragraph (k) was inserted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 5, respectively paragraph (a) and paragraph (c), with effect from 1st April, 2011;

first, the punctuation in square brackets at the end of paragraph (k) was substituted and, second, paragraph (l) was inserted by the Alderney eGambling (Amendment) Regulations, 2012, regulation 5, respectively paragraph (b) and paragraph (c), with effect from 24th July, 2012;

first, the word omitted in square brackets immediately after paragraph (k) (which word was originally inserted by the Alderney eGambling (Amendment) Regulations, 2012, regulation 5(c), with effect from 24th July, 2012) was revoked, second, the punctuation and word in square brackets immediately after paragraph (l) were substituted and, third, paragraph (m) was inserted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 5, respectively paragraph (c), paragraph (d) and paragraph (e), with effect from 15th May, 2013.

CHAPTER IV
GENERAL PROVISIONS FOR ASSOCIATES

DIVISION 1
INITIAL CERTIFICATE APPLICATION

Submission of application.

61. (1) An application for an associate certificate shall be made in writing by completing the application form as set out in Schedule 1 and the notice in the form set out in Schedule 2, signed by the applicant or by a duly authorised officer on behalf of the applicant and delivered to the offices of the Commission.

(2) Before making an application in accordance with paragraph (1), a person intending to apply for an associate certificate, or a person acting on behalf of a prospective applicant, may submit to the Commission, in electronic or paper format, all or part of an application form as set out in Schedule 1 for the purposes specified in regulation 64(2).

Initial deposit of investigation monies.

62. Before, or at the time of, the submission of an application for an associate certificate, the relevant sum specified under Schedule 21 shall be deposited with the Commission by, or on behalf of, the applicant from which the Commission is permitted to draw the costs associated with processing, investigating and determining that application.

Display on Commission's website.

63. Following receipt of an application for an associate certificate, the Commission shall post and thereafter continuously display on its website until the application is withdrawn by the applicant or determined by the Commission a notice in the form set out in Schedule 2 containing the information required therein detailing the application.

Commencement of investigations.

64. (1) When an applicant has complied with regulations 61(1) and 62, the Commission shall make arrangements to investigate the applicant and, where applicable, any associate of the applicant in order to assess whether the applicant appears to be a fit and proper person to hold an associate certificate.

(2) If a person submits all or part of an application form in accordance with regulation 61(2) and complies with regulation 62, at the request of that person, the Commission may make arrangements to commence an investigation in accordance with paragraph (1) insofar as that is practicable from the information supplied, pending compliance with regulation 61(1).

Criteria against which applicant for core services associate certificate assessed.

65. (1) In deciding whether an applicant for a core services associate certificate is a fit and proper person to hold that certificate, the Commissioners shall have regard to the following matters –

- (a) the applicant's character,
- (b) the applicant's business reputation,
- (c) the applicant's current financial position and financial background,
- (d) whether an associate of an applicant satisfies regulation 67,
- (e) whether the applicant has the appropriate business ability to assist an eGambling licensee [or the holder of a Category 1 associate certificate or Category 2

associate certificate] to conduct eGambling successfully under an eGambling licence [or Category 1 associate certificate or Category 2 associate certificate].

(2) In deciding whether an applicant for an associate certificate is a fit and proper person to hold that certificate, the Commissioners may have regard to any other licence or permission however described allowing the applicant, or an associate of the applicant, to conduct any form of gambling lawfully in another jurisdiction.

NOTE

In regulation 65, the words in the first and second pairs of square brackets were inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(6), with effect from 11th January, 2018.

Criteria against which applicant for [Category 1 associate certificate or Category 2 associate certificate] assessed.

66. (1) In deciding whether an applicant for a [Category 1 associate certificate or Category 2 associate certificate] is a fit and proper person to hold that certificate, the Commissioners shall have regard to the following matters –

- (a) the applicant's character,
- (b) the applicant's business reputation,
- (c) the applicant's current financial position and financial background,
- (d) whether the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure,

- (e) whether an associate of the applicant satisfies regulation 67,
- (f) whether the applicant has, or is able to obtain, appropriate resources and appropriate services,
- (g) whether the applicant has the appropriate business ability to conduct eGambling successfully, and
- (h) the manner in which the applicant currently conducts any form of eGambling in any jurisdiction (if at all).

(2) In deciding whether an applicant for a [Category 1 associate certificate or Category 2 associate certificate] is a fit and proper person to hold [that certificate], the Commissioners may have regard to any other [certificate,] licence or permission however described allowing the applicant, or an associate of the applicant, to conduct any form of gambling lawfully in Alderney or another jurisdiction.

NOTES

In regulation 66,

the words "Category 1 associate certificate or Category 2 associate certificate" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(6), with effect from 11th January, 2018;⁹

the words in the second and third pairs of square brackets in paragraph (2) were, respectively, substituted and inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2014, regulation 2(a) and regulation 2(b), with effect from 17th December, 2014.

Criteria against which associate assessed.

67. In deciding whether an associate of an applicant for an associate certificate is a fit and proper person to be associated with the applicant –

- (a) an associate who holds an associate certificate or, as the case may be, a hosting certificate shall without further investigation be regarded as having satisfied the Commissioners that it is a fit and proper person to be associated with another associate certificate holder, and
- (b) where an associate does not hold an associate certificate or a hosting certificate, the Commissioners shall have regard to the following matters –
 - (i) the associate's character,
 - (ii) the associate's business reputation,
 - (iii) the associate's current financial position and financial background, and
 - (iv) where applicable, whether the associate has the appropriate business ability to participate with the applicant in assisting an eGambling licensee to conduct eGambling successfully under an eGambling licence.

Request for further information.

68. At any time before an application for an associate certificate is determined by the Commission, an officer or servant of the Commission may request from the applicant or, with the applicant's prior permission, from some other person such further information or documentation as the officer or servant considers desirable to enable a proper assessment of the application to be made.

Requirement for further information.

69. (1) Whether or not a request in accordance with regulation 68 has been made, a duly authorised officer of the Commission may, by notice in writing given to the applicant, require the applicant to supply to the Commission such further information or documentation as may reasonably be required to make a proper assessment of the application.

(2) Where a notice under paragraph (1) has been given, the Commission –

- (a) is not required to determine the application until the notice has been complied with,
- (b) may, if the applicant fails to comply with the notice under paragraph (1) within a reasonable time, give the applicant notice by email or other means that if it fails to so comply within 7 days, then the applicant shall be deemed to have withdrawn its application pursuant to regulation 72(1).

External consultations.

70. As part of the investigation of an application for an associate certificate, an officer or servant of the Commission may make appropriate enquiries of an officer of police, any gambling regulator operating outside Alderney, any law enforcement agency operating outside the Bailiwick of Guernsey or such other person as he considers can assist him in order to enable a proper assessment of the application to be made.

Supplementary deposit of investigation monies.

71. (1) If, prior to the determination of an application for an associate certificate, the monies deposited with the Commission in accordance with regulation

62 or this regulation have been exhausted, the Commission may by notice in writing to the applicant require that the relevant sum specified under Schedule 21 shall be deposited with the Commission by, or on behalf of, the applicant.

(2) Where a notice under paragraph (1) has been given, the Commission is not required to determine the application until the notice has been complied with.

Withdrawal and lapse of application.

72. (1) At any time before the Commissioners determine an application for an associate certificate, the applicant may, by notice in writing given to the Commission, withdraw the application.

- (2) If an applicant fails to proceed with its application by –
- (a) not taking a required step in furtherance of the application for 3 months, or
 - (b) failing to substantially respond to a relevant enquiry or direction by the Commission within 3 months,

the application shall lapse and be treated as if it had been withdrawn.

(3) Where an applicant withdraws the application or it lapses by operation of paragraph (2), the Commission shall repay to the applicant or, as the case may be, the person who deposited monies on behalf of the applicant any monies not drawn by it from the monies deposited in accordance with regulation 62 or, where applicable, regulation 71.

Report to Commissioners.

73. On completion of an investigation of an applicant for an associate

certificate and, where applicable, any associate of the applicant, a report containing details of the application, the investigation and the assessment made of the application shall be prepared by a duly authorised officer of the Commission for submission to the Commissioners for their consideration.

Determination of application.

74. (1) Before deciding whether to grant or refuse an application for an associate certificate, the Commissioners shall consider –

- (a) the report submitted to them in accordance with regulation 73,
- (b) any written representations received as a result of the display of the notice required by regulation 63, and
- (b) such other material or information supplied to the Commission by, or on behalf of, the applicant as they consider appropriate.

(2) Where the Commissioners consider that they have insufficient information on which to decide whether to grant or refuse the application, they shall defer their decision on the application and –

- (a) shall cause an appropriate requirement under regulation 69 to be made, and
- (b) may invite the applicant, or if a company, a representative of the applicant, to attend before them for interview.

Notification of refusal.

75. If the Commissioners refuse to grant an application for an associate certificate, the Commission shall give the applicant written notice of the decision and of the reasons for the refusal.

Form of associate certificate.

76. If the Commissioners grant an application for an associate certificate, the certificate issued under section 7 of the Ordinance shall be in the form set out in Schedule 4.

Payment of investigation costs not deposited.

77. Where the costs payable by an applicant under section 6(1) of the Ordinance exceed the total of the monies deposited in accordance with regulation 62 and, where applicable, regulation 71, the associate certificate shall not be regarded by the Commission as conferring the benefits to the certificate holder set out in these regulations until payment of the amount by which the costs incurred exceeded the amount deposited, as notified to the certificate holder in writing by the Commission, has been received by the Commission.

Re-allocation or return of surplus investigation monies deposited.

78. After determining an application for an associate certificate, the Commission shall, in respect of the monies not drawn by it from those deposited by the applicant in accordance with regulation 62 or, where applicable, regulation 71 for processing, investigating and determining the application –

- (a) repay the whole amount to the applicant, or
- (b) where the applicant for a [Category 1 associate certificate or Category 2 associate certificate] is granted the certificate and so requests, retain such specific amount as the applicant has indicated it wishes the Commission to continue to hold and apply towards the

amount to be deposited in accordance with regulation 260 and repay to the applicant any balance.

NOTE

In regulation 78, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(6), with effect from 11th January, 2018.¹⁰

Accounting for investigation monies deposited.

79. The Commission shall, whenever requested to do so by an applicant, account to the applicant in respect of the costs as at that time incurred by the Commission in respect of the application.

DIVISION 2

CERTIFICATE CONDITIONS

Imposition or change of certificate conditions.

80. (1) Where the Commission considers it necessary, expedient or desirable to –

- (a) attach a condition to an associate certificate,
- (b) modify an existing condition attached to an associate certificate, or
- (c) rescind an existing condition attached to an associate certificate,

it shall issue to the certificate holder a notice in writing (a "**condition notice**") which shall explain the proposed change of condition and set out the Commission's reasons for the change.

(2) Subject to regulation 81, a change of conditions takes effect on

–

(a) the day on which the condition notice is given to the certificate holder, or

(b) such later day as is specified in the condition notice.

Challenge to condition notice.

81. (1) If an associate certificate holder wishes to make representations to the Commission about anything in the condition notice, it may do so in writing within seven days of receipt of the condition notice.

(2) Representations under paragraph (1) may include a request that the date from which the change of conditions takes effect be postponed until the Commission has considered the representations.

(3) After consideration of any representations under this regulation, the Commission may confirm, modify or withdraw the condition notice.

(4) The Commission shall give the certificate holder written notice of its decision under this regulation and of the reasons for it.

Return of associate certificate for endorsement of changed conditions.

82. (1) An associate certificate holder shall return its associate certificate to the Commission within seven days of –

(a) receiving a condition notice, or,

(b) where the right to make representations in accordance

with regulation 81 has been exercised, receipt of a notice from the Commission in accordance with regulation 81(4) confirming or modifying the condition notice.

- (2) On receiving the associate certificate, the Commission shall –
 - (a) amend the certificate in an appropriate way and return the amended certificate to the certificate holder, or
 - (b) if the Commission does not consider that it is practicable to amend the certificate, issue a replacement associate certificate free of charge, incorporating the change of conditions to the associate certificate.

(3) A change of conditions does not depend on the associate certificate being amended to record the change or a replacement associate certificate being issued.

CHAPTER V

MODIFICATION TO AND SURRENDER OF CERTIFICATE

Modification to associate certificate.

83. (1) An associate certificate holder who wishes to obtain the Commission's approval for a proposed modification to the details contained on its associate certificate shall make application by letter to the Commission setting out the modification for which it seeks approval.

(2) Without prejudice to the generality of paragraph (1), an application is required within seven days of –

- (a) a certificate holder's name changing, or
 - (b) a certificate holder's registered office changing.
- (3) An application under paragraph (1) shall be accompanied by –
- (a) the certificate holder's associate certificate,
 - (b) where applicable, a certified copy of the resolution of the certificate holder effecting the change in question, and
 - (c) payment of the administration charge specified in Schedule 21.
- (4) If the Commission refuses to grant an application under this regulation, it shall return the certificate holder's associate certificate and give to it written notice of its decision and of the reasons for the refusal.
- (5) If the Commission grants an application under this regulation, it shall –
- (a) amend the certificate in an appropriate way and return the amended certificate to the certificate holder, or
 - (b) if the Commission does not consider that it is practicable to amend the certificate, issue a replacement associate certificate free of charge, incorporating the change of conditions to the associate certificate.

Surrender of associate certificate.

84. (1) An associate certificate holder may surrender its associate certificate by written notice (a "**surrender notice**") given to the Commission.

(2) The surrender takes effect –

(a) on the day specified in the surrender notice, or

(b) if no day is specified in the surrender notice, one month after the surrender notice is given to the Commission.

(3) A person who has surrendered an associate certificate must, unless it provides an explanation which is acceptable to the Commission, return the associate certificate to the Commission within seven days after the day on which the surrender takes effect.

CHAPTER VI

SUSPENSION, REVOCATION AND OTHER SANCTIONS

Fit and proper test: associate certificate holder.

85. (1) For the purposes of section 12(1)(a) of the Ordinance, in deciding whether an associate certificate holder continues to be a fit and proper person to hold that certificate, the Commission shall have regard to the following matters –

(a) the certificate holder's character,

(b) the certificate holder's business reputation,

(c) the certificate holder's current financial position and financial background,

- (d) whether an associate of the certificate holder satisfies regulation 86, [...]
- (e) whether the certificate holder has the appropriate business ability to assist an eGambling licensee to conduct eGambling successfully under an eGambling licence[, and]
- [(f) in the case of a Category 1 associate certificate holder, actions taken by the certificate holder under regulation 236 to discover and combat problem gambling.]

(2) For the purposes of section 12(1)(a) of the Ordinance, in deciding whether an associate certificate holder continues to be a fit and proper person to hold that certificate, the Commission may have regard to –

- (a) any changes to the validity of any other licence or permission however described held at the time the associate certificate was issued or obtained since then allowing the certificate holder, or one of its associates, to conduct any form of gambling lawfully in another jurisdiction, and
- (b) any penalties or sanctions however described imposed on the certificate holder, or any of its associates, by gambling or other regulators outside Alderney.

NOTE

In regulation 85, first, the word omitted in square brackets at the end of paragraph (d) was revoked, second, the punctuation and word in square brackets at the end of paragraph (e) were substituted and, third, paragraph

(f) was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(8), with effect from 11th January, 2018.

Fit and proper test: associate.

86. For the purposes of section 12(1)(b) of the Ordinance, in deciding whether an associate of an associate certificate holder continues to be a fit and proper person to be associated with an associate certificate holder –

- (a) an associate who holds an associate certificate or, as the case may be, a hosting certificate shall without further investigation be regarded as having satisfied the Commission that it is a fit and proper person to be associated with another associate certificate holder, and
- (b) where an associate does not hold an associate certificate or a hosting certificate, the Commission shall have regard to the following matters –
 - (i) the associate's character,
 - (ii) the associate's business reputation,
 - (iii) the associate's current financial position and financial background, and
 - (iv) where applicable, whether the associate has the appropriate business ability to participate with the associate certificate holder in assisting an eGambling licensee to conduct eGambling successfully under an eGambling licence.

Rectification: Commission proposal.

87. (1) Where the Commission believes that –
- (a) a ground referred to in section 12(1) of the Ordinance exists, and
 - (b) it is appropriate to give the associate certificate holder an opportunity to rectify the matter or matters giving rise to the Commission's belief that such a ground exists,

it shall issue to the associate certificate holder a notice in writing (a "**rectification proposal**") which shall explain the proposed direction under regulation 88 and set out the Commission's reasons for proposing to give the direction.

(2) If an associate certificate holder wishes to make representations to the Commission about anything in the rectification proposal, it may do so in writing within seven days of receipt of the rectification proposal.

(3) After consideration of an associate certificate holder's representations, the Commission may –

- (a) confirm, modify or withdraw the rectification proposal, or
- (b) take no further action concerning the rectification proposal indefinitely, or for such period as the Commission considers appropriate.

(4) The Commission shall give the associate certificate holder written notice of its decision under paragraph (3) and of the reasons for it.

Direction to rectify.

88. (1) Where –

- (a) an associate certificate holder elects not to make any representations in accordance with regulation 87(2), or
- (b) after considering an associate certificate holder's representations, the Commission decides to confirm or modify its proposals as set out in the rectification proposal,

the Commission shall, by written notice to the certificate holder (a "**rectification notice**"), direct it to rectify the matter or matters specified in the notice in the manner specified in the notice within the period of time specified in the notice.

(2) A rectification notice shall warn the associate certificate holder of the consequences of failing to comply with the notice as specified in regulation 90(2).

(3) Where the Commission believes that the associate certificate holder has an existing relationship with an eGambling licensee, the Commission shall give a copy of the rectification notice to that eGambling licensee.

(4) During the period of time specified in a rectification notice, its terms may be modified in any way that the Commission sees fit, whether as a result of written representations from the certificate holder or from an eGambling licensee with which the certificate holder has an existing relationship, or of the Commission's own motion.

Written caution.

89. Where the Commission is satisfied that –

- (a) a ground referred to in section 12(1) of the Ordinance –
 - (i) exists, or
 - (ii) existed and has been resolved, whether voluntarily or in accordance with a rectification notice, and
- (b) it is appropriate to give the associate certificate holder formal notice warning it about the consequences of any repetition of the type of act or omission giving rise to the Commission's view,

it may issue to the certificate holder a notice in writing which shall set out the basis for its finding that a ground in section 12(1) of the Ordinance has arisen and warn the certificate holder of the consequences of any repetition of the same or similar type of act or omission.

Regulatory hearing: notice.

90. (1) Where the [Executive Director] believes that –

- (a) a ground referred to in section 12(1) of the Ordinance exists, and
- (b) the circumstances are such that it is necessary to convene a hearing of the Commissioners at which the associate certificate holder shall be given the opportunity of making representations in response,

he shall give to the certificate holder a notice in writing (a "**hearing notice**") which shall explain that the [Executive Director] is recommending to the Commission that it should impose a financial penalty or suspend or revoke the associate certificate and set out his reasons for convening the hearing.

(2) Where the [Executive Director] believes that a rectification notice has not been fully complied with, he shall give to the associate certificate holder a hearing notice which shall explain that the [Executive Director] is recommending to the Commission that it should impose a financial penalty or suspend or revoke the associate certificate and set out the [Executive Director]'s reasons for convening the hearing.

(3) A hearing notice shall give at least seven days' notice of the hearing to the associate certificate holder and appoint a date, time and place for the hearing.

(4) An associate certificate holder may elect not to attend the hearing convened by the hearing notice and confine its representations to any it wishes to make in writing to the Commission prior to the date of the hearing.

NOTE

In regulation 90, the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Immediate suspension.

91. (1) At the same time as giving a hearing notice, the [Executive Director] may, with the approval of at least one Commissioner, suspend an associate certificate under this regulation if he is satisfied on reasonable grounds that –

- (a) a ground referred to in section 12(1) of the Ordinance exists,
 - (b) the seriousness and urgency of the matter requires that immediate action be taken ahead of a regulatory hearing,
 - (c) the seriousness and urgency of the matter do not permit the taking of action by way of a rectification proposal, and
 - (d) the circumstances require that the associate certificate be suspended to ensure that the certificate holder is unable to jeopardise the integrity of an eGambling licensee's operation.
- (2) A suspension under this regulation –
- (a) shall be effected by written notice given by the [Executive Director] to the associate certificate holder (a "**suspension notice**"),
 - (b) takes effect immediately when the suspension notice is given, and
 - (c) is effective until –
 - (i) the Commissioners have reached a determination at the conclusion of the hearing convened in accordance with regulation 90, or

- (ii) it is cancelled by further notice in writing of the [Executive Director] in accordance with regulation 92.

(3) Where the [Executive Director] believes that the associate certificate holder has an existing relationship with an eGambling licensee or, as the case may be, an associate, the [Executive Director] shall give a copy of the suspension notice to that eGambling licensee or associate.

NOTE

In regulation 91, the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Cancellation of suspension notice.

92. (1) If an associate certificate holder, eGambling licensee or associate receiving a copy of the suspension notice in accordance with regulation 91(3), wishes to request that the immediate suspension imposed by the suspension notice be cancelled, it may make representations to the [Executive Director] in writing at any time whilst the suspension is effective.

(2) After consideration of any representations made under paragraph (1), the [Executive Director], with the approval of at least one Commissioner, may confirm or cancel the suspension notice.

(3) The [Executive Director] shall give the associate certificate holder and, where applicable, the eGambling licensee and/or associate written notice of the decision under paragraph (2) and of the reasons for it.

(4) Where, prior to the Commission reaching a determination at the conclusion of the hearing convened in accordance with regulation 90, the [Executive Director] considers that it is no longer necessary to continue the suspension of an associate certificate, he shall, with the approval of at least one Commissioner, cancel the suspension notice and give written notice to that effect to the certificate holder and, where applicable, an eGambling licensee and/or associate who have received a copy of the suspension notice in accordance with regulation 91(3).

NOTE

In regulation 92, the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Conduct of regulatory hearing.

- 93.** (1) At a hearing convened in accordance with regulation 90 –
- (a) the proceedings shall be opened and directed by the Chairman of the Commission or, in his absence, the Commissioner presiding at the hearing, who shall be responsible for the proper conduct of the hearing,
 - (b) the Commissioners shall, so far as it appears to them appropriate, seek to avoid formality in their proceedings and shall conduct the hearing in such manner as they consider most appropriate for the clarification of the issues before them and generally to the just handling of the hearing, and

- (c) the associate certificate holder may appear before the Commissioners through any representative.

(2) Without prejudice to the generality of paragraph (1)(b), where the associate certificate holder indicates that it wishes to challenge the allegation set out in the hearing notice given to it, the Commissioners may adopt the following procedure –

- (a) a duly authorised officer of the Commission or any representative of that officer shall first be invited to present the case setting out the ground under section 12(1) of the Ordinance alleged against the certificate holder and may, for that purpose, call unsworn evidence from witnesses and produce documents,
- (b) in the event that a witness gives evidence in support of the duly authorised officer's presentation, cross-examination by the representative of the certificate holder and re-examination by the duly authorised officer or his representative shall be permitted,
- (c) the representative of the certificate holder shall next present its response and may, for that purpose, call unsworn evidence from witnesses and produce documents,
- (d) in the event that a witness gives evidence in support of the certificate holder's presentation, cross-examination by the duly authorised officer or his representative and re-examination by the representative of the certificate

holder shall be permitted,

- (e) written representations may be lodged with the Commissioners by, or on behalf of, the duly authorised officer or certificate holder before or during the hearing or in such other manner as the Commissioners may direct,
- (f) questions may be asked at any time by the Commissioners, and
- (g) the Commissioners may proceed to determine whether or not a ground referred to in section 12(1) of the Ordinance has been established before inviting comments from the representative of the certificate holder in relation to any appropriate sanction.

(3) Where the Commissioners proceed in accordance with paragraph (2)(g) and determine that a ground referred to in section 12(1) of the Ordinance has been established, they shall provide an opportunity for the representative of the associate certificate holder to offer any explanation and make such other comment as he wishes.

(4) Without prejudice to the generality of paragraph (1)(b), where the associate certificate holder indicates that it accepts the allegation set out in the hearing notice given to it, the Commissioners may adopt the following procedure –

- (a) a duly authorised officer of the Commission or any representative of that officer may first be invited to summarise the case setting out the ground under section 12(1) of the Ordinance alleged against the certificate

holder,

- (b) the representative of the certificate holder shall be provided with the opportunity to offer any explanation and make such other comment as he wishes, and
- (c) questions may be asked at any time by the Commissioners.

(5) A hearing under this regulation may be adjourned by the Commissioners at any time and for any purpose.

(6) Unless the Commissioners otherwise direct, a hearing under this regulation shall be held in public in Alderney.

Regulatory hearing: Commissioners' determination.

94. (1) During or at the conclusion of a hearing convened in accordance with regulation 90, having taken into account everything said before and lodged with them, the Commissioners shall first determine whether the existence of a ground referred to in section 12(1) of the Ordinance has been accepted by, or established against, the associate certificate holder and –

- (a) if so, shall then determine which of the actions specified in section 12(3) of the Ordinance, if any, to take in respect of the associate certificate holder or, as the case may be, its certificate, or
- (b) if not, shall direct that the allegation against it be recorded as not having been established.

(2) The Commission shall give the associate certificate holder

written notice of its decision under this regulation and of the reasons for it (a "**determination notice**").

(3) Where the Commission believes that the associate certificate holder has an existing relationship with an eGambling licensee, the Commission shall give a copy of the determination notice to that eGambling licensee.

Post-hearing suspension and financial penalty.

95. (1) Where the Commissioners decide to impose a financial penalty or suspend an associate certificate –

- (a) the determination notice shall specify –
 - (i) the date from which any suspension takes effect, and
 - (ii) the period of time during which any suspension shall be effective,
- (b) the amount of any financial penalty shall not exceed [£250,000, or 10% of the annual turnover of the associate certificate holder in the 12 months preceding the date on which the belief referred to in regulation 90(1) was first formed, whichever is the greater], and
- (c) the determination notice shall direct whether any financial penalty is payable immediately or is to be of suspended effect.

(2) Where a financial penalty is payable immediately, the amount shall be paid to the Commission as agent for the States in the manner specified in the

determination notice.

(3) Where the Commissioners direct that a financial penalty shall be of suspended effect, the determination notice shall specify the period, which shall not in any event exceed 12 months, during which the penalty is capable of being activated in accordance with regulation 96 and, at the end of the period so specified, the penalty shall no longer be capable of taking effect.

NOTE

In regulation 95, the words in square brackets in paragraph (1)(b) were substituted by the Alderney eGambling (Amendment) Regulations, 2021, regulation 1(3), with effect from 26th November, 2021.

Activation of suspended financial penalty.

96. (1) Where, during the period of suspension specified in a determination notice, the [Executive Director] believes that a ground in section 12(1) of the Ordinance exists, the hearing notice that may be given to the associate certificate holder in accordance with regulation 90 shall also explain that the [Executive Director] is recommending to the Commission that it should consider activating the suspended financial penalty.

(2) If, at the conclusion of a hearing convened by such a hearing notice, the Commissioners are satisfied that a ground in section 12(1) of the Ordinance exists, or existed at the time of the hearing notice, having taken into account the representations of the associate certificate holder, the Commission's determination notice shall direct that the original financial penalty of suspended effect

–

(a) shall be payable to it as agent of the States immediately in the manner specified in the determination notice –

- (i) with the original amount unaltered, or
 - (ii) with the substitution of a lesser amount for the original amount,
- (b) shall be suspended for such further period not exceeding 12 months as the determination notice specifies, or
- (c) shall not be activated on this occasion and shall continue unaltered.

NOTE

In regulation 96, the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Withdrawal of associate certificate.

97. (1) The Commissioners may withdraw an associate certificate if they are satisfied that any of the grounds specified in section 12(1) of the Ordinance apply, and that unless the certificate is withdrawn –

- (a) the integrity of the conduct of eGambling by an eGambling licensee or a [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] may be jeopardised in a material way, or
- (b) the public interest or the integrity and reputation of

eGambling in Alderney may be affected in an adverse way.

(2) Withdrawal of an associate certificate takes effect when the determination notice is given or, if the determination notice specifies a later day, on the later day.

(3) A person whose associate certificate has been withdrawn shall return the certificate to the Commission within seven days of the withdrawal taking effect.

NOTE

In regulation 97, the words in square brackets in paragraph (1)(a) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.¹¹

PART III

HOSTING CERTIFICATES

CHAPTER I

INITIAL CERTIFICATE APPLICATION

Hosting certificates.

98. (1) A hosting certificate may be issued under section 7 of the Ordinance in respect of premises that are approved by the Commission for the accommodation of gambling equipment.

(2) If gambling equipment is to be located in Guernsey then a hosting certificate is required in respect of those premises.

(3) If gambling equipment is not located at premises approved by a hosting certificate, then in order for such equipment to be used lawfully for the purposes of gambling the Commission must be satisfied that the premises, in accordance with section 1(2)(c)(ii) of the Ordinance –

- (a) are suitable and secure, by reference to the premises –
 - (i) certification to relevant local regulations and the standards set by the International Organisation for Standardisation ("ISO") and the Telecommunication Industry Association ("TIA"),
 - (ii) rack quantity, power and configuration,
 - (iii) uninterruptable power supply ("UPS") and generator back-up power systems and redundancy,
 - (iv) air conditioning systems,
 - (iv) redundancy and diversity of internet feeds and telecommunications providers,
 - (v) fire and environmental protection systems, including information on whether these meet the standards set by systems such as VESDA, FM200,
 - (vi) water leak detection systems,

- (vii) disaster recovery procedures, and
 - (viii) staffing policies, and
- (b) meet the Commission's published technical standards in relation to the suitability and security of premises.

Submission of application and initial deposit of investigation monies.

99. (1) An application for a hosting certificate may be made in respect of premises situated in any jurisdiction, and shall be made in writing by completing an application form as set out in Schedule 5, signed by a duly authorised officer of the applicant and delivered to the offices of the Commission.

(2) Before making an application in accordance with paragraph (1), a person intending to apply for a hosting certificate, or a person acting on behalf of a prospective applicant, may submit to the Commission, in electronic or paper format, all or part of an application form as set out in Schedule 5 for the purposes specified in regulation 101(2).

(3) Before, or at the time of, the submission of an application for a hosting certificate, the relevant sum specified under Schedule 21 shall be deposited with the Commission by, or on behalf of, the applicant from which the Commission is permitted to draw the costs associated with processing, investigating and determining that application.

Display on Commission's website.

100. Following receipt of an application for a hosting certificate, the Commission shall post and thereafter continuously display on its website until the application is withdrawn by the applicant or determined by the Commission a notice in the form set out in Schedule 6 containing the information required therein detailing the application.

Commencement of investigations.

101. (1) When an applicant has complied with regulation 99, the Commission shall make arrangements to investigate the applicant and the premises in respect of which the applicant desires approval in order to assess –

- (a) whether the applicant appears to be a fit and proper person to hold a hosting certificate, and
- (b) whether the premises in respect of which approval is sought are suitable to accommodate gambling equipment utilised by an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] to conduct its operations.

(2) If a person submits all or part of an application form in accordance with regulation 99(2) and complies with regulation 99(3), at the request of that person, the Commission may make arrangements to commence an investigation in accordance with paragraph (1) insofar as that is practicable from the information supplied, pending compliance with regulation 99(1).

NOTE

In regulation 101, the words in square brackets in paragraph (1)(b) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.¹²

Criteria against which application assessed.

102. (1) In deciding whether an applicant for a hosting certificate is a fit and proper person to hold that certificate, the Commissioners shall have regard to the following matters –

- (a) the applicant's character,
- (b) the applicant's business reputation,
- (c) the applicant's current financial position and financial background,
- (d) whether the applicant has the appropriate business and technical ability to assist an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] by accommodating gambling equipment utilised by the [eGambling licensee, the Category 1 associate certificate holder or the Category 2 associate certificate holder] to conduct its operations.

(2) In deciding whether the premises for which an applicant for a hosting certificate seeks approval are suitable, the Commissioners shall have regard to the following matters –

- (a) the location of the premises,
- (b) the layout of the premises,
- (c) the security of the premises, including access thereto, and
- (d) the facilities at the premises, including the arrangements in place in respect of power sources and business continuity.

NOTES

In regulation 102,

the words in the first pair of square brackets in paragraph (1)(d) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018;¹³

the words in the second pair of square brackets in paragraph (1)(d) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 3, with effect from 11th January, 2018.¹⁴

Request for further information.

103. At any time before an application for a hosting certificate is determined by the Commission, an officer or servant of the Commission may request from the applicant or, with the applicant's prior permission, from some other person such further information or documentation as the officer or servant considers necessary to enable a proper assessment of the application to be made.

Requirement for further information.

104. (1) Whether or not a request in accordance with regulation 103 has been made, a duly authorised officer of the Commission may, by notice in writing given to the applicant, require the applicant to supply to the Commission such further information or documentation as may reasonably be required to make a proper assessment of the application.

(2) Where a notice under paragraph (1) has been given, the Commission –

(a) is not required to determine the application until the notice has been complied with,

- (b) may, if the applicant fails to comply with the notice under paragraph (1) within a reasonable time, give the applicant notice by email or other means that if it fails to so comply within 7 days, then the applicant shall be deemed to have withdrawn its application pursuant to regulation 107(1).

External consultations.

105. As part of the investigation of an application for a hosting certificate, an officer or servant of the Commission may make appropriate enquiries of an officer of police, any regulator or law enforcement agency operating within or outside the Bailiwick of Guernsey or such other person as he considers can assist him in order to enable a proper assessment of the application to be made.

Supplementary deposit of investigation monies.

106. (1) If, prior to the determination of an application for a hosting certificate, the monies deposited with the Commission in accordance with regulation 99 or this regulation have been exhausted, the Commission may by notice in writing to the applicant require that the relevant sum specified under Schedule 21 shall be deposited with the Commission by, or on behalf of, the applicant.

(2) Where a notice under paragraph (1) has been given, the Commission is not required to determine the application until the notice has been complied with.

Withdrawal and lapse of application.

107. (1) At any time before the Commissioners determine an application for a hosting certificate, the applicant may, by notice in writing given to the Commission, withdraw the application.

- (2) If an applicant fails to proceed with its application by –

- (a) not taking a required step in furtherance of the application for 3 months, or
- (b) failing to substantially respond to a relevant enquiry or direction by the Commission within 3 months,

the application shall lapse and be treated as if it had been withdrawn.

(3) Where an applicant withdraws the application or it lapses by operation of paragraph (2), the Commission shall repay to the applicant or, as the case may be, the person who deposited monies on behalf of the applicant any monies not drawn by it from the monies deposited in accordance with regulation 99 or, where applicable, regulation 106.

Report to Commissioners.

108. On completion of an investigation of an application for a hosting certificate, a report containing details of the application, the investigation and the assessment made of the application shall be prepared by a duly authorised officer of the Commission for submission to the Commissioners for their consideration.

Determination of application.

109. (1) Before deciding whether to grant or refuse an application for a hosting certificate, the Commissioners shall consider –

- (a) the report submitted to them in accordance with regulation 108,
- (b) any written representations received as a result of the display of the notice required by regulation 100, and

- (c) such other material or information supplied to the Commission by, or on behalf of, the applicant as they consider appropriate.

(2) Where the Commissioners consider that they have insufficient information on which to decide whether to grant or refuse the application, they shall defer their decision on the application and –

- (a) shall cause an appropriate requirement under regulation 104 to be made, and
- (b) may invite the applicant, or a representative of the applicant, to attend before them for interview.

Notification of refusal.

110. If the Commissioners refuse to grant an application for a hosting certificate, the Commission shall give the applicant written notice of the decision and of the reasons for the refusal.

Form of hosting certificate.

111. If the Commissioners grant an application for a hosting certificate, the certificate issued under section 7 of the Ordinance shall be in the form set out in Schedule 7.

Payment of investigation costs not deposited.

112. Where the costs payable by an applicant under section 6(1) of the Ordinance exceed the total of the monies deposited in accordance with regulation 99 and, where applicable, regulation 106, the hosting certificate shall not be regarded as valid until payment of the amount by which the costs incurred exceeded the amount deposited, as notified to the certificate holder in writing by the Commission, has been received by the Commission.

Repayment of surplus investigation monies deposited.

113. After determining an application for a hosting certificate, the Commission shall repay to the applicant any monies not drawn by it from the monies deposited by the applicant in accordance with regulation 99 or, where applicable, regulation 106.

Accounting for investigation monies deposited.

114. The Commission shall, whenever requested to do so by an applicant, account to the applicant in respect of the costs as at that time incurred by the Commission in respect of the application.

CHAPTER II
CERTIFICATE CONDITIONS

General conditions attaching to hosting certificate.

115. A hosting certificate granted by the Commission under section 7 of the Ordinance is subject to the following conditions –

- (a) upon request from a duly authorised officer of the Commission about the level of activity at approved premises being undertaken by an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], the hosting certificate holder must, as soon as reasonably practicable, provide the information requested or explain why that information cannot be supplied,
- (b) the certificate holder must within 48 hours of any serious incident negatively affecting the operations of any service provided to an [eGambling licensee,

Category 1 associate certificate holder or a Category 2 associate certificate holder] at its approved premises notify the Commission in writing of the details and consequences of the incident and of the remedial steps, if any, taken,

- (c) the hosting certificate holder must give notification in writing to the Commission containing full details within seven days when a material change occurs in the information previously supplied by it to the Commission, whether prior to being granted the certificate or subsequently, to which the Commission would be able to have regard in considering whether or not the certificate holder is a fit and proper person to hold a hosting certificate, and
- (d) upon being given reasonable notice, which shall wherever possible be not less than seven days, the hosting certificate holder shall attend at a meeting of the Commissioners for the purpose set out in the notice.

NOTE

In regulation 115, the words in square brackets in paragraph (a) and paragraph (b) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.¹⁵

Imposition or change of certificate conditions.

116. (1) Where the Commission considers it necessary, expedient or desirable to –

- (a) attach a condition to a hosting certificate,
- (b) modify an existing condition attached to a hosting certificate, or
- (c) rescind an existing condition attached to a hosting certificate,

it shall issue to the certificate holder a notice in writing (a "**condition notice**") which shall explain the proposed change of condition and set out the Commission's reasons for the change.

(2) Subject to regulation 117, a change of conditions takes effect on –

- (a) the day on which the condition notice is given to the hosting certificate holder, or
- (b) such later day as is specified in the condition notice.

Challenge to condition notice.

117. (1) If a hosting certificate holder wishes to make representations to the Commission about anything in the condition notice, it may do so in writing within seven days of receipt of the condition notice.

(2) Representations under paragraph (1) may include a request that the date from which the change of conditions takes effect be postponed until the Commission has considered the representations.

(3) After consideration of a hosting certificate holder's representations, the Commission may confirm, modify or withdraw the condition

notice.

(4) The Commission shall give the hosting certificate holder written notice of its decision under this regulation and of the reasons for it.

Return of hosting certificate for endorsement of changed conditions.

118. (1) A hosting certificate holder shall return its hosting certificate to the Commission within seven days of –

- (a) receiving a condition notice, or,
- (b) where it exercises its right to make representations in accordance with regulation 117, receipt of a notice from the Commission in accordance with regulation 117(4) confirming or modifying the condition notice.

(2) On receiving the hosting certificate, the Commission shall –

- (a) amend the certificate in an appropriate way and return the amended certificate to the certificate holder, or
- (b) if the Commission does not consider that it is practicable to amend the certificate, issue a replacement hosting certificate free of charge, incorporating the change of conditions to the hosting certificate.

(3) A change of conditions does not depend on the hosting certificate being amended to record the change or a replacement hosting certificate being issued.

CHAPTER III

MODIFICATION TO AND SURRENDER OF CERTIFICATE

Modification to hosting certificate.

119. (1) Subject to regulation 120, a hosting certificate holder who wishes to obtain the Commission's approval for a proposed modification to the details contained on its hosting certificate shall make application by letter to the Commission setting out the modification for which it seeks approval.

(2) Without prejudice to the generality of paragraph (1), an application is required within seven days of –

- (a) a hosting certificate holder's name changing, or
- (b) a hosting certificate holder's registered office changing.

(3) An application under paragraph (1) shall be accompanied by –

- (a) the certificate holder's hosting certificate,
- (b) where applicable, a certified copy of the resolution of the hosting certificate holder effecting the change in question, and
- (c) payment in respect of an administration charge of the relevant sum specified in Schedule 21.

(4) If the Commission refuses to grant an application under this regulation, it shall return the certificate holder's hosting certificate and give to it notice of its decision and of the reasons for the refusal.

(5) If the Commission grants an application under this regulation,

it shall –

- (a) amend the certificate in an appropriate way and return the amended certificate to the certificate holder, or
- (b) if the Commission does not consider that it is practicable to amend the certificate, issue a replacement hosting certificate free of charge, incorporating the change of conditions to the hosting certificate.

Changes to approved premises.

120. (1) A hosting certificate holder who wishes to obtain the Commission's approval for –

- (a) a proposed modification to its approved premises,
- (b) the addition of new premises to its approved premises,
- (c) the deletion of any premises from its approved premises,

shall make application in that behalf by completing an application form as set out in Schedule 8, signed by a duly authorised officer of the certificate holder and delivered to the offices of the Commission.

(2) An application under this regulation shall be investigated and determined by the Commission in the same way as it would investigate and determine the suitability of premises specified in an initial certificate application.

(3) If the Commission refuses to grant an application under this regulation, it shall give the hosting certificate holder written notice of its decision and

of the reasons for the refusal.

(4) If the Commission grants an application under this regulation, it shall –

- (a) give the hosting certificate holder written notice of its decision and require the certificate holder to return its hosting certificate, and
- (b) render an account in respect of the costs incurred associated with processing, investigating and determining the application.

(5) On receiving the hosting certificate and payment of the account rendered under paragraph (4)(b), the Commission shall –

- (a) amend the certificate in an appropriate way and return the amended certificate to the certificate holder, or
- (b) if the Commission does not consider that it is practicable to amend the certificate, issue a replacement hosting certificate free of charge, incorporating the change of conditions to the hosting certificate.

(6) A change to a hosting certificate holder's approved premises under this regulation takes effect on –

- (a) the day on which the certificate holder's amended or replacement certificate is returned or issued by the Commission, or

- (b) such later date as is specified on the amended or replacement certificate.

Surrender of hosting certificate.

121. (1) A certificate holder may surrender its hosting certificate by written notice (a "**surrender notice**") given to the Commission.

(2) The surrender takes effect –

- (a) on the day specified in the surrender notice, or
- (b) if no day is specified in the surrender notice, one month after the surrender notice is given to the Commission.

(3) A person who has surrendered a hosting certificate must, unless it provides an explanation which is acceptable to the Commission, return the certificate to the Commission within seven days after the day on which the surrender takes effect.

CHAPTER IV

SUSPENSION, REVOCATION AND OTHER SANCTIONS

Fit and proper test: hosting certificate holder.

122. For the purposes of section 12(1)(a) of the Ordinance, in deciding whether a hosting certificate holder continues to be a fit and proper person to hold that certificate, the Commission shall have regard to the following matters –

- (a) the certificate holder's character,
- (b) the certificate holder's business reputation,

- (c) the certificate holder's current financial position and financial background,
- (d) whether the certificate holder has the appropriate business ability to assist an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] by accommodating gambling equipment utilised by the [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] to conduct its operations, and
- (e) whether the approved premises of the certificate holder continue to be suitable, having regard to –
 - (i) the layout of the premises,
 - (ii) the security of the premises, including access thereto, and
 - (iii) the facilities at the premises, including the arrangements in place in respect of power sources and business continuity.

NOTE

In regulation 122, the words in the first and second pairs of square brackets in paragraph (d) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.¹⁶

Rectification: Commission proposal.

123. (1) Where the Commission believes that –

- (a) a ground referred to in section 12(1) of the Ordinance exists, and
- (b) it is appropriate to give the hosting certificate holder an opportunity to rectify the matter or matters giving rise to the Commission's belief that such a ground exists,

it shall issue to the hosting certificate holder a notice in writing (a "**rectification proposal**") which shall explain the proposed direction under regulation 124 and set out the Commission's reasons for proposing to give the direction.

(2) If a hosting certificate holder wishes to make representations to the Commission about anything in the rectification proposal, it may do so in writing within seven days of receipt of the rectification proposal.

(3) After consideration of a hosting certificate holder's representations, the Commission may –

- (a) confirm, modify or withdraw the rectification proposal, or
- (b) take no further action concerning the rectification proposal indefinitely, or for such period as the Commission considers appropriate.

(4) The Commission shall give the hosting certificate holder written notice of its decision under paragraph (3) and of the reasons for it.

Direction to rectify.

124. (1) Where –

- (a) a hosting certificate holder elects not to make any representations in accordance with regulation 123(2), or
- (b) after considering a hosting certificate holder's representations, the Commission decides to confirm or modify its proposals as set out in the rectification proposal,

the Commission shall, by written notice to the certificate holder (a "**rectification notice**"), direct it to rectify the matter or matters specified in the notice in the manner specified in the notice within the period of time specified in the notice.

(2) A rectification notice shall warn the hosting certificate holder of the consequences of failing to comply with the notice as specified in regulation 126(2).

(3) Where the Commission believes that the hosting certificate holder has an existing relationship with an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], the Commission shall give a copy of the rectification notice to that [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder].

(4) During the period of time specified in a rectification notice, its terms may be modified in any way the Commission sees fit, whether as a result of written representations from the hosting certificate holder or from an eGambling licensee or a [Category 2 associate certificate] holder with which the certificate holder has an existing relationship, or of the Commission's own motion.

NOTES

In regulation 124,

the words in the first and second pairs of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, respectively paragraph 2 and paragraph 5, with effect from 11th January, 2018;¹⁷

the words in square brackets in paragraph (4) were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

Written caution.

125. Where the Commission is satisfied that –

- (a) a ground referred to in section 12(1) of the Ordinance –
 - (i) exists, or
 - (ii) existed and has been resolved, whether voluntarily or in accordance with a rectification notice, and
- (b) it is appropriate to give the hosting certificate holder formal notice warning it about the consequences of any repetition of the type of act or omission giving rise to the Commission's view,

it may issue to the certificate holder a notice in writing which shall set out the basis for its finding that a ground in section 12(1) of the Ordinance has arisen and warn the certificate holder of the consequences of any repetition of the same or a similar nature.

Regulatory hearing: notice.

- 126.** (1) Where the [Executive Director] believes that –
- (a) a ground referred to in section 12(1) of the Ordinance exists, and
 - (b) the circumstances are such that it is necessary to convene a hearing of the Commissioners at which the hosting certificate holder shall be given the opportunity of making representations in response,

he shall give to the hosting certificate holder a notice in writing (a "**hearing notice**") which shall explain that the [Executive Director] is recommending to the Commission that it should impose a financial penalty or suspend or revoke the hosting certificate and set out his reasons for convening the hearing.

(2) Where the [Executive Director] believes that a rectification notice has not been fully complied with, he shall give to the hosting certificate holder a hearing notice which shall explain that the [Executive Director] is recommending to the Commission that it should impose a financial penalty or suspend or revoke the hosting certificate and set out the [Executive Director]'s reasons for convening the hearing.

(3) A hearing notice shall give at least seven days' notice of the hearing to the hosting certificate holder and appoint a date, time and place for the hearing.

(4) A hosting certificate holder may elect not to attend the hearing convened by the hearing notice and confine its representations to any it wishes to make in writing to the Commission prior to the date of the hearing.

NOTE

In regulation 126, the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Immediate suspension.

127. (1) At the same time as giving a hearing notice, the [Executive Director] may, with the approval of at least one Commissioner, suspend a hosting certificate under this regulation if he is satisfied on reasonable grounds that –

- (a) a ground referred to in section 12(1) of the Ordinance exists,
- (b) the seriousness and urgency of the matter requires that immediate action be taken ahead of a regulatory hearing,
- (c) the seriousness and urgency of the matter do not permit the taking of action by way of a rectification proposal, and
- (d) the circumstances require that the hosting certificate be suspended to ensure that the hosting certificate holder is unable to jeopardise the integrity of an [eGambling licensee's, Category 1 associate certificate holder's or a Category 2 associate certificate holder's] operation.

(2) A suspension under this regulation –

- (a) shall be effected by written notice given by the

[Executive Director] to the hosting certificate holder (a **"suspension notice"**),

- (b) takes effect immediately when the suspension notice is given, and
- (c) is effective until –
 - (i) the Commissioners have reached a determination at the conclusion of the hearing convened in accordance with regulation 126, or
 - (ii) it is cancelled by further notice in writing of the [Executive Director] in accordance with regulation 128.

(3) Where the [Executive Director] believes that the hosting certificate holder has an existing relationship with an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], the [Executive Director] shall give a copy of the suspension notice to [that eGambling licensee and/or that Category 1 associate certificate holder and/or that Category 2 associate certificate holder].

NOTES

In regulation 127,

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

the words in square brackets in paragraph (1)(d) were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(5),

with effect from 9th September, 2020;¹⁸

the words in the second pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018;¹⁹

the words in the fourth pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(9), with effect from 11th January, 2018.

Cancellation of suspension notice.

128. (1) If a hosting certificate holder, or an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] receiving a copy of the suspension notice in accordance with regulation 127(3), wishes to request that the immediate suspension imposed by the suspension notice be cancelled, it may make representations in writing to the [Executive Director] at any time whilst the suspension is effective.

(2) After consideration of any representations made under paragraph (1), the [Executive Director], with the approval of at least one Commissioner, may confirm or cancel the suspension notice.

(3) The [Executive Director] shall give the hosting certificate holder and, where applicable, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice of the decision under this paragraph (2) and of the reasons for it.

(4) Where, prior to the Commission reaching a determination at the conclusion of the hearing convened in accordance with regulation 126, the [Executive Director] considers that it is no longer necessary to continue the suspension of a hosting certificate, he shall, with the approval of at least one Commissioner, cancel the suspension notice and give written notice to that effect to the certificate holder and, where applicable, the [eGambling licensee, Category 1

associate certificate holder or Category 2 associate certificate holder] which have received a copy of the suspension notice in accordance with regulation 127(3).

NOTES

In regulation 128,

the words in the first pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018;²⁰

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

the words in the second pairs of square brackets in paragraph (3) and paragraph (4) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.²¹

Conduct of regulatory hearing.

- 129.** (1) At a hearing convened in accordance with regulation 126 –
- (a) the proceedings shall be opened and directed by the Chairman of the Commission or, in his absence, the Commissioner presiding at the hearing, who shall be responsible for the proper conduct of the hearing,
 - (b) the Commissioners shall, so far as it appears to them appropriate, seek to avoid formality in their proceedings and shall conduct the hearing in such manner as they consider most appropriate for the clarification of the issues before them and generally to the just handling of the hearing, and

- (c) the hosting certificate holder may appear before the Commissioners through any representative.

(2) Without prejudice to the generality of paragraph (1)(b), where the hosting certificate holder indicates that it wishes to challenge the allegation set out in the hearing notice given to it, the Commissioners may adopt the following procedure –

- (a) a duly authorised officer of the Commission or any representative of that officer shall first be invited to present the case setting out the ground under section 12(1) of the Ordinance alleged against the certificate holder and may, for that purpose, call unsworn evidence from witnesses and produce documents,
- (b) in the event that a witness gives evidence in support of the duly authorised officer's presentation, cross-examination by the representative of the certificate holder and re-examination by the duly authorised officer or his representative shall be permitted,
- (c) the representative of the certificate holder shall next present its response and may, for that purpose, call unsworn evidence from witnesses and produce documents,
- (d) in the event that a witness gives evidence in support of the certificate holder's presentation, cross-examination by the duly authorised officer or his representative and re-examination by the representative of the certificate

holder shall be permitted,

- (e) written representations may be lodged with the Commissioners by, or on behalf of, the duly authorised officer or certificate holder before or during the hearing or in such other manner as the Commissioners may direct,
- (f) questions may be asked at any time by the Commissioners, and
- (g) the Commissioners may proceed to determining whether or not a ground referred to in section 12(1) of the Ordinance has been established before inviting comments from the representative of the certificate holder in relation to any appropriate sanction.

(3) Where the Commissioners proceed in accordance with paragraph (2)(g) and determine that a ground referred to in section 12(1) of the Ordinance has been established, they shall provide an opportunity for the representative of the hosting certificate holder to offer any explanation and make such other comment as he wishes.

(4) Without prejudice to the generality of paragraph (1)(b), where the hosting certificate holder indicates that it accepts the allegation set out in the hearing notice given to it, the Commissioners may adopt the following procedure –

- (a) a duly authorised officer of the Commission or any representative of that officer may first be invited to summarise the case setting out the ground under section 12(1) of the Ordinance alleged against the certificate

holder,

- (b) the representative of the certificate holder shall be provided with the opportunity to offer any explanation and make such other comment as he wishes, and
- (c) questions may be asked at any time by the Commissioners.

(5) A hearing under this regulation may be adjourned by the Commissioners at any time and for any purpose.

(6) Unless the Commissioners otherwise direct, a hearing under this regulation shall be held in public in Alderney.

Regulatory hearing: Commissioners' determination.

130. (1) During or at the conclusion of a hearing convened in accordance with regulation 126, having taken into account everything said before and lodged with them, the Commissioners shall first determine whether the existence of a ground referred to in section 12(1) of the Ordinance has been accepted by, or established against, the hosting certificate holder and –

- (a) if so, shall then determine which of the actions specified in section 12(3) of the Ordinance, if any, to take in respect of the certificate holder or, as the case may be, its certificate, or
- (b) if not, shall direct that the allegation against it be recorded as not having been established.

(2) The Commission shall give the hosting certificate holder

written notice of its decision under this regulation and of the reasons for it (a "**determination notice**").

(3) Where the Commission believes that the hosting certificate holder has an existing relationship with an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], the Commission shall give a copy of the determination notice to [that eGambling licensee and/or that Category 1 associate certificate holder and/or that Category 2 associate certificate holder].

NOTES

In regulation 130,

the words in the first pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018;²²

the words in the second pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(9), with effect from 11th January, 2018.²³

Financial penalties.

131. (1) Where the Commissioners decide to impose a financial penalty on a hosting certificate holder –

- (a) the amount shall not exceed [£250,000, or 10% of the annual turnover of the hosting certificate holder in the 12 months preceding the date on which the belief referred to in regulation 126(1) was first formed, whichever is the greater], and
- (b) the determination notice shall direct whether the

penalty is payable immediately or is to be of suspended effect.

(2) Where a financial penalty is payable immediately, the amount shall be paid to the Commission as agent for the States in the manner specified in the determination notice.

(3) Where the Commissioners direct that a financial penalty shall be of suspended effect, the determination notice shall specify the period, which shall not in any event exceed 12 months, during which the penalty is capable of being activated in accordance with regulation 132 and, at the end of the period so specified, the penalty shall no longer be capable of taking effect.

NOTE

In regulation 131, the words in square brackets in paragraph (1)(a) were substituted by the Alderney eGambling (Amendment) Regulations, 2021, regulation 1(4), with effect from 26th November, 2021.

Activation of suspended financial penalty.

132. (1) Where, during the period of suspension specified in a determination notice, the [Executive Director] believes that a ground in section 12(1) of the Ordinance exists, the hearing notice that may be given to the hosting certificate holder in accordance with regulation 126 shall also explain that the [Executive Director] is recommending to the Commission that it should consider activating the suspended financial penalty.

(2) If, at the conclusion of a hearing convened by such a hearing notice, the Commissioners are satisfied that a ground in section 12(1) of the Ordinance exists, or existed at the time of the hearing notice, having taken into account the representations of the hosting certificate holder, the Commission's determination notice shall direct that the original financial penalty of suspended effect

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- (a) shall be payable to it as agent of the States immediately in the manner specified in the determination notice –
 - (i) with the original amount unaltered, or
 - (ii) with the substitution of a lesser amount for the original amount,
- (b) shall be suspended for such further period not exceeding 12 months as the determination notice specifies, or
- (c) shall not be activated on this occasion and shall continue unaltered.

NOTE

In regulation 132, the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Post-hearing suspension.

133. Where the Commissioners decide to suspend a hosting certificate, the determination notice shall specify –

- (a) the date from which the suspension takes effect, and
- (b) the period of time during which the suspension shall be

effective.

Withdrawal of hosting certificate.

134. (1) The Commissioners may withdraw a hosting certificate if they are satisfied that any of the grounds specified in section 12(1) of the Ordinance apply, and that unless the certificate is withdrawn –

- (a) the integrity of the conduct of eGambling by an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] may be jeopardised in a material way, or
- (b) the public interest or the integrity and reputation of eGambling in Alderney may be affected in an adverse way.

(2) Withdrawal of a hosting certificate takes effect when the determination notice is given or, if the determination notice specifies a later day, on the later day.

(3) A person whose hosting certificate has been withdrawn shall return the certificate to the Commission within seven days of the withdrawal taking effect.

NOTE

In regulation 134, the words in square brackets in paragraph (1)(a) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.²⁴

PART IV

KEY INDIVIDUAL CERTIFICATES

CHAPTER I KEY INDIVIDUALS

Application of Part.

135. This Part applies to any person who –

- (a) has been jointly identified by the Commission and an applicant for an [eGambling licence, Category 1 associate certificate or a Category 2 associate certificate] as inevitably requiring a key individual certificate,
- (b) has been identified by an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] in its approved internal control system as occupying a key position performing the functions of a key individual, or
- (c) has been designated as a key individual in accordance with regulation 136.

NOTES

In regulation 135,

the words in square brackets in paragraph (a) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(10), with effect from 11th January, 2018;²⁵

the words in square brackets in paragraph (b) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.²⁶

Designation as key individual.

136. (1) A person who is or, as the case may be, will become –

- (a) an associate,
- (b) someone who occupies or acts in a managerial position,
- (c) someone who carries out managerial functions, or
- (d) someone in a position to control or exercise significant influence over the operations,

of an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], may be designated as a key individual for the purposes of regulation 135(c).

(2) Where the Commission considers that a person satisfies paragraph (1) and –

- (a) an applicant for an [eGambling licence, Category 1 associate certificate or a Category 2 associate certificate] has not agreed that the person be identified as a key individual in accordance with regulation 135(a), or
- (b) the person has not been identified as occupying a key position in an [eGambling licensee's, Category 1 associate certificate holder's or a Category 2 associate certificate holder's] internal control system,

it shall give notice to the person concerned (a "**designation notice**") that he is henceforth designated as a key individual.

(3) The Commission shall, at the same time as it gives a designation notice in accordance with paragraph (2), give a copy of the notice to the applicant, the [eGambling licensee, the Category 1 associate certificate holder or the Category 2 associate certificate holder] with which the person designated as a key individual is believed to have an existing or prospective relationship.

NOTE

In regulation 136, the words in square brackets in, first, paragraph (1), second, paragraph (2)(a), third, paragraph (2)(b) and, fourth, paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, respectively regulation 1(28), Schedule, paragraph 2, regulation 1(10), regulation 1(28), Schedule, paragraph 4 and regulation 1(28), Schedule, paragraph 3, with effect from 11th January, 2018.²⁷

Challenge to designation notice.

137. (1) If the recipient of a designation notice wishes to make representations to the Commission about anything in the notice, he may do so in writing within seven days of receipt of the designation notice.

(2) If an applicant for an [eGambling licence, Category 1 associate certificate or Category 2 associate certificate], an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] wishes to make representations on behalf of the recipient of a designation notice to the Commission about anything in the notice, it may do so in writing within seven days of receipt of the copy of the designation notice given in accordance with regulation 136(2).

(3) Representations under paragraph (1) or (2) may include a request that the date from which the designation as a key individual takes effect be postponed until the Commission has considered the representations.

(4) After consideration of any representations under this regulation, the Commission may confirm or withdraw the designation notice.

(5) The Commission shall give the recipient of the designation notice and, where applicable, the applicant, [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] given a copy of the designation notice in accordance with regulation 136(3) written notice of its decision under this regulation and of the reasons for it.

NOTES

In regulation 137,

the words in the first pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 10, with effect from 11th January, 2018;²⁸

the words in the second pair of square brackets in paragraph (2) and in square brackets in paragraph (5) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.²⁹

CHAPTER II

INITIAL CERTIFICATE APPLICATION

Submission of application.

138. (1) An application for a key individual certificate by a person to whom this Part applies shall be made in writing by completing an application form as set out in Schedule 9, signed by the applicant and delivered to the offices of the Commission.

(2) Before making an application in accordance with paragraph (1), a person intending to apply for a key individual certificate may submit to the

Commission, in electronic or paper format, all or part of an application form as set out in Schedule 9 for the purposes specified in regulation 141(2).

Items to accompany application.

139. An application under regulation 138(1) shall be accompanied by –

- (a) a letter from an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] or an applicant for an [eGambling licence, Category 1 associate certificate or Category 2 associate certificate] confirming the basis on which the applicant for the key individual certificate is, or will be, a key individual performing functions for, or on behalf of, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], and
- (b) two copies of a recent photograph of the face of the applicant.

NOTES

In regulation 139,

the words in the first and third pairs of square brackets in paragraph (a) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;³⁰

the words in the second pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 10, with effect from 11th January, 2018.³¹

Initial deposit of investigation monies.

140. Before, or at the time of, the submission of an application for a key individual certificate, the relevant sum specified under Schedule 21 shall be deposited with the Commission by or on behalf of the applicant, from which the Commission is permitted to draw the costs associated with processing, investigating and determining that application.

Commencement of investigations.

141. (1) When an applicant has complied with regulations 138(1), 139 and 140, the Commission shall make arrangements to investigate the applicant in order to assess whether the applicant appears to be a fit and proper person to hold a key individual certificate.

(2) If a person submits all or part of an application form in accordance with regulation 138(2) and complies with regulation 140, at the request of that person, the Commission may make arrangements to commence an investigation in accordance with paragraph (1) insofar as that is practicable from the information supplied, pending compliance with regulations 138(1) and 139.

Criteria against which applicant assessed.

142. (1) In deciding whether an applicant for a key individual certificate is a fit and proper person to hold that certificate, the Commissioners shall have regard to the following matters –

- (a) the applicant's character,
- (b) the applicant's current financial position and financial background, and
- (c) the applicant's general suitability to perform functions for, or on behalf of, an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate

certificate holder].

(2) In deciding whether an applicant for a key individual certificate is a fit and proper person to hold that certificate, the Commissioners may have regard to the fact that the applicant holds, or has held, a licence or permission however described in respect of any form of gambling anywhere in the world.

NOTE

In regulation 142, the words in square brackets in paragraph (1)(c) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.³²

Request for further information.

143. At any time before an application for a key individual certificate is determined by the Commission, an officer or servant of the Commission may request from the applicant or, with the applicant's prior permission, from some other person such further information or documentation as the officer or servant considers necessary to enable a proper assessment of the application to be made.

Requirement for further information.

144. (1) Whether or not a request in accordance with regulation 143 has been made, a duly authorised officer of the Commission may, by notice in writing given to the applicant, require the applicant to supply to the Commission such further information or documentation as may reasonably be required to make a proper assessment of the application.

(2) Where a notice under paragraph (1) has been given, the Commission –

(a) is not required to determine the application until the

notice has been complied with,

- (b) may, if the applicant fails to comply with the notice under paragraph (1) within a reasonable time, give the applicant notice by email or other means that if it fails to so comply within 7 days, then the applicant shall be deemed to have withdrawn its application pursuant to regulation 147(1).

External consultations.

145. As part of the investigation of an application for a key individual certificate, an officer or servant of the Commission may make appropriate enquiries of an officer of police, any gambling regulator operating outside Alderney, any law enforcement agency operating outside the Bailiwick of Guernsey or such other person as he considers can assist him in order to enable a proper assessment of the application to be made.

Supplementary deposit of investigation monies.

146. (1) If, prior to the determination of an application for a key individual certificate, the monies deposited with the Commission in accordance with regulation 140 or this regulation have been exhausted, the Commission may by notice in writing to the applicant require that the relevant sum specified under Schedule 21 shall be deposited with the Commission by, or on behalf of, the applicant.

(2) Where a notice under paragraph (1) has been given, the Commission is not required to determine the application until the notice has been complied with.

Withdrawal and lapse of application.

147. (1) At any time before the Commissioners determine an application for a key individual certificate, the applicant may, by notice in writing

given to the Commission, withdraw his application.

- (2) If an applicant fails to proceed with its application by –
 - (a) not taking a required step in furtherance of the application for 3 months, or
 - (b) failing to substantially respond to a relevant enquiry or direction by the Commission within 3 months,

the application shall lapse and be treated as if it had been withdrawn.

(3) Where an applicant withdraws his application or it lapses by the operation of paragraph (2), the Commission shall repay to the applicant or, as the case may be, the person who deposited monies on behalf of the applicant any monies not drawn by it from the monies deposited in accordance with regulation 140 or, where applicable, regulation 146.

Report to Commissioners.

148. On completion of an investigation of an applicant for a key individual certificate, a report containing details of the application, the investigation and the assessment made of the application shall be prepared by a duly authorised officer of the Commission for submission to the Commissioners for their consideration.

Determination of application.

149. (1) Before deciding whether to grant or refuse an application for a key individual certificate, the Commissioners shall consider –

- (a) the report submitted to them in accordance with regulation 148, and

- (b) such other material or information supplied to the Commission by, or on behalf of, the applicant as they consider appropriate.

(2) Where the Commissioners consider that they have insufficient information on which to decide whether to grant or refuse the application, they shall defer their decision on the application and –

- (a) shall cause an appropriate requirement under regulation 144 to be made, and
- (b) may invite the applicant to attend before them for interview.

Notification of refusal.

150. (1) If the Commissioners refuse to grant an application for a key individual certificate, the Commission shall give the applicant written notice of the decision and of the reasons for the refusal.

(2) Where the Commission believes that the key individual has an existing relationship with an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], the Commission –

- (a) shall give a copy of the notice of its decision under paragraph (1) to that [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] at the same time as it gives its decision to the key individual, and
- (b) may give written notice to the applicant and that [eGambling licensee, Category 1 associate certificate

holder or Category 2 associate certificate holder] requiring them to terminate their relationship within the period specified in the notice.

NOTE

In regulation 150, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.³³

Form of key individual certificate.

151. If the Commissioners grant an application for a key individual certificate, the certificate issued under section 7 of the Ordinance shall be in the form set out in Schedule 10.

Payment of investigation costs not deposited.

152. Where the costs payable by an applicant under section 6(1) of the Ordinance exceed the total of the monies deposited in accordance with regulation 140 and, where applicable, regulation 146 –

- (a) the key individual certificate shall not be regarded as valid until payment of the amount by which the costs incurred exceeded the amount deposited, as notified to the certificate holder in writing by the Commission, has been received by the Commission, and
- (b) for the purposes of section 19(2) of the Ordinance, the application for a key individual certificate shall be treated as having been determined 14 days after the date on which notification in writing is given by the Commission in accordance with paragraph (a).

Repayment of surplus investigation monies deposited.

153. After determining an application for a key individual certificate, the Commission shall repay to the applicant or, as the case may be, the person who deposited monies on behalf of the applicant any monies not drawn by it from the monies deposited in accordance with regulation 140 or, where applicable, regulation 146.

Accounting for investigation monies deposited.

154. The Commission shall, whenever requested to do so by an applicant, account to the applicant in respect of the costs as at that time incurred by the Commission in respect of the application.

CHAPTER III
CERTIFICATE CONDITIONS

General conditions attaching to key individual certificate.

155. A key individual certificate issued by the Commission under section 7 of the Ordinance is subject to the following conditions –

- (a) the certificate holder must give notification in writing to the Commission containing full details within seven days when a material change occurs in the information previously supplied by, or on behalf of, him to the Commission, whether prior to being granted the certificate or subsequently, to which the Commission would be able to have regard in considering whether or not the certificate holder is a fit and proper person to hold a key individual certificate, and
- (b) upon being given reasonable notice, which shall wherever possible be not less than seven days, the

certificate holder shall attend at a meeting of the Commissioners for the purpose set out in the notice.

Imposition or change of licence conditions.

156. (1) Where the Commission considers it necessary, expedient or desirable to –

- (a) attach a condition to a key individual certificate,
- (b) modify an existing condition attached to a key individual certificate, or
- (c) rescind an existing condition attached to a key individual certificate,

it shall issue to the certificate holder a notice in writing (a "**condition notice**") which shall explain the proposed change of condition and set out the Commission's reasons for the change.

(2) Where the Commission believes that the key individual certificate holder has an existing relationship with an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], the Commission shall give a copy of the condition notice to that [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] at the same time as it gives the condition notice to the key individual certificate holder.

(3) Subject to regulation 157, a change of conditions takes effect on –

- (a) the day on which the condition notice is given to the key individual, or

- (b) such later day as is specified in the condition notice.

NOTES

In regulation 156,

the words in the first pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018;³⁴

the words in the second pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.³⁵

Challenge to condition notice.

157. (1) If a key individual certificate holder wishes to make representations to the Commission about anything in the condition notice, he may do so in writing within seven days of receipt of the condition notice.

(2) If an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] wishes to make representations on behalf of the key individual certificate holder to the Commission about anything in the condition notice, it may do so in writing within seven days of receipt of the copy of the condition notice given in accordance with regulation 156(2).

(3) Representations under paragraph (1) or (2) may include a request that the date from which the change of conditions takes effect be postponed until the Commission has considered the representations.

(4) After consideration of any representations under this regulation, the Commission may confirm, modify or withdraw the condition notice.

(5) The Commission shall give the key individual and, where applicable, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] given a copy of the condition notice in accordance with regulation 156(2) written notice of its decision under this regulation and of the reasons for it.

NOTE

In regulation 157, the words in square brackets in paragraph (2) and paragraph (5) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.³⁶

Return of key individual certificate for endorsement of changed conditions.

158. (1) A key individual certificate holder shall return his key individual certificate to the Commission within seven days of –

- (a) receiving a condition notice, or,
- (b) where the right to make representations in accordance with regulation 157 has been exercised, receipt of a notice from the Commission in accordance with regulation 157(5) confirming or modifying the condition notice.

(2) On receiving the key individual certificate, the Commission shall –

- (a) amend the certificate in an appropriate way and return the amended certificate to the certificate holder, or
- (b) if the Commission does not consider that it is

practicable to amend the certificate, issue a replacement key individual certificate free of charge, incorporating the change of conditions to the key individual certificate.

(3) A change of conditions does not depend on the key individual certificate being amended to record the change or a replacement key individual certificate being issued.

CHAPTER IV
CERTIFICATE MODIFICATIONS, LAPSE AND SURRENDER

Modification to key individual certificate.

159. (1) A key individual certificate holder who wishes to obtain the Commission's approval for a proposed modification to the details contained on his key individual certificate shall make application by letter to the Commission setting out the modification for which he seeks approval.

(2) Without prejudice to the generality of paragraph (1), an application is required within seven days of –

(a) a certificate holder's name changing, or

(b) a certificate holder's address changing.

(3) An application under paragraph (1) shall be accompanied by –

(a) the certificate holder's key individual certificate,

(b) where applicable, a certified copy of document recording the change in question, and

- (c) payment in respect of an administration charge of the relevant sum specified in Schedule 21.

(4) If the Commission refuses to grant an application under this regulation, it shall return the certificate holder's key individual certificate and give to him written notice of its decision and of the reasons for the refusal.

(5) Where the Commission believes that the key individual certificate holder has an existing relationship with an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], the Commission shall give a copy of the notice of its decision under paragraph (4) to that [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] at the same time as it gives its decision to the certificate holder.

(6) If the Commission grants an application under this regulation, it shall –

- (a) amend the certificate in an appropriate way and return the amended certificate to the certificate holder, or
- (b) if the Commission does not consider that it is practicable to amend the certificate, issue a replacement key individual certificate free of charge, incorporating the change of conditions to the key individual certificate.

NOTES

In regulation 159,

the words in the first pair of square brackets in paragraph (5) were

*substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018;*³⁷

*the words in the second pair of square brackets in paragraph (5) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.*³⁸

Lapsing of key individual certificate.

160. (1) A key individual certificate shall cease to have effect if there has been no relationship between the certificate holder and an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] for a continuous period of two months.

(2) A person whose key individual certificate has lapsed as a result of paragraph (1) must, unless he provides an explanation which is acceptable to the Commission, return the certificate to the Commission within 14 days after the day on which the certificate ceases to have effect.

NOTE

*In regulation 160, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.*³⁹

Surrender of key individual certificate.

161. (1) A key individual certificate holder may surrender his key individual certificate by written notice (a "**surrender notice**") given to the Commission.

(2) The surrender takes effect –

(a) on the day specified in the surrender notice, or

- (b) if no day is specified in the surrender notice, one month after the surrender notice is given to the Commission.

(3) A person who has surrendered a key individual certificate must, unless it provides an explanation which is acceptable to the Commission, return the certificate to the Commission within seven days after the day on which the surrender takes effect.

CHAPTER V

SUSPENSION, REVOCATION AND OTHER SANCTIONS

Fit and proper test: key individual.

162. (1) For the purposes of section 12(1)(a) of the Ordinance, in deciding whether a key individual certificate holder continues to be a fit and proper person to hold that certificate, the Commission shall have regard to the following matters –

- (a) the certificate holder's character,
- (b) the certificate holder's current financial position and financial background, and
- (c) the certificate holder's general suitability to perform functions for, or on behalf of, an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder].

(2) For the purposes of section 12(1)(a) of the Ordinance, in deciding whether a key individual certificate holder is a fit and proper person to hold that certificate, the Commission may have regard to –

- (a) any changes to the validity of any other licence or permission however described held at the time the key individual certificate was issued or obtained since then in respect of any form of gambling anywhere in the world,
- (b) any penalties or sanctions however described imposed on the certificate holder by gambling regulators outside Alderney.

NOTE

In regulation 162, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁴⁰

Rectification: Commission proposal.

- 163.** (1) Where the Commission believes that –
- (a) a ground referred to in section 12(1) of the Ordinance exists, and
 - (b) it is appropriate to give the key individual certificate holder an opportunity to rectify the matter or matters giving rise to the Commission's belief that such a ground exists,

it shall issue to the key individual certificate holder a notice in writing (a "**rectification proposal**") which shall explain the proposed direction under regulation 164 and set out the Commission's reasons for proposing to give the direction.

(2) If a key individual certificate holder wishes to make representations to the Commission about anything in the rectification proposal, he may do so in writing within seven days of receipt of the rectification proposal.

(3) After consideration of a key individual certificate holder's representations, the Commission may –

- (a) confirm, modify or withdraw the rectification proposal, or
- (b) take no further action concerning the rectification proposal indefinitely or for such period as the Commission considers appropriate.

(4) The Commission shall give the key individual certificate holder written notice of its decision under paragraph (3) and of the reasons for it.

Direction to rectify.

164. (1) Where –

- (a) a key individual certificate holder elects not to make any representations in accordance with regulation 163(2), or
- (b) after considering a key individual certificate holder's representations, the Commission decides to confirm or modify its proposals as set out in the rectification proposal,

the Commission shall, by written notice to the certificate holder (a "**rectification**

notice"), direct him to rectify the matter or matters specified in the notice in the manner specified in the notice within the period of time specified in the notice.

(2) A rectification notice shall warn the key individual certificate holder of the consequences of failing to comply with the notice as specified in regulation 166(2).

(3) Where the Commission believes that the key individual certificate holder has an existing relationship with an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], the Commission shall give a copy of the rectification notice to [that eGambling licensee or that Category 1 associate certificate holder or that Category 2 associate certificate holder].

(4) During the period of time specified in a rectification notice, its terms may be modified in any way the Commission sees fit, whether as a result of written representations from the certificate holder or from an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] with which the certificate holder has an existing relationship, or of the Commission's own motion.

NOTES

In regulation 164,

the words in the first pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;⁴¹

the words in the second pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(11), with effect from 11th January, 2018;⁴²

the words in square brackets in paragraph (4) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28),

*Schedule, paragraph 5, with effect from 11th January, 2018.*⁴³

Written caution.

165. Where the Commission is satisfied that –

- (a) a ground referred to in section 12(1) of the Ordinance –
 - (i) exists, or
 - (ii) existed and has been resolved, whether voluntarily or in accordance with a rectification notice, and
- (b) it is appropriate to give the key individual certificate holder formal notice warning him about the consequences of any repetition of the type of act or omission giving rise to the Commission's view,

it may issue to the certificate holder a notice in writing which shall set out the basis for its finding that a ground in section 12(1) of the Ordinance has arisen and warn the certificate holder of the consequences of any repetition of the same or a similar nature.

Regulatory hearing: notice.

166. (1) Where the [Executive Director] believes that –

- (a) a ground referred to in section 12(1) of the Ordinance exists, and
- (b) the circumstances are such that it is necessary to convene a hearing of the Commissioners at which the

key individual certificate holder shall be given the opportunity of making representations in response,

the [Executive Director] shall give to the certificate holder a notice in writing (a "**hearing notice**") which shall explain that the [Executive Director] is recommending to the Commission that it should impose a financial penalty or suspend or revoke the key individual certificate and set out his reasons for convening the hearing.

(2) Where the [Executive Director] believes that a rectification notice has not been fully complied with, he shall give to the key individual certificate holder a hearing notice which shall explain that the [Executive Director] is recommending to the Commission that it should impose a financial penalty or suspend or revoke the key individual certificate and set out the [Executive Director]'s reasons for convening the hearing.

(3) A hearing notice shall give at least seven days' notice of the hearing to the key individual certificate holder and appoint a date, time and place for the hearing.

(4) A key individual certificate holder may elect not to attend the hearing convened by the hearing notice and confine his representations to any he wishes to make in writing to the Commission prior to the date of the hearing.

NOTE

In regulation 166, the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Immediate suspension.

167. (1) At the same time as giving a hearing notice, the [Executive Director] may, with the approval of at least one Commissioner, suspend a key individual certificate under this regulation if he is satisfied on reasonable grounds that

–

- (a) a ground referred to in section 12(1) of the Ordinance exists,
- (b) the seriousness and urgency of the matter requires that immediate action be taken ahead of a regulatory hearing,
- (c) the seriousness and urgency of the matter do not permit the taking of action by way of a rectification proposal, and
- (d) the circumstances require that the key individual certificate be suspended to ensure that the certificate holder is unable to jeopardise the integrity of an [eGambling licensee's, Category 1 associate certificate holder's or a Category 2 associate certificate holder's] operation.

(2) A suspension under this regulation –

- (a) shall be effected by written notice given by the [Executive Director] to the key individual certificate holder (a "**suspension notice**"),
- (b) takes effect immediately when the suspension notice is given, and

- (c) is effective until –
- (i) the Commissioners have reached a determination at the conclusion of the hearing convened in accordance with regulation 166, or
 - (ii) it is cancelled by further notice in writing of the [Executive Director] in accordance with regulation 168.

(3) Where the [Executive Director] believes that the key individual certificate holder has an existing relationship with an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], the [Executive Director] shall give a copy of the suspension notice to [that eGambling licensee or that Category 1 associate certificate holder or that Category 2 associate certificate holder].

NOTES

In regulation 167,

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

the words in square brackets in paragraph (1)(d) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 4, with effect from 11th January, 2018;⁴⁴

the words in the second pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;⁴⁵

the words in the fourth pair of square brackets in paragraph (3)

were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(11), with effect from 11th January, 2018.⁴⁶

Cancellation of suspension notice.

168. (1) If a key individual certificate holder wishes to request that the immediate suspension imposed by the suspension notice be cancelled, he may make representations in writing to the [Executive Director] at any time whilst the suspension is effective.

(2) If an eGambling licensee, [a Category 1 associate certificate holder,] or [Category 2 associate certificate] holder receiving a copy of the suspension notice in accordance with regulation 167(3), wishes to request on behalf of the key individual certificate holder that the immediate suspension imposed by the suspension notice be cancelled, it may make representations in writing at any time whilst the suspension is effective.

(3) After consideration of any representations made under paragraph (1) or (2), the [Executive Director], with the approval of at least one Commissioner, may confirm or cancel the suspension notice.

(4) The [Executive Director] shall give the key individual certificate holder and, where applicable, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice of the decision under paragraph (3) and of the reasons for it.

(5) Where, prior to the Commission reaching a determination at the conclusion of the hearing convened in accordance with regulation 166, the [Executive Director] considers that it is no longer necessary to continue the suspension of a key individual certificate, he shall, with the approval of at least one Commissioner, cancel the suspension notice and give written notice to that effect to the certificate holder and, where applicable, an [eGambling licensee, Category 1

associate certificate holder or Category 2 associate certificate holder] which has received a copy of the suspension notice in accordance with regulation 167(3).

NOTES

In regulation 168,

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

the words in the first pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(12), with effect from 11th January, 2018;

the words in the second pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013;

the words in the second pairs of square brackets in paragraph (4) and paragraph (5) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁴⁷

Conduct of regulatory hearing.

- 169.** (1) At a hearing convened in accordance with regulation 166 –
- (a) the proceedings shall be opened and directed by the Chairman of the Commission or, in his absence, the Commissioner presiding at the hearing, who shall be responsible for the proper conduct of the hearing,
 - (b) the Commissioners shall, so far as it appears to them appropriate, seek to avoid formality in their proceedings and shall conduct the hearing in such manner as they consider most appropriate for the

clarification of the issues before them and generally to the just handling of the hearing, and

- (c) the key individual certificate holder may appear before the Commissioners in person or through any representative.

(2) Without prejudice to the generality of paragraph (1)(b), where the key individual certificate holder indicates that he wishes to challenge the allegation set out in the hearing notice given to him, the Commissioners may adopt the following procedure –

- (a) a duly authorised officer of the Commission or any representative of that officer shall first be invited to present the case setting out the ground under section 12(1) of the Ordinance alleged against the certificate holder and may, for that purpose, call unsworn evidence from witnesses and produce documents,
- (b) in the event that a witness gives evidence in support of the duly authorised officer's presentation, cross-examination by, or on behalf of, the certificate holder and re-examination by the duly authorised officer or his representative shall be permitted,
- (c) the certificate holder or, as the case may be, his representative shall next present his response and may, for that purpose, call unsworn evidence from witnesses and produce documents,
- (d) in the event that a witness gives evidence in support of

the certificate holder's presentation, cross-examination by the duly authorised officer or his representative and re-examination by, or on behalf of, the certificate holder shall be permitted,

- (e) written representations may be lodged with the Commissioners by, or on behalf of, the duly authorised officer or certificate holder before or during the hearing or in such other manner as the Commissioners may direct,
- (f) questions may be asked at any time by the Commissioners, and
- (g) the Commissioners may proceed to determining whether or not a ground referred to in section 12(1) of the Ordinance has been established before inviting comments from the certificate holder or his representative in relation to any appropriate sanction.

(3) Where the Commissioners proceed in accordance with paragraph (2)(g) and determine that a ground referred to in section 12(1) of the Ordinance has been established, they shall provide an opportunity for the certificate holder or his representative to offer any explanation and make such other comment as he wishes.

(4) Without prejudice to the generality of paragraph (1)(b), where the key individual certificate holder indicates that he accepts the allegation set out in the hearing notice given to him, the Commissioners may adopt the following procedure –

- (a) a duly authorised officer of the Commission or any representative of that officer may first be invited to summarise the case setting out the ground under section 12(1) of the Ordinance alleged against the certificate holder,
- (b) the certificate holder or his representative shall be provided with the opportunity to offer any explanation and make such other comment as he wishes, and
- (c) questions may be asked at any time by the Commissioners.

(5) A hearing under this regulation may be adjourned by the Commissioners at any time and for any purpose.

(6) Unless the Commissioners otherwise direct, a hearing under this regulation shall be held in public in Alderney.

Regulatory hearing: Commissioners' determination.

170. (1) During or at the conclusion of a hearing convened in accordance with regulation 166, having taken into account everything said before and lodged with them, the Commissioners shall first determine whether the existence of a ground referred to in section 12(1) of the Ordinance has been accepted by, or established against, the key individual certificate holder and –

- (a) if so, shall then determine which of the actions specified in section 12(3) of the Ordinance, if any, to take in respect of the certificate holder or, as the case may be, his certificate, or

- (b) if not, shall direct that the allegation against him be recorded as not having been established.

(2) The Commission shall give the key individual certificate holder written notice of its decision under this regulation and of the reasons for it (a "**determination notice**").

(3) Where the Commission believes that the key individual certificate holder has an existing relationship with an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], the Commission shall give a copy of the determination notice to that eGambling licensee or that certificate holder.

NOTE

In regulation 170, the words in square brackets in paragraph (4) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.⁴⁸

Financial penalties.

171. (1) Where the Commissioners decide to impose a financial penalty on a key individual certificate holder –

- (a) subject to paragraph (2), the amount shall not exceed [£250,000], and
- (b) the determination notice shall direct whether the penalty is payable immediately or is to be of suspended effect.

(2) Where the Commissioners decide to impose a financial penalty

on a key individual certificate holder for his complicity in a matter also resulting in a ground referred to in section 12(1) being established against an eGambling licensee, [a Category 1 associate certificate holder,] a [Category 2 associate certificate] holder or, as the case may be, a hosting certificate holder, the financial penalty specified in the determination notice given in accordance with regulation 170(2) shall not be greater than any financial penalty imposed in accordance with regulation 51 or 131.

(3) Where a financial penalty is payable immediately, the amount shall be paid to the Commission as agent for the States in the manner specified in the determination notice.

(4) Where the Commissioners direct that a financial penalty shall be of suspended effect, the determination notice shall specify the period, which shall not in any event exceed 12 months, during which the penalty is capable of being activated in accordance with regulation 172 and, at the end of the period so specified, the penalty shall no longer be capable of taking effect.

NOTES

In regulation 171,

the symbol and figures in square brackets in paragraph (1)(a) were substituted by the Alderney eGambling (Amendment) Regulations, 2021, regulation 1(5), with effect from 26th November, 2021;

the words in the first pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(12), with effect from 11th January, 2018;

the words in the second pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

Activation of suspended financial penalty.

172. (1) Where, during the period of suspension specified in a

determination notice, the [Executive Director] believes that a ground in section 12(1) of the Ordinance exists, the hearing notice given to the key individual certificate holder in accordance with regulation 166 shall also explain that the [Executive Director] is recommending to the Commission that it should consider activating the suspended financial penalty.

(2) If, at the conclusion of a hearing convened by such a hearing notice, the Commissioners are satisfied that a ground in section 12(1) of the Ordinance exists, or existed at the time of the hearing notice, having taken into account the representations of the key individual certificate holder, the Commission's determination notice shall direct that the original financial penalty of suspended effect

–

- (a) shall be payable to it as agent of the States immediately in the manner specified in the determination notice –
 - (i) with the original amount unaltered, or
 - (ii) with the substitution of a lesser amount for the original amount,
- (b) shall be suspended for such further period not exceeding 12 months as the determination notice specifies, or
- (c) shall not be activated on this occasion and shall continue unaltered.

NOTE

In regulation 172, the words "Executive Director" in square brackets,

wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Post-hearing suspension.

173. Where the Commissioners decide to suspend a key individual certificate, the determination notice shall specify –

- (a) the date from which the suspension takes effect, and
- (b) the period of time during which the suspension shall be effective.

Withdrawal of key individual certificate.

174. (1) The Commissioners may withdraw a key individual certificate if they are satisfied that any of the grounds specified in section 12(1) of the Ordinance apply, and that unless the certificate is withdrawn –

- (a) the integrity of the conduct of eGambling by an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate hold] may be jeopardised in a material way, or
- (b) the public interest or the integrity and reputation of eGambling in Alderney may be affected in an adverse way.

(2) Withdrawal of a key individual certificate takes effect when the determination notice is given or, if the determination notice specifies a later day, on the later day.

(3) A person whose key individual certificate has been withdrawn shall return the certificate to the Commission within seven days of the withdrawal taking effect.

NOTE

In regulation 174, the words in square brackets in paragraph (1)(a) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.⁴⁹

PART V

OPERATIONAL REQUIREMENTS

CHAPTER I

INITIAL APPROVAL OF INTERNAL CONTROL SYSTEM

Purpose of internal control system.

- 175.** (1) The purpose of an internal control system is –
- (a) to provide a description by an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] of the controls and administrative[, operational] and accounting [policies and] procedures to which it will adhere when conducting eGambling or operating under its licence or certificate, and
 - (b) to establish the standards and processes against which an ordinary investigation by the Commission in the form of an inspection in accordance with regulation 251 will be undertaken.

(2) As a minimum, an internal control system shall contain information about [and describe, having regard to its business risk assessment,] –

- (a) accounting systems and procedures and chart of accounts,
- (b) administrative systems and procedures,
- (c) computer software,
- (d) standard forms and terms,
- (e) general procedures to be followed for the conduct of any form of eGambling,
- (f) procedures and standards for the maintenance, security, storage and transportation of gambling equipment,
- (g) [procedures for registering[, identifying and verifying] customers (in relation to a [Category 1 eGambling licensee or Category 1 associate certificate holder]),] recording gambling transactions and paying winnings to customers [(in relation to a [Category 1 eGambling licensee or Category 1 associate certificate holder])],
- (h) positions to be designated as key positions, [...]
- (i) its auditors[, [...]]
- [(j) the policies, procedures and controls as are appropriate

and effective for the purposes of forestalling, preventing and detecting money laundering and terrorist financing, and necessary in order to comply with the money laundering and terrorist financing provisions under [Schedule 4 to the Ordinance] and the associated regulations][, [...]]

[(k) its associates][, and]

[(l) for a Category 1 associate certificate holder, its resident representative.]

[(3) Without prejudice to the generality of the foregoing, the policies, procedures and controls referred to in paragraph 2(j) shall include the [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] –

- (a) policy for reviewing at appropriate intervals its compliance with the money laundering and terrorist financing provisions,
- (b) arrangements to manage compliance,
- (c) screening practices when recruiting relevant employees,
- (d) ongoing employee training programme,
- (e) audit function to test its systems,
- (f) measures taken to keep abreast of and guard against the use of technological developments and new

methodologies in money laundering and terrorist financing schemes,

- (g) customer identification and verification systems (in relation to a [Category 1 eGambling licensee or Category 1 associate certificate holder]), and
- (h) procedures relating to ongoing customer due diligence and monitoring of the customer relationship (in relation to a [Category 1 eGambling licensee or Category 1 associate certificate holder].)

[(4) ...]

[(5) ...]

NOTES

In regulation 175,

the words in the first pair of square brackets in paragraph (1)(a) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018;⁵⁰

the punctuation and words in the second and third pairs of square brackets in paragraph (1)(a) were inserted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 6, respectively paragraph (a)(i) and paragraph (a)(ii), with effect from 15th May, 2013;

first, the words in the first pair of square brackets in paragraph (2) and, second, the punctuation and words in the first pair of square brackets within the first pair of square brackets in paragraph (2)(g) were inserted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 6, respectively paragraph (b)(i) and paragraph (b)(ii), with effect from 15th May, 2013;

the words in the first and second pairs of square brackets in paragraph (2)(g) were, respectively, substituted and inserted by the Alderney

eGambling (Amendment) (No. 2) Regulations, 2010, regulation 9, respectively paragraph (a)(i) and paragraph (a)(ii), with effect from 2nd July, 2010;

the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring in paragraph (2)(g), were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the word omitted in square brackets in paragraph (2)(h) was revoked, the punctuation at the end of paragraph (2)(i) was substituted and paragraph (2)(j) was inserted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 6, respectively paragraph (b)(iii), paragraph (b)(iv) and paragraph (b)(v), with effect from 15th May, 2013;

the words "Schedule 4 to the Ordinance" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(2), with effect from 9th September, 2020;

the word omitted in square brackets within the square brackets in paragraph (2)(i) was revoked (which word was originally substituted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 6(b)(iv), with effect from 15th May, 2013), the punctuation in square brackets at the end of paragraph (2)(j) was substituted and paragraph (2)(k) was inserted by the Alderney eGambling (Amendment) Regulations, 2015, regulation 2, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 1st April, 2015;

the word omitted within the square brackets at the end of paragraph (2)(j) (which word was originally inserted by the Alderney eGambling (Amendment) Regulations, 2015, regulation 2(b), with effect from 1st April, 2015) was revoked, the punctuation and word at the end of paragraph (2)(k) were substituted and paragraph (2)(l) was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(13), with effect from 11th January, 2018;

paragraph (3) was substituted and paragraph (4) and paragraph (5) (which were originally, respectively, substituted and inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 9(c) and regulation 9(d), with effect from 2nd July, 2010) were revoked by the Alderney eGambling (Amendment) Regulations, 2013, regulation 6(c), with effect from 15th May, 2013;⁵¹

the words in the first pair of square brackets within paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018;⁵²

the words in square brackets within paragraph (3)(g) and paragraph (3)(h) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018.

Submission of application.

176. (1) An application for approval of its internal control system shall be made by an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] before it effects any gambling transaction or commences to operate under its [eGambling licence, Category 1 associate certificate or Category 2 associate certificate].

(2) An application in accordance with paragraph (1) shall be made by completing a document containing all the section headings set out in Schedule 11, signed by a duly authorised officer of the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] and delivered to the offices of the Commission.

(3) In a case where a section heading set out in Schedule 11 is considered by the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] to be irrelevant to its operations, it shall still be included in the application document and shall be marked "Not Applicable".

(4) Each page of an application document submitted in accordance with paragraph (2) shall be numbered sequentially.

(5) An application for initial approval of its internal control system may be made by or on behalf of an applicant or intending applicant for an eGambling licence or [Category 2 associate certificate], upon the following terms –

- (a) the application may be made at any time after the payment of the initial deposit under regulation 17 or 62,

- (b) the Commission is entitled to draw from the deposit money its costs associated with processing, investigating and determining the application regardless of whether formal applications are received or approved.

NOTES

In regulation 176,

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;⁵³

the words in the second pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(6), with effect from 9th September, 2020.⁵⁴

Maintenance of adequate monies on deposit.

177. Before, or at the time of, the submission of an application in accordance with regulation 176, the amount deposited by, or on behalf of, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] in accordance with regulation 260 shall be at least the relevant sum specified under Schedule 21.

NOTE

In regulation 177, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁵⁵

Informal submission of application in draft.

178. Before making an application in accordance with regulation 176, but as part of the entire application process, an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] who has complied with regulation 177 may invite informal comments on the content by submitting to the Commission, in electronic or paper format, all or part of its application document in draft.

NOTE

In regulation 178, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁵⁶

Commencement of evaluation.

179. (1) When an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] has complied with regulations 176 and 177, the Commission shall make arrangements to evaluate the proposed internal control system and the content of the application document.

(2) If an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] submits all or part of an application document in draft in accordance with regulation 178, the Commission may make arrangements to commence an evaluation in accordance with paragraph (1) insofar as that is practicable from the information supplied.

NOTE

In regulation 179, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁵⁷

Criteria against which application evaluated.

180. In considering whether to give approval to an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] proposed internal control system, the Commission shall have regard to whether it –

- (a) satisfies the requirements of the Ordinance and these Regulations,
- (b) is capable of providing satisfactory and effective control over the conduct of any form of eGambling [the licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] proposes to operate, and
- (c) provides a safe and secure system for the conduct of eGambling.

[For the avoidance of doubt, where an associate of an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] is referred to in a licensee or certificate holder's internal control system, the Commission shall refer to the criteria set out in regulation 22, 42 or 67 (as the case may be) in evaluating whether the internal control system satisfies the requirements of the Ordinance and the regulations.]

NOTES

In regulation 180,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018;⁵⁸

the words in square brackets in paragraph (b) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(14), with effect from 11th January, 2018;⁵⁹

the words in the third pair of square brackets were inserted by the Alderney eGambling (Amendment) Regulations, 2015, regulation 3, with effect from 1st April, 2015;

the words in square brackets within the third pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.

Request for further information.

181. At any time during an evaluation of an application for approval of an internal control system, an officer or servant of the Commission may request from the applicant or, with that applicant's prior permission, from some other person such further information or documentation as the officer or servant considers necessary to enable a proper evaluation of the application to be made.

Requirement for further information.

182. (1) Whether or not a request in accordance with regulation 181 has been made, a duly authorised officer of the Commission may, by notice in writing given to the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], require it to supply to the Commission such further information or documentation as may reasonably be required to make a proper evaluation of the application.

(2) Where a notice under paragraph (1) has been given, the Commission is not required to determine the application until the notice has been complied with.

NOTE

In regulation 182, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁶⁰

Informal comments.

183. Informal comments made by an officer or servant of the Commission as a result of submission of an application document or any part thereof in accordance with regulation 178 shall be offered to, and treated by, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] only as guidance about whether the application document might in some manner be improved before submission of an application in accordance with regulation 176.

NOTE

In regulation 183, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁶¹

Conditional approval of internal control system.

184. (1) Where an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] has complied with regulations 176 and 177, prior to the determination of an application for approval of an internal control system in accordance with regulation 185, the eGambling licensee or [Category 2 associate certificate] holder may make a request in writing for the Commission to consider granting conditional approval of its internal control system.

(2) A request seeking conditional approval of an internal control system shall explain the reason why it is being made, be signed by a duly authorised officer of the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] and be delivered to the offices of the Commission.

(3) If the Commission is satisfied that exceptional circumstances exist, it may proceed to grant such conditional approval in accordance with this regulation.

(4) Where the evaluation undertaken in accordance with regulation 179(1) has not been fully completed, but the [Executive Director] is satisfied from the extent of the evaluation that has by then occurred that the internal control system appears to satisfy regulation 180, he may give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice that the system has been conditionally approved.

- (5) A notice given in accordance with paragraph (4) shall specify –
- (a) the period for which conditional approval is being given,
 - (b) that the approval is subject to the ongoing compliance by the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] with all the requirements of this Chapter until the full evaluation process has been concluded, and
 - (c) such other conditions as the [Executive Director] considers necessary or expedient.

(6) A conditional approval of an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] internal control system shall only become effective upon receipt by the Commission of an acknowledgment in writing from the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] that it assents to the terms of that approval.

(7) Where it is appropriate to do so, of his own motion the [Executive Director] may, by notice in writing to an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], extend the

period for which conditional approval has been given as specified in paragraph (5)(a).

(8) A conditional approval of an internal control system given in accordance with this regulation shall, for the purpose of section 14(1)(a) of the Ordinance, be regarded in the same way as an approval given in accordance with regulation 185.

NOTES

In regulation 184,

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁶²

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

the words in the first pair of square brackets in paragraph (6) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018.⁶³

Approval of internal control system.

185. (1) On completion of a full evaluation of an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] proposed internal control system, if the [Executive Director] –

- (a) is satisfied that the internal control system satisfies regulation 180, on behalf of the Commission, he shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate

holder] written notice that the system has been approved, or

- (b) is not satisfied that the internal control system satisfies regulation 180, a report containing details of the application and the evaluation carried out shall be prepared by a duly authorised officer of the Commission for submission to the Commissioners for their consideration.

(2) Where an application for approval of an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] internal control system is referred to the Commissioners in accordance with paragraph (1)(b), the Commissioners shall consider –

- (a) the report submitted to them, and
- (b) such other material and information supplied to the Commission by, or on behalf of, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] as they consider appropriate.

(3) Where the Commissioners consider that they have insufficient information on which to decide whether to grant or refuse the application, they shall defer their decision on the application and cause an appropriate requirement under regulation 182 to be made.

(4) If the Commissioners are satisfied that the internal control system satisfies regulation 180, the Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder]

written notice that the internal control system has been approved.

NOTES

In regulation 185,

the words "eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018;⁶⁴

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁶⁵

Notification of refusal.

186. (1) If the Commissioners refuse to grant approval for an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] internal control system, the Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice of the decision and of the reasons for the refusal.

(2) If, despite their refusal, the Commissioners believe that the [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] proposed internal control system is capable of being easily rectified to enable approval for it to be given, the notice given in accordance with paragraph (1) shall also –

(a) explain how the application document may be changed,

and

- (b) invite the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] to resubmit the application document after making the appropriate changes.

NOTES

In regulation 186,

the words "eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018;⁶⁶

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁶⁷

Accounting for evaluation monies deposited.

187. The Commission shall, whenever requested to do so by an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], account to the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] in respect of the costs as at that time incurred by the Commission in respect of evaluating its application for approval of its internal control system.

NOTE

In regulation 187, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁶⁸

CHAPTER II
CHANGES TO APPROVED INTERNAL CONTROL SYSTEM

Regular review of approved internal control system.

188. (1) An [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] shall keep its approved internal control system under regular review so as to ensure that it accurately reflects the manner in which it is conducting eGambling or operating under its [eGambling licence, Category 1 associate certificate or Category 2 associate certificate] and, when appropriate, it shall make an application in accordance with regulation 192.

(2) ...

NOTES

In regulation 188,

the words in the first pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018;⁶⁹

the words in the second pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(7), with effect from 9th September, 2020;⁷⁰

paragraph (2) was revoked by the Alderney eGambling (Amendment) Regulations, 2013, regulation 7, with effect from 15th May, 2013.

Direction to change approved internal control system.

189. (1) The Commission may, by written notice given to an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] (a "**control change notice**"), direct the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] to

change its approved internal control system within the time, and in the way, stated in the control change notice.

(2) Subject to regulation 190, an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] shall comply with a control change notice.

NOTES

In regulation 189,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018;⁷¹

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁷²

Challenge to control change notice.

190. (1) If an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] wishes to make representations to the Commission about anything in the control change notice, it may do so in writing within seven days of receipt of the control change notice.

(2) Representations under paragraph (1) may include a request that the date for compliance with the required change to its approved internal control system be postponed until the Commission has considered the representations.

(3) After consideration of an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] representations, the Commission may confirm, modify or withdraw the control change notice.

(4) The Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice of its decision under this regulation and of the reasons for it.

NOTES

In regulation 190,

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;⁷³

the words in square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018.⁷⁴

Application to change approved internal control system.

191. (1) Subject to paragraph (2), an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] wishing to effect any change to its existing approved internal control system shall obtain approval of the Commission for that change before it organises, promotes or effects any gambling transaction under the internal control system as proposed to be changed.

(2) Subject to paragraph (3) and regulation 192(3), if the [Executive Director] considers that a proposed change to an approved internal control system is urgent or is not substantially material in nature, then if he considers it reasonable he may authorise the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], by email, to make that change to its approved internal control system.

(3) In the case of a change authorised under paragraph (1) on the

ground of urgency alone, [the licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] shall make an application in accordance with regulation 192(1) as soon as practicable and, in any event, within seven days after the change has been authorised.

NOTES

In regulation 191,

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;⁷⁵

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

the words in square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(14), with effect from 11th January, 2018.⁷⁶

Submission of change application.

192. (1) An application for approval of a change to an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] approved internal control system, whether in response to a control change notice or in accordance with regulation 191(1) shall be made –

- (a) by the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] using the online control system to access and compile the online form associated with the type of modification for which application is being made and therein accurately describing the proposed

modification,

- (b) by letter setting out the proposed change, accompanied by an extract of the application document submitted when the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] obtained approval of its existing internal control system, highlighting the proposed change, signed by a duly authorised officer of the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] and delivered to the offices of the Commission, or
- (c) by completing a replacement document containing all the section headings set out in Schedule 11, as if it were an application in accordance with regulation 176, but highlighting all the proposed changes, signed by a duly authorised officer of the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] and delivered to the offices of the Commission.

(2) If the Commission approves an application made in the manner specified in paragraph 1(a) in respect of a modification which is of a type identified within the procedure as being of low risk, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] shall receive notification thereof electronically.

(3) An application made in accordance with regulation 191(2) shall be accompanied by an explanation of the reason for which the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder]

needs to effect the change to its internal control system and the grounds for which the change is either urgent or not substantial in nature.

NOTE

In regulation 192,

the words in the first pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018;⁷⁷

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;⁷⁸

the words in square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(8), with effect from 9th September, 2020.⁷⁹

Maintenance of adequate monies on deposit.

193. Before, or at the time of, the submission of an application in accordance with regulation 192 in respect of a proposed change of a type set out in Schedule 12, the amount deposited by, or on behalf of, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] in accordance with regulation 260 shall be at least the relevant sum specified under Schedule 21.

NOTE

In regulation 193, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁸⁰

Commencement of evaluation.

194. When an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] has complied with regulations 192 and 193, the Commission shall make arrangements to evaluate the proposed change to the approved internal control system and the content of the application document.

NOTE

In regulation 194, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁸¹

Request for further information.

195. At any time during an evaluation of an application for approval of a change to an approved internal control system, an officer or servant of the Commission may request from the applicant or, with that applicant's prior permission, from some other person such further information or documentation as the officer or servant considers desirable to enable a proper evaluation of the application to be made.

Requirement for further information.

196. (1) Whether or not a request in accordance with regulation 195 has been made, a duly authorised officer of the Commission may, by notice in writing given to the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], require the licensee or certificate holder to supply to the Commission such further information or documentation as may reasonably be required to make a proper evaluation of the application.

(2) Where a notice under paragraph (1) has been given, the Commission is not required to determine the application until the notice has been complied with.

NOTE

In regulation 196, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁸²

Approval of changes to internal control system.

197. (1) On completion of an evaluation of an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] proposed change to its approved internal control system under regulation 191(1), if the [Executive Director] –

- (a) is satisfied that the proposed change satisfies regulation 180, on behalf of the Commission, he shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice that the change has been approved, or
- (b) is not satisfied that the proposed change satisfies regulation 180, a report containing details of the application and the evaluation carried out shall be prepared by a duly authorised officer of the Commission for submission to the Commissioners for their consideration.

(2) Where an application for approval of a change to an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] approved internal control system is referred to the Commissioners in accordance with paragraph (1)(b), the Commissioners shall consider –

- (a) the report submitted to them, and

(b) such other material and information supplied to the Commission by, or on behalf of, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] as they consider appropriate.

(3) Where the Commissioners consider that they have insufficient information on which to decide whether to grant or refuse the application, they shall defer their decision on the application and cause an appropriate requirement under regulation 196 to be made.

(4) If the Commissioners are satisfied that the proposed change to the approved internal control system satisfies regulation 180, the Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice that the internal control system as changed has been approved.

NOTES

In regulation 197,

the words "eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018;⁸³

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5,

with effect from 11th January, 2018.⁸⁴

Notification of refusal.

198. (1) If the Commissioners refuse to grant approval for a change to an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] approved internal control system, the Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice of the decision and of the reasons for the refusal.

(2) If, despite their refusal, the Commissioners believe that the [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] proposed change to its approved internal control system is capable of being easily rectified to enable approval for it to be given, the notice given in accordance with paragraph (1) shall also –

- (a) explain how the application may be changed, and
- (b) invite the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] to resubmit the application after making the appropriate changes.

NOTE

In regulation 198,

the words "eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018;⁸⁵

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁸⁶

Accounting for evaluation monies deposited.

199. The Commission shall, whenever requested to do so by an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], account to the licensee or certificate holder in respect of the costs as at that time incurred by the Commission in respect of evaluating its application for approval of a change to its internal control system.

NOTE

In regulation 199, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁸⁷

CHAPTER III

APPROVAL OF GAMBLING EQUIPMENT

Application for approval.

200. (1) An application for approval of its gambling equipment shall in the first instance be made by –

- (a) an eGambling licensee before it organises, promotes or effects any gambling transaction or commences to operate under its eGambling licence,
- [(ab) a Category 1 associate certificate holder before it organises or promotes any gambling transaction or commences to operate under its certificate,]

- (b) a [Category 2 associate certificate] holder before it effects any gambling transaction under its certificate.

(2) Subject to paragraph (3), an application for a modification of the approval of its gambling equipment shall be made by an [eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder] before it utilises its gambling equipment as proposed to be modified to organise, promote or effect any gambling transaction or operate under its [eGambling licence, Category 1 associate certificate or Category 2 associate certificate].

(3) Where the urgency of the situation is such that the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] needs to make a modification to the gambling equipment it utilises to organise, promote or effect gambling transactions or operate under its licence or certificate before it is able to obtain the approval of the Commission, an application for retrospective approval shall be made in accordance with regulation 201(4).

(4) An application in the first instance for approval of its gambling equipment may be made by or on behalf of an applicant or intending applicant for an [eGambling licence, Category 1 associate certificate or a Category 2 associate certificate], upon the following terms –

- (a) the application may be made at any time after the payment of the initial deposit under regulation 17 or 62,
- (b) the Commission is entitled to draw from the deposit money its costs associated with processing, investigating and determining the application regardless of whether formal applications are received or approved,

- (c) the provisions of regulation 203 apply with respect to monies deposited.

NOTES

In regulation 200,

paragraph (1)(ab) was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(15), with effect from 11th January, 2018;

the words in the second pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(9), with effect from 9th September, 2020;⁸⁸

the words in the first pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 7, with effect from 11th January, 2018;⁸⁹

the words in square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;⁹⁰

the words in square brackets in paragraph (4) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(10), with effect from 13th August, 2013.⁹¹

Submission of application.

201. (1) An application for the purposes of regulation 200(1) shall be made by the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] –

- (a) completing an application form as set out in Schedule 13, signed by a duly authorised officer of the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] and delivered to the offices of the Commission, or

- (b) if authorised by the Commission, using the Commission's online control system in accordance with regulation 202.

(2) If an application under paragraph (1) is made in conjunction with an application for approval of an internal control system under regulation 176, where applicable, the application under paragraph (1) shall cross-refer to the relevant information contained in the application document submitted in accordance with regulation 176.

(3) An application for the purposes of regulation 200(2) shall be made by the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] –

- (a) using the Commission's online control system in accordance with regulation 202,
- (b) sending to a duly authorised officer of the Commission an email message accurately describing the modification the licensee or certificate holder wishes to make, or
- (c) completing an application form as set out in Schedule 13, signed by a duly authorised officer of the licensee or certificate holder and delivered to the offices of the Commission.

(4) An application for the purposes of regulation 200(3) shall be –

- (a) made in the first instance by sending to a duly authorised officer of the Commission an email message

accurately describing the modification effected as soon as reasonably practicable and, in any event, within 24 hours of effecting the modification, and

- (b) confirmed in accordance with the directions of a duly authorised officer of the Commission by –
 - (i) making use of the Commission's online control system in accordance with regulation 202 within 7 days after making the modification, save that paragraph (4) thereof shall not apply, and
 - (ii) if required by the Commission, letter to the Commission sent within 24 hours following the end of each calendar month in which such application has been made.

NOTE

In regulation 201, 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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁹²

Online control system.

202. (1) An application submitted in accordance with regulation 201(3)(a) shall be made by the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] accessing its dedicated database record of approved gambling equipment and completing the online form therein associated with the type of modification for which application is being made.

(2) An application made in accordance with paragraph (1) shall accurately describe the modification which the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] wishes to effect.

(3) In respect of an application which is of a type identified within the procedure as being of low risk, approval by the Commission shall be given, and the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] shall receive notification thereof, automatically and electronically.

(4) For the purposes of section 16(1) of the Ordinance, there shall be no costs associated with an application processed and determined in accordance with paragraph (3).

(5) Where the Commission subsequently discovers and concludes that a modification dealt with in accordance with paragraph (3) was inaccurately described by the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] and should have been dealt with under paragraph (6), the Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] notice of its conclusion and the reasons therefor and its approval for that modification shall be withdrawn with immediate effect.

(6) In respect of an application other than one to which paragraph (3) applies, an officer or servant of the Commission shall review the application in accordance with regulation 204.

(7) An application submitted in accordance with regulations 201(1)(b) and 216(2)(a) shall be made in accordance with this regulation by the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] accessing its dedicated database record of approved gambling

equipment and completing the online form therein associated with the type of modification for which application is being made.

NOTE

In regulation 202, 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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁹³

Maintenance of adequate monies on deposit.

203. (1) Subject to paragraphs (2) and (3), before, or at the time of, the submission of an application in accordance with regulation 201, the amount deposited by, or on behalf of, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] in accordance with regulation 260 shall be at least the relevant sum specified under Schedule 21.

(2) Where regulation 201(2) applies, paragraph (1) does not apply and an eGambling licensee shall only be required to comply with regulation 177.

(3) Where regulation 201(3) applies or where an application is made for approval of gambling equipment currently approved in principle for endorsement on a core services associate certificate in accordance with regulation 222, paragraph (1) does not apply.

NOTE

In regulation 203, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁹⁴

Commencement of evaluation.

204. (1) Subject to paragraph (2), when an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] has complied with regulations 201 and 203, the Commission shall make arrangements to evaluate the gambling equipment in respect of which approval has been sought.

(2) Where an application in accordance with regulation 201 is made –

- (a) to which regulation 202(3) applies, or
- (b) for approval of gambling equipment currently approved in principle for endorsement on a core services associate certificate in accordance with regulation 222,

the Commission shall not carry out any further evaluation of that gambling equipment.

NOTE

In regulation 204, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁹⁵

Criteria against which application evaluated.

205. In considering whether to give approval to the gambling equipment an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] proposes to utilise to conduct its business of organising or preparing the customer to gamble or effecting gambling transactions, as the case may be, and whether it is satisfied in accordance with section 15(9) of the Ordinance, the Commission shall have regard to whether –

- (a) the equipment is the subject of approval in principle

given to a core services associate certificate holder in accordance with regulation 222, or

- (b) the equipment is technically and operationally capable of being –
 - (i) utilised safely, securely and fairly, when taken both individually and collectively, in the conduct of any form of eGambling the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] proposes to operate, and
 - (ii) interrogated, and subjected to audit, by, or on behalf of, the Commission, whether in accordance with monitoring conducted under regulation 249 or otherwise.

NOTE

In regulation 205, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁹⁶

Request for further information.

206. At any time following submission of an application for approval of gambling equipment, an officer or servant of the Commission may request from the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] or, with that licensee's or certificate holder's prior permission, from some other person such further information or documentation as the officer or servant considers desirable to enable the application to be determined in accordance with this Chapter.

NOTE

In regulation 206, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁹⁷

Requirement for further information.

207. (1) Whether or not a request in accordance with regulation 206 has been made, a duly authorised officer of the Commission may, by notice in writing given to the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], require it to supply to the Commission such further information or documentation as may reasonably be required to determine the application in accordance with this Chapter.

(2) Where a notice under paragraph (1) has been given, the Commission is not required to determine the application until the notice has been complied with.

NOTE

In regulation 207, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.⁹⁸

Conditional approval of gambling equipment.

208. (1) Where, in respect of an application for initial approval of its gambling equipment under regulation 200(1), an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] has complied with regulations 201 and 203, prior to the determination of that application in accordance with regulation 209, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] may make a request in

writing for the Commission to consider granting conditional approval of its gambling equipment.

(2) A request seeking conditional approval of gambling equipment shall explain the reason why it is being made, be signed by a duly authorised officer of the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] and be delivered to the offices of the Commission.

(3) If the Commission is satisfied that exceptional circumstances exist, without prejudice to its general powers to impose conditions on a gambling equipment approval under regulation 212, it may proceed to grant such conditional approval in accordance with this regulation.

(4) Where the evaluation undertaken in accordance with regulation 204(1) has not been fully completed, but the [Executive Director] is satisfied from the extent of the evaluation that has by then occurred that the gambling equipment appears to satisfy regulation 205(b), he may give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice that the equipment has been conditionally approved.

(5) A notice given in accordance with paragraph (4) shall, so far as practicable, be in a form similar to a gambling equipment approval and shall specify –

- (a) the period for which conditional approval is being given,
- (b) that the approval is subject to the ongoing compliance by the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] with all the requirements of this Chapter applicable to initial approval of its gambling equipment

until the full evaluation process has been concluded,
and

- (c) such other conditions as the [Executive Director] considers necessary or expedient.

(6) A conditional approval of gambling equipment shall only become effective upon receipt by the Commission of an acknowledgment in writing from the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] that it assents to the terms of that approval.

(7) Where it is appropriate to do so, of his own motion the [Executive Director] may, by notice in writing to an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], extend the period for which conditional approval has been given as specified in paragraph (5)(a).

(8) A conditional approval of gambling equipment given in accordance with this regulation shall, for the purpose of section 15(1) and (2) of the Ordinance, be regarded in the same way as an approval given in accordance with regulation 209.

NOTES

In regulation 208,

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;⁹⁹

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Approval of gambling equipment.

209. (1) On completion of a full evaluation of the gambling equipment for which an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] has sought approval, if the [Executive Director] –

- (a) is satisfied that the gambling equipment –
 - (i) is the same as gambling equipment for which approval in principle has been given to a core services associate certificate holder in accordance with regulation 222, or
 - (ii) satisfies regulation 205(b),

on behalf of the Commission, he shall, in accordance with regulation 210, give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] notice that the gambling equipment has been approved, or

- (b) is not satisfied that the gambling equipment satisfies regulation 205(b), a report containing details of the application and the evaluation carried out shall be prepared by a duly authorised officer of the Commission for submission to the Commissioners for their consideration.

(2) Where an application for approval of an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's]

gambling equipment is referred to the Commissioners in accordance with paragraph (1)(b), the Commissioners shall consider –

- (a) the report submitted to them, and
- (b) such other material and information supplied to the Commission by, or on behalf of, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] as they consider appropriate.

(3) Where the Commissioners consider that they have insufficient information on which to decide whether to grant or refuse the application, they shall defer their decision on the application and cause an appropriate requirement under regulation 207 to be made.

(4) If the Commissioners are satisfied that the gambling equipment satisfies regulation 205(b), the Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice that the gambling equipment has been approved.

NOTES

In regulation 209,

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.¹⁰⁰

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

words in the first pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018.¹⁰¹

Form of gambling equipment approval.

210. (1) Subject to paragraph (2), where the Commission grants an application for approval of gambling equipment, notice given under regulation 209 shall be in writing in the form set out in Schedule 14 (a "**gambling equipment approval**").

(2) Where the Commission grants an application made in accordance with regulation 201(3)(a) for approval of a modification to gambling equipment through its online control system in accordance with regulation 202(3), no gambling equipment approval will be given but instead the Commission shall cause the [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] dedicated database record of approved gambling equipment to be updated to reflect its approval.

(3) As soon as practicable after giving a gambling equipment approval, the Commission shall establish in respect of [the licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] a dedicated database record of approved gambling equipment or, as the case may be, update the [licensee's, Category 1 or Category 2 associate certificate holder's] record in order to reflect the approval given.

NOTES

In regulation 210,

the words in square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018;¹⁰²

the words in the first pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(14), with effect from 11th January, 2018,¹⁰³

the words in the second pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(10), with effect from 9th September, 2020.¹⁰⁴

Notification of refusal.

211. If the Commissioners refuse to grant approval for gambling equipment, the Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice of the decision and of the reasons for the refusal.

NOTE

In regulation 211, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.¹⁰⁵

Imposition or change of conditions on gambling equipment approval.

212. (1) Where the Commission considers it necessary, expedient or desirable to –

- (a) attach a condition to a gambling equipment approval,
- (b) modify an existing condition attached to a gambling equipment approval, or
- (c) rescind an existing condition attached to a gambling equipment approval,

it shall give to the [eGambling licensee, Category 1 associate certificate holder or

Category 2 associate certificate holder] a notice in writing (an "**equipment condition notice**") which shall explain the proposed change of condition and set out the Commission's reasons for the change.

(2) Without prejudice to the generality of paragraph (1), an equipment condition notice may be given if the Commission is of the opinion that –

(a) the utilisation of the gambling equipment in question without the condition –

(i) may not prevent cheating or a contravention of the Ordinance or these Regulations, or

(ii) cannot be effectively monitored, or

(b) it is in the public interest that such a condition be attached.

(3) Subject to regulation 213, a change of conditions takes effect on –

(a) the day on which the equipment condition notice is given to the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], or

(b) such later day as is specified in the equipment condition notice.

NOTE

In regulation 212, 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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.¹⁰⁶

Challenge to equipment condition notice.

213. (1) If an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] wishes to make representations to the Commission about anything in the equipment condition notice, it may do so in writing within seven days of receipt of the equipment condition notice.

(2) Representations under paragraph (1) may include a request that the date from which the change of conditions takes effect be postponed until the Commission has considered the representations.

(3) After consideration of an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] representations, the Commission may confirm, modify or withdraw the equipment condition notice.

(4) The Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice of its decision under this regulation and of the reasons for it.

NOTES

In regulation 213,

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.¹⁰⁷

*the words in square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018.*¹⁰⁸

Return of gambling equipment approval for endorsement of changed conditions.

214. (1) An [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] shall return its gambling equipment approval to the Commission within seven days of –

- (a) receiving an equipment condition notice, or,
- (b) where it exercises its right to make representations in accordance with regulation 213, receipt of a notice from the Commission in accordance with regulation 213(4) confirming or modifying the equipment condition notice.

(2) On receiving the gambling equipment approval, the Commission shall –

- (a) amend the gambling equipment approval in an appropriate way and return the amended gambling equipment approval to the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], or
- (b) if the Commission does not consider that it is practicable to amend the gambling equipment approval, issue a replacement gambling equipment approval free of charge, incorporating the change of conditions to the [eGambling licensee, Category 1 associate certificate

holder or Category 2 associate certificate holder].

(3) A change of conditions does not depend on the gambling equipment approval being amended to record the change or a replacement gambling equipment approval being issued.

NOTE

In regulation 214, 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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.¹⁰⁹

Accounting for evaluation monies deposited.

215. The Commission shall, whenever requested to do so by an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], account to the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] in respect of the costs as at that time incurred by the Commission in respect of evaluating its application for approval of its gambling equipment.

NOTE

In regulation 215, 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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.¹¹⁰

CHAPTER IV

ENDORSEMENT OF APPROVAL IN PRINCIPLE OF GAMBLING EQUIPMENT
ON CORE SERVICES ASSOCIATE CERTIFICATE

Application for approval in principle.

216. (1) A core services associate certificate holder may apply to the Commission for approval in principle of gambling equipment it proposes to offer to an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] for utilisation by it to organise, promote or effect any gambling transaction or operate under its [eGambling licence, Category 1 associate certificate or Category 2 associate certificate].

- (2) An application under paragraph (1) shall be made by –
- (a) if authorised by the Commission, using the Commission's online control system in accordance with regulation 202,
 - (b) sending, in the case of a proposed modification of gambling equipment already approved, to a duly authorised officer of the Commission an email message accurately describing the modification the licensee wishes to make, or
 - (c) completing an application form as set out in Schedule 15, signed by a duly authorised officer of the associate and delivered to the offices of the Commission.

NOTE

In regulation 216,

the words in the first pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;¹¹¹

the words in the second pair of square brackets in paragraph (1)

*were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 10, with effect from 11th January, 2018.*¹¹²

Maintenance of adequate monies on deposit.

217. Before, or at the time of, the submission of an application in accordance with regulation 216, the amount deposited by, or on behalf of, the core services associate certificate holder in accordance with regulation 260 shall be at least the relevant sum specified under Schedule 21.

Commencement of evaluation.

218. When a core services associate certificate holder has complied with regulations 216 and 217, the Commission shall make arrangements to evaluate the gambling equipment in respect of which approval in principle has been sought.

Criteria against which application evaluated.

219. In considering whether to give approval in principle to the gambling equipment a core services associate certificate holder proposes to offer to an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], the Commission shall have regard to whether –

- (a) the equipment is technically and operationally capable of being –
 - (i) utilised safely, securely and fairly, when taken both individually and collectively, in the conduct of any form of eGambling an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] may propose to operate, and

- (ii) interrogated, and subjected to audit, by, or on behalf of, the Commission, whether in accordance with monitoring conducted under regulation 249 or otherwise, should it be utilised by an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] in its operations, and
- (b) the equipment is of a type that an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] is likely to wish to utilise in its business of conducting eGambling.

NOTE

In regulation 219, 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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.¹¹³

Request for further information.

220. At any time during an evaluation of an application for approval in principle of gambling equipment, an officer or servant of the Commission may request from the core services associate certificate holder or, with the certificate holder's prior permission, from some other person such further information or documentation as the officer or servant considers desirable to enable a proper evaluation of the application to be made.

Requirement for further information.

221. (1) Whether or not a request in accordance with regulation 220 has been made, a duly authorised officer of the Commission may, by notice in writing

given to the core services associate certificate holder, require the certificate holder to supply to the Commission such further information or documentation as may reasonably be required to make a proper evaluation of the application.

(2) Where a notice under paragraph (1) has been given, the Commission is not required to determine the application until the notice has been complied with.

Approval in principle of gambling equipment.

222. (1) On completion of an evaluation of the gambling equipment for which a core services associate certificate holder has sought approval in principle, if the [Executive Director] –

- (a) is satisfied that the gambling equipment satisfies regulation 219, on behalf of the Commission, he shall give the certificate holder written notice that the gambling equipment has been approved in principle, or
- (b) is not satisfied that the gambling equipment satisfies regulation 219, a report containing details of the application and the evaluation carried out shall be prepared by a duly authorised officer of the Commission for submission to the Commissioners for their consideration.

(2) Where an application for approval in principle of gambling equipment is referred to the Commissioners in accordance with paragraph (1)(b), the Commissioners shall consider –

- (a) the report submitted to them, and

- (b) such other material and information supplied to the Commission by, or on behalf of, the core services associate certificate holder as they consider appropriate.

(3) Where the Commissioners consider that they have insufficient information on which to decide whether to grant or refuse the application, they shall defer their decision on the application and cause an appropriate requirement under regulation 221 to be made.

(4) If the Commissioners are satisfied that the gambling equipment satisfies regulation 219, the Commission shall give the core services associate certificate holder written notice that the gambling equipment has been approved in principle.

NOTE

In regulation 222, the words in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Notification of refusal.

223. If the Commissioners refuse to grant approval in principle for a core services associate certificate holder's gambling equipment, the Commission shall give the certificate holder written notice of the decision and of the reasons for the refusal.

Return of associate certificate for endorsement of approval in principle.

224. (1) Within seven days of receipt of a notice in accordance with regulation 222, the core services associate certificate holder shall return its associate certificate to the Commission.

- (2) On receiving the associate certificate, the Commission shall –

- (a) endorse a record of the gambling equipment in respect of which it has given approval in principle and return the endorsed certificate to the certificate holder, or
- (b) if the Commission does not consider that it is practicable to endorse the associate certificate, issue a replacement core services associate certificate to the associate free of charge, on which all the current approvals in principle of the associate's gambling equipment shall be endorsed.

(3) Approval in principle of an associate's gambling equipment does not depend on the core services associate certificate being endorsed to record that approval or a replacement core services associate certificate being issued.

Accounting for evaluation monies deposited.

225. The Commission shall, whenever requested to do so by a core services associate certificate holder, account to the certificate holder in respect of the costs as at that time incurred by the Commission in respect of evaluating its application for approval in principle of its gambling equipment.

CHAPTER V

CUSTOMERS: REGISTRATION, FUNDS AND PROTECTION

[Requirement for customer to be registered.

226. A Category 1 eGambling licensee or Category 1 associate certificate holder shall not permit a person to effect a gambling transaction as part of its operations under its eGambling licence or Category 1 associate certificate unless the person is a customer who has registered in accordance with regulation 227.]

NOTE

Regulation 226 was substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(16), with effect from 11th January, 2018.

Procedure for registration of customer.

227. (1) A customer shall register –
- (a) directly with a Category 1 eGambling licensee [and a Category 1 associate certificate holder], or
 - (b) with an associate of a Category 1 eGambling licensee [and an associate of a Category 1 associate certificate holder],

by completing an application process as set out in the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] approved internal control system.

(2) Prior to registering a customer, or as soon as reasonably practicable thereafter, a [Category 1 eGambling licensee or Category 1 associate certificate holder], or, when applicable, an associate on [licensee's or certificate holder's behalf], shall undertake a risk assessment in respect of that person, in accordance with the terms of the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] approved internal control system, to determine if –

- (a) the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] relationship with the customer is a high risk relationship, or
- (b) the customer or any beneficial owner or underlying

principal is a politically exposed person.

(3) A person shall not be eligible for registration as a customer in accordance with paragraph (1) unless he is able to produce to the person carrying out the registration process evidence of a type and in a manner set out in the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] approved internal control system –

- (a) of his identity and place of residence, and
- (b) that he is at least 18 years of age.

(4) [Subject to [paragraph 5 of Schedule 4 to the Ordinance], the registration] of a customer shall not be completed by the person carrying it out until –

- (a) the identity of the person wishing to register as a customer has been authenticated,
- (b) the person's place of residence has been verified,
- (c) the customer has confirmed that he is acting as principal and is not restricted in his legal capacity, [...]
- (d) if the customer is not a natural person –
 - (i) the legal status and legal form of the customer has been verified, and
 - (ii) the names of the natural persons who have ultimate ownership and/or control of the

customer have been determined[, and]

[(e) the customer due diligence measures (as defined in [Schedule 4 to the Ordinance]) have been undertaken,]

in accordance with the terms of the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] approved internal control system and the money laundering and terrorist financing provisions set out in [Schedule 4 to the Ordinance].

(5) Save in such circumstances as are set out in a [Category 1 eGambling licensee's or Category 1 associate certificate holder's] approved internal control system an employee of –

(a) a Category 1 eGambling licensee,

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

(b) the associate carrying out the registration process,

(c) any other associate directly involved in managing any aspect of the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] gambling transactions,

whether or not he is a key individual, shall not be registered as a customer.

NOTES

In regulation 227,

the words in square brackets in, first, paragraph (1)(a) and, second, paragraph (1)(b) were inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(17), with effect from 11th January, 2018;

the words "Category 1 eGambling licensee's or Category 1 associate certificate holder's" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 9, with effect from 11th January, 2018;

the words in the first pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the words in the second pair of square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(19), with effect from 11th January, 2018;

first, the words in the first pair of square brackets in paragraph (4), second, the word omitted in square brackets at the end of paragraph (4)(c), third, the punctuation and words in square brackets in paragraph (4)(d)(ii) and, fourth, paragraph (4)(e) were, respectively, substituted, revoked, substituted and inserted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 8(a), regulation 8(b), regulation 8(c) and regulation 8(d), with effect from 15th May, 2013;

the words in square brackets within the first pair of square brackets in paragraph (4) were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(11), with effect from 9th September, 2020;

the words and figure "Schedule 4 to the Ordinance" in square brackets, wherever occurring in paragraph (4), were substituted by the Alderney eGambling (Amendment) Regulations, 2021, regulation 1(6), with effect from 26th November, 2021;

paragraph (5)(ab) was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(18), with effect from 11th January, 2018.

Customer accounts.

228. (1) A [Category 1 eGambling licensee or Category 1 associate certificate holder], or, when applicable, an associate on [licensee's or certificate holder's behalf], shall not set up anonymous customer accounts or accounts in fictitious names.

(2) A [Category 1 eGambling licensee or Category 1 associate certificate holder], or, when applicable, an associate on [licensee's or certificate

holder's behalf], shall maintain customer accounts in a manner which facilitates the meeting of the requirements of this Chapter and [Schedule 4 to the Ordinance].

(3) ...

NOTES

In regulation 228,

the words in the first pairs of square brackets in paragraph (1) and paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the words in the second pairs of square brackets in paragraph (1) and paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(19), with effect from 11th January, 2018;

the words "Schedule 4 to the Ordinance" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(2), with effect from 9th September, 2020;

paragraph (3) was revoked by the Alderney eGambling (Amendment) Regulations, 2013, regulation 9, with effect from 15th May, 2013.

Regular review of customer relationship.

229. A [Category 1 eGambling licensee or Category 1 associate certificate holder], or, when applicable, an associate on the licensee's behalf, shall, in accordance with the terms of the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] approved internal control system, regularly review any risk assessment carried out under regulation 227(2) so as to keep it up to date and, where changes to that risk assessment are required, it shall make those changes.

NOTES

In regulation 229,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the words in the second pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 9, with effect from 11th January, 2018.

Deposit of customer funds.

[230. (1) The funds with which a customer pays for gambling transactions with a [Category 1 eGambling licensee or Category 1 associate certificate holder] may be deposited –

- (a) directly with the [Category 1 eGambling licensee or Category 1 associate certificate holder], or
- (b) with an associate of the [Category 1 eGambling licensee or Category 1 associate certificate holder], in the manner set out in the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] approved internal control system and in accordance with the money laundering and terrorist financing provisions set out in [Schedule 4 to the Ordinance].

(2) For the purposes of paragraph (1), in no circumstances may cash be accepted as funds from a customer by, or on behalf of, the [Category 1 eGambling licensee or Category 1 associate certificate holder].]

NOTES

Regulation 230 was substituted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 10, with effect from 15th May, 2013.

In regulation 230,

the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the words "Schedule 4 to the Ordinance" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(2), with effect from 9th September, 2020;

the words in the second pair of square brackets in paragraph (1)(b) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 9, with effect from 11th January, 2018.

Funds standing to the credit of registered customers.

230A. (1) Subject to paragraph (2), a [Category 1 eGambling licensee or Category 1 associate certificate holder] or an associate of a [Category 1 eGambling licensee or Category 1 associate certificate holder] who holds funds standing to the credit of a registered customer pursuant to regulation 230 shall at all times hold such funds in a bank account which –

- (a) exists solely for the purpose of holding, and holds only, funds standing to the credit of [the licensee's or certificate holder's] registered customers, and
- (b) is separate from any other bank account which does not satisfy the requirements of paragraph (a).

(2) The Commission may, at its discretion, waive the requirement set out under paragraph (1) where a person has provided a written guarantee, in such terms approved by the Commission, to

- (a) remit all of the funds standing to the credit of the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] registered customers in

the event that the [Category 1 eGambling licensee or Category 1 associate certificate holder] is unable to do so,

- (b) maintain at all times such deposits and reserves as are necessary in order to satisfy the undertaking set out in sub-paragraph (a), and
- (c) demonstrate at any time, at the request of the Commission, that it maintains adequate deposits and reserves in order to satisfy the undertaking set out in sub-paragraph (b).

(3) The [Category 1 eGambling licensee or Category 1 associate certificate holder] shall set out in its approved internal control system the details of each bank account which holds funds standing to the credit of its registered customers (including the details of any bank account held by an associate of the [Category 1 eGambling licensee or Category 1 associate certificate holder] which holds funds standing to credit of [that licensee's or certificate holder's] registered customers).

(4) The [Category 1 eGambling licensee or Category 1 associate certificate holder] shall by no later than the 20th day of the month submit to the Commission a report in the format set out in Schedule 22 detailing

- (a) the total amount of funds which the [Category 1 eGambling licensee or Category 1 associate certificate holder], and any of its associates, hold to the credit of its registered customers, and
- (b) the balance of each bank account which holds funds standing to the credit of any of the [Category 1

eGambling licensee's or Category 1 associate certificate holder's] registered customers (including the balance of any bank account held by an associate of the [Category 1 eGambling licensee or Category 1 associate certificate holder] who holds funds standing to the credit of [that licensee's or certificate holder's] registered customers).

(5) The [Category 1 eGambling licensee or Category 1 associate certificate holder] shall notify each of its customers, via a clear and robust mechanism that has been approved by the Commission, of the potential risks associated with funds standing to the credit of a registered customer in the event of the insolvency of the [Category 1 eGambling licensee or Category 1 associate certificate holder] or any of its associates.]

NOTES

Regulation 230A was inserted by the Alderney eGambling (Amendment) Regulations, 2012, regulation 6, with effect from 24th July, 2012, subject to the transitional provisions in regulation 9 of the 2012 Regulations.

In regulation 230A,

the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the words in square brackets in, first, paragraph (1)(a) and, second, the words "that licensee's or certificate holder's" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(20), with effect from 11th January, 2018;

the words "Category 1 eGambling licensee's or Category 1 associate certificate holder's" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 9, with effect from 11th January, 2018.

Recourse to funds held by eGambling licensee.

231. (1) This regulation applies where a registered customer's funds have been deposited directly with a [Category 1 eGambling licensee or Category 1 associate certificate holder].

(2) A [Category 1 eGambling licensee or Category 1 associate certificate holder] shall not have recourse to funds standing to the credit of a registered customer except –

- (a) to debit the amount of a payment required for a gambling transaction that the customer indicates he wants to undertake through the [Category 1 eGambling licensee or Category 1 associate certificate holder],
- (b) to debit some or all of an amount that has been added to the funds standing to the credit of the customer by virtue of regulation 232(4) in accordance with the terms contained in the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] approved internal control system that were accepted by the customer prior to the addition of those funds,
- (c) to debit an amount that the customer has requested be transferred to an associate of the [Category 1 eGambling licensee or Category 1 associate certificate holder] for the purposes of enabling the customer to participate in gambling,
- (d) to remit funds in accordance with paragraph (3),
- (e) to debit inactive funds in accordance with the terms and

conditions of its approved internal control system accepted by the customer prior to the addition of those funds, or

- (f) to facilitate player to player transfers as directed by the customer, in accordance with the terms and conditions, as accepted by the customer, of its approved internal control system.

(3) Subject to compliance with any lawful requirement to do otherwise, the [Category 1 eGambling licensee or Category 1 associate certificate holder] shall, at the request of a registered customer, remit funds standing to the credit of that customer as directed by the customer –

- (a) to an account with a financial institution in his name,
- (b) to an account with an associate of the [Category 1 eGambling licensee or Category 1 associate certificate holder] in his name, or
- (c) by providing a non-negotiable instrument marked "account payee" made out in his name and forwarded to his address as recorded in accordance with regulation 227,

pursuant to the terms and conditions governing the customer relationship and as set out in the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] approved internal control system.

NOTES

In regulation 231,

the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the words "Category 1 eGambling licensee's or Category 1 associate certificate holder's" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 9, with effect from 11th January, 2018.

Additions to customer's funds held by [eGambling licensee or Category 1 associate certificate holder].

232. (1) This regulation applies where a registered customer's funds have been deposited directly with a [Category 1 eGambling licensee or Category 1 associate certificate holder].

(2) If, as a result of effecting a gambling transaction through the [Category 1 eGambling licensee or Category 1 associate certificate holder], a registered customer accrues winnings, [the licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] shall increase the amount standing to the credit of the customer by the amount of those winnings in accordance with the terms and conditions governing the relationship between the [Category 1 eGambling licensee or Category 1 associate certificate holder] and the customer as contained in [the licensee's or certificate holder's] approved internal control system.

(3) If a registered customer whose funds have been debited in accordance with regulation 231(2)(b) requests that funds standing to his credit with the associate to which funds have been transferred are returned, upon receipt from its associate, the [Category 1 eGambling licensee or Category 1 associate certificate holder] shall immediately increase the amount standing to the credit of the customer by the amount so received.

(4) If a registered customer accepts an offer from a [Category 1

eGambling licensee or Category 1 associate certificate holder] of funds with which to effect a gambling transaction, made in accordance with terms contained in [the licensee's or certificate holder's] approved internal control system, the [Category 1 eGambling licensee or Category 1 associate certificate holder] shall increase the amount standing to the credit of the customer in accordance with those terms.

NOTES

In regulation 232,

the words in square brackets in the heading thereto were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 11, with effect from 11th January, 2018;

the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

first, the words in the second and third pairs of square brackets in paragraph (2) and, second, the words "that licensee's or certificate holder's" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, respectively regulation 1(14) and regulation 1(20), with effect from 11th January, 2018.

Compliance with money laundering and terrorist financing provisions.

233. (1) An [eGambling licensee or Category 1 associate certificate holder], a [Category 2 associate certificate] holder and, to the extent applicable, other associates shall comply with the money laundering and terrorist financing provisions set out in [Schedule 4 to the Ordinance] to the extent that such provisions are therein stated to apply to such a licensee, certificate holder or associate.

[(2) For the purposes of section 24(5) of the Ordinance –

(a) each requirement set out in [Schedule 4 to the Ordinance], and

- (b) each requirement under regulations 175(2)(j), 175(3), 226, 227, 228, 229 and 230, is specified as a "money laundering offence".]

NOTES

In regulation 233,

the words in the first pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 11, with effect from 11th January, 2018;

the words in the second pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013;

the words "Schedule 4 to the Ordinance" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(2), with effect from 9th September, 2020;

paragraph (2) was substituted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 11, with effect from 15th May, 2013.

Customer funds held by an associate.

234. Where the funds of a registered customer are held by an associate of a [Category 1 eGambling licensee or Category 1 associate certificate holder] –

- (a) amounts payable by the customer in respect of gambling transactions effected through the [Category 1 eGambling licensee or Category 1 associate certificate holder], and
- (b) winnings accruing to the customer as a result of gambling transactions effected through the [Category 1

eGambling licensee or Category 1 associate certificate holder],

shall be reconciled as between the customer, the associate and the [Category 1 eGambling licensee or Category 1 associate certificate holder] in accordance with the [Category 1 eGambling licensee's or Category 1 associate certificate holder's] approved internal control system.

NOTES

In regulation 234,

the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the words "Category 1 eGambling licensee's or Category 1 associate certificate holder's" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 9, with effect from 11th January, 2018.

Notification of [eGambling licensee's or Category 1 associate certificate holder's] rules.

235. Before a registered customer is permitted to effect a gambling transaction through a [Category 1 eGambling licensee or Category 1 associate certificate holder], the [Category 1 eGambling licensee or Category 1 associate certificate holder] shall make available to the customer in accordance with its approved internal control system, whether directly or by posting them on its website, the rules pertaining to the gambling transaction in question.

NOTES

In regulation 235,

the words in square brackets in the heading thereto were substituted

by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 12, with effect from 11th January, 2018;

the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018.

Identifying customers at risk.

236. (1) A [Category 1 eGambling licensee or Category 1 associate certificate holder] shall establish and maintain procedures in accordance with its approved internal control system to identify customers who are, or appear to be at risk of becoming, problem gamblers.

(2) A [Category 1 eGambling licensee or Category 1 associate certificate holder] shall take note of and act appropriately upon advances in information about problem gambling, technology to discover problem gambling, and techniques for combating problem gambling, and shall comply with every requirement of the Commission designed to combat problem gambling.

(3) The [Category 1 eGambling licensee or Category 1 associate certificate holder] shall –

- (a) provide problem gamblers and potential problem gamblers with sufficient information and assistance to enable them to obtain proper counselling or access to an appropriate support organisation, and
- (b) if required by the Commission, take steps to limit or cease gambling activities with a specified customer.

NOTE

In regulation 236, the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018.

Limitation on customer's gambling activity.

237. (1) A registered customer may, by written notice to a [Category 1 eGambling licensee or Category 1 associate certificate holder], set a limit on his gambling activity with that licensee in accordance with one or more of the means specified in paragraph (2).

(2) A limit may be set under paragraph (1) in relation to the amount a customer –

(a) may deposit during a period of time specified in the notice,

(b) may lose by way of a maximum amount that may be lost by reference to –

(i) a number of gambling transactions, or

(ii) a period of time,

as specified in the notice, or

(c) may wager.

(3) A limit set under paragraph (2)(c) may be set –

(a) in relation to a single gambling transaction or any

number of gambling transactions,

- (b) by way of a maximum limit that may be wagered over a number of gambling transactions specified in the notice or effected during a period of time specified in the notice, or
- (c) at zero.

(4) A [Category 1 eGambling licensee or Category 1 associate certificate holder] who has received a notice under paragraph (1), shall not –

- (a) accept a deposit, or
- (b) permit a customer to lose, or
- (c) debit a wager from the customer's funds held by it, or
- (d) require an associate holding the customer's funds to debit a wager from those funds,

in excess of a limit set out in the notice.

(5) A [Category 1 eGambling licensee or Category 1 associate certificate holder] who has received a notice under paragraph (1) from a customer setting his limit in accordance with paragraphs (2)(c) and (3)(c) at zero shall not directly market or otherwise publicise its gambling services to that customer whilst the customer's limit continues at zero.

(6) A [Category 1 eGambling licensee or Category 1 associate certificate holder] who has received a notice under paragraph (1) shall not, directly or

indirectly, encourage the customer who has set that limit to raise or remove it.

(7) A customer who has set a limit under this regulation may change or remove the limit by further written notice to the [Category 1 eGambling licensee or Category 1 associate certificate holder].

(8) A notice in accordance with paragraph (7) increasing or removing a limit shall not have effect unless –

- (a) at least 24 hours have passed since the [Category 1 eGambling licensee or Category 1 associate certificate holder] received the notice, and
- (b) the customer has not notified the [Category 1 eGambling licensee or Category 1 associate certificate holder] of his intention to withdraw the notice.

(9) A notice reducing a limit has effect on its receipt by the [Category 1 eGambling licensee or Category 1 associate certificate holder].

NOTE

In regulation 237, the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018.

Customer complaints.

238. (1) A [Category 1 eGambling licensee or Category 1 associate certificate holder] shall include on an appropriate page within the part of its website explaining the availability of a mechanism for resolving a customer's complaint a

hyperlink to the page on the Commission's website dealing with its handling of complaints.

(2) Where a registered customer makes a complaint to the Commission about a [Category 1 eGambling licensee's or Category 1 associate certificate holder's] operations, the complaint shall be dealt with by the Commission in accordance with this regulation.

(3) In the first instance, a duly authorised officer of the Commission shall, by establishing contact with the [the licensee or Category 1 associate certificate holder] or, as the case may be, an associate of the licensee and the complainant, attempt to resolve by agreement between the customer and the [Category 1 eGambling licensee or Category 1 associate certificate holder] or associate any dispute between them on which the complaint is based.

(4) Where the procedure set out in paragraph (3) is unsuccessful, the [Executive Director] shall cause a full investigation of the complaint to be carried out by a duly authorised officer of the Commission and, after consideration of a report about the complaint and the investigation thereof, he –

- (a) shall make a preliminary determination of the matter in dispute between the customer and the [Category 1 eGambling licensee or Category 1 associate certificate holder], and
- (b) give written notice of that determination and the reasons for it to the customer and the [Category 1 eGambling licensee or Category 1 associate certificate holder], at the same time enquiring of them whether each accepts his determination.

(5) Where both the customer and the [Category 1 eGambling licensee or Category 1 associate certificate holder] accept the preliminary determination of the [Executive Director], his determination shall be treated as final.

(6) Where one or both of the recipients of the [Executive Director]'s preliminary determination do not accept it, the complaint shall be referred to the Commissioners for hearing in accordance with regulation 239.

NOTES

In regulation 238,

the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, and the words in the first pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the words "Executive Director" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

the words in square brackets in paragraph (2) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 9, with effect from 11th January, 2018.

Hearing of customer complaint.

239. (1) Where a complaint by a customer has been referred to the Commissioners for determination in accordance with regulation 238(6) –

- (a) by giving at least 14 days' notice, a date, time and place for the hearing shall be notified by the Commission to the customer and the [Category 1 eGambling licensee or Category 1 associate certificate holder],

- (b) the complainant may elect to confine himself to making any written representations he wishes or may attend the hearing in person or through any representative,
 - (c) the [Category 1 eGambling licensee or Category 1 associate certificate holder] may elect to confine itself to making any written representations it wishes or may attend the hearing through any representative.
- (2) At a hearing under this regulation –
- (a) if the complainant attends, he shall make his representations first,
 - (b) a duly authorised officer of the Commission, in person or through any representative, shall present his report about the investigation of the complaint and shall be permitted to ask questions of any attendee,
 - (c) if the [Category 1 eGambling licensee or Category 1 associate certificate holder] attends, he shall make his representations in response to the complaint after the conclusion of the officer's presentation, and
 - (d) questions may be asked at any time by the Commissioners.
- (3) Unless the Commissioners otherwise direct, a hearing under this regulation shall be held in public in Alderney.
-

NOTE

In regulation 239, the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018.

Commissioners' determination of customer complaint.

240. (1) At the conclusion of a hearing in accordance with regulation 239, after taking into account everything said and lodged by, or on behalf of, the parties, the Commissioners shall determine –

- (a) whether the customer's complaint has been established in full or in part,
- (b) what steps, if any, to take in relation to the [Category 1 eGambling licensee or Category 1 associate certificate holder] in accordance with other provisions of these Regulations, and
- (c) whether to make any order about payment of the costs incurred by the Commission or, as the case may be, the customer making the complaint or the [Category 1 eGambling licensee or Category 1 associate certificate holder] in accordance with paragraph (2) or (3).

(2) In a case where the customer has appeared before the Commissioners and they determine that his complaint was vexatious or frivolous or manifestly ill-founded, they may direct the customer to pay –

- (a) a contribution towards the expenses incurred by the Commission in determining the complaint, and

- (b) if sought by the [Category 1 eGambling licensee or Category 1 associate certificate holder], a contribution to its costs incurred in appearing before the Commissioners.

(3) Where the Commissioners determine that the customer's complaint has been established in full or in part, they may direct –

- (a) as part of the resolution of the dispute between the customer and the [Category 1 eGambling licensee or Category 1 associate certificate holder], that the [Category 1 eGambling licensee or Category 1 associate certificate holder] compensates the customer for all or some of the costs he has incurred in making and pursuing his complaint, and
- (b) that the [Category 1 eGambling licensee or Category 1 associate certificate holder] make a contribution towards the expenses incurred by the Commission in determining the complaint.

(4) The Commission shall give the customer making the complaint and the [Category 1 eGambling licensee or Category 1 associate certificate holder] written notice of its decision under this regulation and of the reasons for it.

NOTE

In regulation 240, the words "Category 1 eGambling licensee or Category 1 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018.

CHAPTER VI
FINANCIAL ACCOUNTS AND REPORTS

Keeping of accounts.

241. An [eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder] shall –

- (a) keep accounting records that correctly record and explain the transactions and financial position for the operations conducted under its [eGambling licence, Category 1 associate certificate or Category 2 associate certificate], and
- (b) keep the accounting records in a way that allows –
 - (i) true and fair financial statements and accounts to be prepared from time to time, and
 - (ii) the financial statements and accounts to be conveniently and properly audited.

NOTES

In regulation 241,

the words in the first pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 7, with effect from 11th January, 2018;¹¹⁴

the words in the second pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 10, with effect from 11th

January, 2018.¹¹⁵

Periodic operational reports and management accounts.

242. (1) A Category 1 eGambling licensee and Category 1 associate certificate holder shall by no later than the 20th day of each month submit to the Commission a report in the format set out in Schedule 17 containing the details required by such a report in respect of its operational performance under its eGambling licence or certificate (as the case may be) during the preceding calendar month.

(2) An eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder shall by no later than 30 days after the end of each quarter of its financial year submit to the Commission a report in respect of its operations under its eGambling licence, Category 1 associate certificate or Category 2 associate certificate during the preceding quarter in question.

(3) The report referred to in paragraph (2) shall be in the following form –

(a) for a Category 1 eGambling licensee and Category 1 associate certificate holder, in Schedule 18,

(b) for a Category 2 eGambling licensee, a Temporary eGambling licensee and a Category 2 associate certificate holder, in Schedule 19.

(4) A Category 1 eGambling licensee and a Category 1 associate certificate holder shall by no later than 30 days after the end of each quarter of the licensee's or associate certificate holder's financial year submit to the Commission a report in the format set out in Schedule 18A in respect of all operations conducted by the Alderney company that holds the Category 1 eGambling licence or Category 1

associate certificate (as the case may be) during the preceding quarter in question.

(5) An eGambling licensee, a Category 1 associate certificate holder and a Category 2 associate certificate holder shall by no later than the 20th day of each month submit to the Commission a report in the format set out in Schedule 19A in respect of the number of gambling business associates associated with the eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder (as the case may be) during the preceding calendar month.]

NOTE

*Regulation 242 was substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(21), with effect from 11th January, 2018.*¹¹⁶

Financial ratios.

243. (1) A [Category 1 eGambling licensee or Category 1 associate certificate holder] shall at all times satisfy such financial ratios as are established by the Commission in respect of its operations from time to time and notified to it in writing.

(2) A Category 1 eGambling licensee shall by no later than the 20th day of the month submit to the Commission a report in the format set out in Schedule 20 detailing its financial position during the preceding calendar month by reference to the ratios required of it in accordance with paragraph (1).

[(2A) A Category 1 associate certificate holder shall by no later than the 20th day of the month submit to the Commission a report in the format set out in Schedule 20 detailing its financial position during the preceding calendar month by reference to the ratios required of it in accordance with paragraph (1).]

(3) A Category 2 eGambling licensee, a Temporary eGambling

licensee and a [Category 2 associate certificate] holder shall, by the financial position disclosed in its report in Schedule 19, satisfy the Commission that it maintains such financial requirement and ratios established by the Commission in respect of its operations from time to time and notified to it in writing.

NOTES

In regulation 243,

the words in square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

paragraph (2A) was inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(22), with effect from 11th January, 2018;

the words in square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

Submission of other reports.

244. (1) An [eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder] shall give such other reports to the Commission as required by this regulation about the operations conducted under its eGambling licence or certificate.

(2) A report under this regulation shall be given at the time stated in a written notice given to the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] by the Commission.

(3) The Commission may, by written notice given to an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], require it to give to the Commission further information specified in the notice within the time specified in the notice, being information that the

Commission reasonably requires in order to acquire a proper appreciation of the [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] operations.

NOTES

In regulation 244,

the words in square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 7, with effect from 11th January, 2018;¹¹⁷

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;¹¹⁸

the words in the second pair of square brackets in paragraph (3) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018.¹¹⁹

Audit of [eGambling licensee's, Category 1 associate certificate holder's and Category 2 associate certificate holder's] operations.

245. As soon as practicable after the end of the financial year, an [eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder] shall cause the books, accounts and financial statements for the operations conducted under its eGambling licence or [Category 2 associate certificate] for the financial year to be audited by the auditors for which approval has been given as part of its approved internal control system.

NOTES

In regulation 245,

the words in square brackets in the marginal note thereto were substituted by the Alderney eGambling (Amendment) Regulations, 2018,

regulation 1(23), with effect from 11th January, 2018;¹²⁰

*the words "eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder" in square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 7, with effect from 11th January, 2018;*¹²¹

the words "Category 2 associate certificate" in square brackets were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

Audit report.

246. (1) An [eGambling licensee, Category 1 associate certificate holder and a Category 2 associate certificate holder] shall provide a copy of the audited financial statements and any auditors' report following an audit conducted under regulation 245 to the Commission –

- (a) within six months after the end of the financial year to which the audit relates, or
- (b) within such longer period of time as the Commission shall determine following an application made to it in accordance with paragraph (2).

(2) If an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] believes that it will not be able to comply with paragraph (1), it may, by making application to the Commission by letter signed by a duly authorised officer, seek an extension of the time within which a copy of its audited financial statements and any auditor's report must be supplied.

(3) An application in accordance with paragraph (2) –

- (a) shall be made no earlier than one month before the expiry of the time within which a copy of the audited

financial statements and any auditor's report must be supplied, and

- (b) shall set out the reasons why the copy of the audited financial statements and any auditor's report is currently incapable of being supplied.

(4) The Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice of its decision under this regulation and of the reasons for it.

NOTES

In regulation 246,

the words in square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 7, with effect from 11th January, 2018;¹²²

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.¹²³

Further information following audit.

247. Upon receiving a copy of a report provided in accordance with regulation 246, the Commission may, by written notice to the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], require the licensee or certificate holder to give the Commission such further information as is specified in the notice within the time specified in the notice about any matter relating to the [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] operations that is mentioned in the audit report.

NOTES

In regulation 247,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;¹²⁴

the words in the second pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018.¹²⁵

Challenge to notice requiring information.

248. (1) If an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] wishes to make representations to the Commission about anything contained in a notice given to it in accordance with regulation 244 or 247, it may do so in writing within seven days of receipt of the notice.

(2) Representations under paragraph (1) may include a request that the date by which the information is required be postponed until the Commission has considered the representations.

(3) After consideration of any representations, the Commission may confirm, modify or withdraw the notice in question.

(4) The Commission shall give the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] written notice of its decision under this regulation and of the reasons for it.

NOTE

In regulation 248, 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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.*¹²⁶

CHAPTER VII
MONITORING AND INVESTIGATIONS

Monitoring operations.

249. (1) The Commission may at any time carry out monitoring of any aspect of the operations of an eGambling licensee or associate certificate holder.

(2) Without prejudice to the generality of paragraph (1), for the purpose of monitoring its operations under an eGambling licence or associate certificate, the licensee or associate certificate holder shall –

- (a) at the request of the Commission, do anything reasonably necessary to allow a servant or agent of the Commission to carry out such monitoring, including (without limitation) providing, or facilitating access to, information or material held by an associate of the licensee or associate certificate holder, and
- (b) be deemed to have authorised a servant or agent of the Commission to obtain directly from a core services associate certificate holder information or material in respect of the licensee's operations which is held by that certificate holder.

Presence at certain operations.

250. In order to ensure the integrity of the conduct of eGambling under an eGambling licence or [Category 2 associate certificate], the Commission may, by written notice given to an eGambling licensee or associate certificate holder, direct

the licensee or certificate holder not to do a stated thing in relation to any aspect of the operations conducted, or to be conducted, under its eGambling licence or associate certificate unless a servant or agent of the Commission is present.

NOTE

In regulation 250, the words in square brackets were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

Inspecting operations.

251. (1) Without prejudice to the generality of regulation 249, the Commission may conduct an ordinary investigation by way of an inspection of an eGambling licensee's or associate certificate holder's operations, whether located in Alderney, Guernsey or elsewhere and including operations undertaken on behalf of the licensee or certificate holder by any associate.

(2) The Commission shall by notice in writing to the eGambling licensee or associate certificate holder (an "**inspection notice**") inform the licensee or certificate holder that an inspection will be conducted, when it will be conducted and the reasons for the inspection.

Maintenance of adequate monies on deposit.

252. Unless the inspection notice given states otherwise, before the inspection takes place in accordance with regulation 251, the amount deposited by, or on behalf of, the eGambling licensee or associate certificate holder in accordance with regulation 260 shall be at least the relevant sum specified under Schedule 21.

Inspection report.

253. On completion of an inspection in accordance with regulation 251, a report containing details of the inspection and the assessment made of the eGambling licensee's or associate certificate holder's conduct of its operations shall be prepared

by a duly authorised officer of the Commission for submission –

- (a) to the eGambling licensee or associate certificate holder, indicating what steps, if any, the licensee or certificate holder might wish to take to improve its performance, and
- (b) to the Commissioners for their consideration.

Special investigation by Commission.

254. (1) This regulation applies where, in the opinion of the Commission, it is necessary for it to conduct a special investigation outside the ambit of an inspection into –

- (a) an eGambling licensee,
- [(ab) Category 1 associate certificate holder,]
- (b) a [Category 2 associate certificate] holder,
- (c) an associate of an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], whether or not that associate holds an associate certificate or a hosting certificate,
- (d) a key individual certificate holder having an existing relationship with an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder], or
- (e) any aspect of the operations of an [eGambling licensee,

Category 1 associate certificate holder or a Category 2 associate certificate holder] under its eGambling licence or [Category 2 associate certificate].

(2) Subject to paragraph (3), the Commission shall by notice in writing to the eGambling licensee or, as the case may be, the certificate holder in question (an "**investigation notice**") inform the licensee or certificate holder that a special investigation will be conducted and the reasons for the investigation.

(3) If the nature of the special investigation is such that a prior investigation notice would be likely to compromise the investigation, the Commission shall dispense with the requirement under paragraph (2).

[(4) Where the Commission believes that the eGambling licensee or certificate holder receiving an investigation notice in accordance with paragraph (2) has an existing relationship with an eGambling licensee, Category 1 associate certificate holder, Category 2 associate certificate holder or an associate, the Commission shall give a copy of the notice to that eGambling licensee, associate certificate holder or, as the case may be, that associate, at the same time as it gives the notice to the licensee or certificate holder.]

NOTES

In regulation 254,

paragraph (1)(ab) was inserted and paragraph (4) substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(24), with effect from 11th January, 2018;¹²⁷

the words "Category 2 associate certificate" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013;

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) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;*¹²⁸

*the words "eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018.*¹²⁹

Deposit of monies in respect of investigation.

255. (1) Unless the investigation notice given states otherwise, within seven days of receipt of the notice –

- (a) the amount deposited in accordance with regulation 260 by, or on behalf of, the eGambling licensee, [Category 1 associate certificate holder,] [Category 2 associate certificate] holder or, as the case may be, the associate receiving the notice shall be at least the relevant sum specified under Schedule 21, or
- (b) where the recipient of the notice does not have monies on deposit with the Commission in accordance with regulation 260, the relevant sum specified under Schedule 21 shall be deposited with the Commission by, or on behalf of, that person from which the Commission is permitted to draw the costs associated with carrying out the investigation and reporting thereon.

(2) If, prior to the conclusion of the investigation, the monies deposited with the Commission in accordance with paragraph (1)(b) have been exhausted, the Commission may by further notice in writing to the recipient of the investigation notice require that the relevant sum specified under Schedule 21 shall be

deposited with the Commission by, or on behalf of, the recipient.

NOTES

In regulation 255,

the words in the first pair of square brackets in paragraph (1)(a) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(12), with effect from 11th January, 2018;

the words in the second pair of square brackets in paragraph (1)(a) were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

Report to Commissioners.

256. On completion of a special investigation, a report containing details of the investigation and the consequences of the information ascertained shall be prepared by a duly authorised officer of the Commission for submission to the Commissioners for their consideration as to what steps, if any, to take in accordance with the relevant provisions of these Regulations.

Payment of costs not deposited.

257. Where the costs payable under section 21(2) of the Ordinance by the recipient of an investigation notice who does not have monies on deposit with the Commission in accordance with regulation 260 exceed the total of the monies deposited in accordance with regulation 255(1)(b) and (2), the recipient shall within seven days of receipt of an account for those costs pay the amount required to the Commission.

Repayment of surplus monies deposited.

258. After completion of a special investigation, the Commission shall repay to the person who has deposited monies in accordance with regulation 255(1)(b) and (2) any monies not drawn by it, or if the depositor so requests, retain such specific amount as the depositor has indicated it wishes the Commission to

continue to hold and apply towards the amount to be deposited in accordance with regulation 260 and repay to the depositor any balance.

Accounting for monies deposited.

259. The Commission shall, whenever requested to do so by a person depositing monies with it in accordance with regulation 252 or 255, account to that person in respect of the costs as at that time incurred by the Commission in respect of carrying out an inspection or conducting a special investigation.

CHAPTER VIII

DEPOSITS OF MONIES BY LICENSEES AND ASSOCIATES

Establishment and maintenance of deposit of monies.

260. (1) Following the grant of an [eGambling licence, Category 1 associate certificate or Category 2 associate certificate] by the Commission under section 7 of the Ordinance and before making any application under a regulation in this Part, an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] shall establish and thereafter maintain a deposit of monies with the Commission from which the Commission is permitted by section 16(1) or 21(2) of the Ordinance to draw the costs associated with processing, evaluating and determining applications made under this Part or, as the case may be, carrying out an inspection or investigation under Chapter VII of this Part.

(2) Following the grant of a core services associate certificate by the Commission under section 7 of the Ordinance, a core services associate certificate holder wishing to make an application under regulation 216 shall, before making such an application, establish and thereafter maintain a deposit of monies with the Commission from which the Commission is permitted by section 16(1) or 21(2) of the Ordinance to draw the costs associated with processing, evaluating and determining applications made under regulation 216 or, as the case may be, carrying out an inspection or investigation under Chapter VII.

(3) Save as otherwise provided in this Part and subject to regulation 261, the amount held by the Commission on account of an eGambling licensee or, as the case may be, an associate certificate holder under this regulation shall at all times be at least the relevant sum specified under Schedule 21.

NOTES

In regulation 260,

the words in the first pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 10, with effect from 11th January, 2018;¹³⁰

the words in the second pair of square brackets in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.¹³¹

Requiring additional deposits.

261. (1) Where the amount held by the Commission on account of an eGambling licensee or an associate certificate holder under regulation 260 falls below the relevant sum specified under Schedule 21, the Commission shall by notice in writing to the licensee or certificate holder inform it of that fact and require that additional monies be deposited to satisfy regulation 260(3).

(2) Where a notice under paragraph (1) has been given, the Commission is not required to determine any application which has been made by the eGambling licensee or associate certificate holder but not yet determined until the notice has been complied with.

Interest on deposits.

262. ...

NOTE

Regulation 262 was revoked by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(25), with effect from 11th January, 2018.¹³²

Information about monies on deposit.

263. The Commission shall, whenever requested to do so by an eGambling licensee or an associate certificate holder, provide to the eGambling licensee or, as the case may be, the associate certificate holder an up-to-date balance of the monies being held by the Commission on its behalf in accordance with regulation 260.

Repayment of monies on deposit.

264. When an eGambling licensee or, as the case may be, an associate certificate holder ceases to be a licensee or certificate holder, the Commission shall repay to the eGambling licensee or associate certificate holder any monies not drawn by it from the monies held by it in accordance with regulation 260.

PART VI

GENERAL PROVISIONS

Interpretation.

265. (1) In these Regulations, unless the context otherwise requires –

"annualised net gaming yield" shall, for the purposes of Schedule 3 of the Ordinance be calculated as follows –

- (a) the annualised net gaming yield shall be 4 times the net gaming yield disclosed in a [Category 1 eGambling licensee's or Category 1 associate certificate holder's] quarterly report, prepared in accordance with regulation 242(2), for the 3 month period last reported (only

reports received by the Commission at least seven days before the relevant fee payment date shall be taken into account) prior to the fee payment date as prescribed by section 8 of the [Ordinance], but

- (b) if the annualised net gaming yield in the report referred to in sub paragraph (a) is within 10% of a fee increment value on the fee scale in Schedule 3 of the Ordinance, the annualised net gaming yield shall be calculated by reference to the average of the value of the annualised net gaming yield reported in that three month period and of the three month period immediately preceding it,

"appropriate resources" means financial resources –

- (a) adequate, in the Commission's opinion, to ensure the financial viability of operations conducted under an [eGambling licence, Category 1 associate certificate or Category 2 associate certificate], and
- (b) available from a source that is not, in the Commission's opinion, tainted with illegality, including, for the avoidance of doubt, whether those resources may have been derived from money laundering or terrorist financing,

"appropriate services" means the services of persons who have appropriate experience to ensure the proper and successful conduct of eGambling and who have satisfied applicable screening processes relating to money laundering or terrorist financing on recruitment,

["**associated regulations**" means regulations 175(2)(j), 175(3), 226, 227, 228, 229, 230, 233 and any other provision in these Regulations associated with the money laundering and terrorist financing requirements under [Schedule 4 to the Ordinance],]

[...]

"business risk assessment" means an assessment which documents the exposure of the business of an [eGambling licensee, Category 1 associate certificate holder or a Category 2 associate certificate holder] to money laundering and terrorist financing risks, and vulnerabilities, including those that may arise from new or developing technologies that might favour anonymity, taking into account its –

- (a) size, nature and complexity, and
- (b) customers[, products] and services and the ways in which it provides those services,

[...]

[...]

"the Commissioners" means the chairman and other members of the Commission appointed in accordance with section 1(1) of the Law,

"condition notice" means a notice given under regulation 36, 80, 116 or 156, as the case may be,

"conditional approval" means a notice given under regulation 184 or 208, as the case may be,

"control change notice" means a notice given under regulation 189,

"conversion notice" means a notice given under regulation 13,

"customer relationship" means a continuing relationship between a [Category 1 eGambling licensee or Category 1 associate certificate holder] and a registered customer to enable the organisation and preparation of gambling transactions, and **"customer"** has a corresponding meaning,

"designation notice" means a notice given under regulation 136,

"determination notice" means a notice given under regulation 50, 94, 130 or 170, as the case may be,

[**"Director"** means a person appointed to the post of Director by the Commissioners in accordance with paragraph 9 of Schedule 1 to the Law,]

"duly authorised officer of the Commission" means an officer of the Commission so authorised by resolution of the Commissioners,

"effect" in relation to gambling has the meaning ascribed in regulation 5(2),

"employee" means an individual working, including on a temporary basis, for an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] whether under a contract of employment, a contract for services or otherwise,

"equipment condition notice" means a notice given under regulation 212,

["**Executive Director**" means the person appointed to the post of Executive Director of the Commission by the Commissioners in accordance with paragraph 9 of Schedule 1 to the Law, and whilst that person is temporarily unable to exercise his functions due to absence or any other reason, "**Executive Director**" means a Director,]

["**financial transaction**" includes the purchase or cashing in of casinos chips or tokens or the opening of an account or any money or other value transfer or exchange,]

"**gambling equipment approval**" means a notice given under regulation 209,

"**hearing notice**" means a notice given under regulation 46, 90, 126 or 166, as the case may be,

"**inspection**" means an ordinary investigation conducted in accordance with an inspection notice,

"**inspection notice**" means a notice given under regulation 251,

"**investigation notice**" means a notice given under regulation 254,

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

[...]

^b Order in Council No. XIV of 1999; No. XXVII of 2001; Ordinance No. VII of 2006.

"net gaming yield" has the meaning given in section 30 of the Ordinance and shall be calculated by the application of accounting principles approved by the Commission to the gross receipts and relevant disbursements disclosed in relevant operating statements,

"online control system" means the procedure established by the Commission to allow [eGambling licensees, Category 1 associate certificate holders and Category 2 associate certificate holders] to access, complete, compile and submit forms on a website specified by the Commission, in accordance with regulation 202,

"the Ordinance" means the Alderney eGambling Ordinance, 2009,

"problem gambler" means a gambler who is –

- (a) a compulsive gambler,
- (b) unable to control his gambling activities, or
- (c) unable to provide the necessities of life for himself or his dependant family by reason of excessive spending on gambling,

"rectification notice" means a notice given under regulation 44, 88, 124 or 164, as the case may be,

"rectification proposal" means a notice given under regulation 43, 87, 123 or 163, as the case may be,

"registered customer" means a customer who has been registered in accordance with regulation 227,

"relevant employee" [...] includes any –

- (a) member of the [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] board of directors,
- (b) member of the management of the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder], and
- [(c) employees whose duties relate to eGambling,]

whether or not they hold a key individual certificate [or are directly employed by the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder]],

"risk" means a risk of money laundering or terrorist financing occurring and **"risk assessment"** shall be construed accordingly,

"surrender notice" means a notice given under regulation 40, 84, 121 or 161, as the case may be,

"suspension notice" means a notice given under regulation 47, 91, 127 or 167, as the case may be,

"Terrorism Law" means the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002^e,

^e Order in Council No. XVI of 2002; No. XIII of 2006; Guernsey Ordinance

[...].

[(1A) Subject to paragraphs (1B) and (1C), in this Schedule "**beneficial owner**", in relation to a legal person, has the meaning given in the Beneficial Ownership (Definition) (Alderney) Regulations, 2017 (or any successor regulations made under section 25 of the Beneficial Ownership of Legal Persons (Alderney) Law, 2017) for the purposes of that Law; and, in relation to a trust or other legal arrangement, includes –

- (a) any beneficiary who is a natural person, whether his interest under the trust is vested, contingent or discretionary,
- (b) any other natural person who benefits from that trust or other legal arrangement, and
- (c) any natural person not within (a) or (b) above who exercises ultimate effective control over the trust or other legal arrangement.

(1B) In circumstances where a legal person is ultimately controlled by a trust, "**beneficial owner**" in relation to that legal person includes any person falling within paragraph (1A)(a), (b) or (c) in relation to that trust.

(1C) In circumstances where a legal person is ultimately controlled by a legal arrangement other than a trust, "**beneficial owner**" in relation to that legal person includes any person falling within paragraph (1A)(b) or (c) in relation to that legal arrangement.]

No. XXXIII of 2003; and No. XLVI of 2007.

(2) Words defined in the Law and the Ordinance have the same meaning when used in these Regulations, unless the context otherwise requires or the contrary intention is expressed.

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

(4) The Interpretation (Guernsey) Law, 1948^f applies to the interpretation of these Regulations as it applies to the interpretation of an enactment in force in the Island of Guernsey.

NOTES

In regulation 265,

the words in the first pair of square brackets in the definition of the expression "annualised net gaming yield" in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 9, with effect from 11th January, 2018;

the word in the second pair of square brackets in the definition of the expression "annualised net gaming yield" in paragraph (1) was substituted by the Alderney eGambling (Amendment) Regulations 2010, regulation 2, with effect from 24th May, 2010;

the words in square brackets in the definition of the expression "appropriate resources" in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 10, with effect from 11th January, 2018;¹³³

the definition of the expression "associated regulations", and the punctuation and word in the second pair of square brackets in the definition of the expression "business risk assessment" in paragraph (1) were inserted

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

by the Alderney eGambling (Amendment) Regulations, 2013, regulation 12, respectively paragraph (a) and paragraph (b), with effect from 15th May, 2013;

first, the words in the square brackets within the definition of the expression "associated regulations" in paragraph (1) were substituted, second, the words omitted in square brackets immediately after that definition were revoked and, third, paragraph (1A), paragraph (1B) and paragraph (1C) were inserted by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(12), with effect from 9th September, 2020;

the words in the first pair of square brackets in the definition of the expression "business risk assessment" in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 2, with effect from 11th January, 2018;¹³⁴

the words omitted in the first and second pairs of square brackets immediately after the definition of the expression "business risk assessment" in paragraph (1) were revoked by the Alderney eGambling (Amendment) Regulations, 2011, regulation 7(a), with effect from 1st April, 2011;

the words in square brackets in the definition of the expression "customer relationship" in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 8, with effect from 11th January, 2018;

the definitions of the expressions "Director" and "Executive Director" in paragraph (1) were inserted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 7, respectively paragraph (b) and paragraph (c), with effect from 1st April, 2011;

the words "eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder" wherever occurring in square brackets in the definitions of the expressions, first, "employee" and, second, "relevant employee" in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;¹³⁵

the definition of the expression "financial transaction" in paragraph (1) was inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 10, with effect from 2nd July, 2010;

the words omitted in, first, the square brackets immediately after the definition of the expression "the Law" and, second, the square brackets immediately after the definition of the expression "Terrorism Law" in paragraph (1) were revoked by the Alderney eGambling (Amendment) Regulations, 2014, regulation 2, with effect from 16th July, 2014;¹³⁶

the words in square brackets in the definition of the expression "online control system" in paragraph (1) were substituted by the Alderney

*eGambling (Amendment) Regulations, 2018, regulation 1(26), with effect from 11th January, 2018;*¹³⁷

the word omitted in the first pair of square brackets in the definition of the expression "relevant employee" in paragraph (1) was revoked, paragraph (c) of that definition was substituted, and the words in the fifth pair of square brackets therein were inserted by the Alderney eGambling (Amendment) Regulations, 2013, respectively regulation 12(c)(i), regulation 12(c)(ii) and regulation 12(c)(iii), with effect from 15th May, 2013;

*the words "eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's" in square brackets in paragraph (a) of the definition of the expression "relevant employee" in paragraph (1) were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018.*¹³⁸

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.

Delegation.

266. (1) The Commission may by resolution delegate to the [Executive Director] such of its administrative powers, duties and functions under these Regulations as are specified in the resolution; but no such delegation shall affect the Commission's power to exercise that power, duty or function directly.

(2) The [Executive Director] may by notice in writing delegate to the [Director] or other officer named in that notice such of the administrative powers, duties and functions given to him under these Regulations or, with the approval of the Commission, delegated to him under paragraph (1), as are specified in the notice; but no such delegation shall affect the [Executive Director]'s power to exercise that power, duty or function directly.

NOTES

In regulation 266,

the words "Executive Director" in square brackets, wherever

occurring, were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

the word in the second pair of square brackets in paragraph (2) was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

Electronic communications.

267. Subject to any contrary provision or necessary intention in the Law, the Ordinance or these Regulations, the Commission may, by notice in writing, authorise the submission of an application to or communication with the Commission or any of its officers in computer or electronic form by email, interaction with the Commission's website or other means so authorised by the Commission.

Effect of changes in annualised net gaming yield.

268. For the purposes of section 8 of the Ordinance, 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 affects the fee level that the licensee or certificate holder would be appointed to (as specified in Schedule 3 of the 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.

Repeal.

269. The Alderney eGambling Regulations, 2006, as amended^g are hereby repealed.

Citation.

270. These Regulations may be cited as the Alderney eGambling

^g Statutory Instrument 4/2006, amended by Statutory Instruments 5/2006, 3/2007, 5/2007, 1/2008, 3/2008, 4/2008, 6/2008, 10/2008.

Regulations, 2009.

Commencement.

271. These Regulations shall come into force on the first day of January 2010.

SCHEDULE 1
GENERAL APPLICATION FORMS

Regulations 16, 61



ALDERNEY
GAMBLING CONTROL COMMISSION

APPLICANT NAME:

Application for (please tick):

Category 1 eGambling licence

Category 2 eGambling licence

Core services associate certificate

[Category 1 associate certificate]

[Category 2 associate certificate]

Temporary eGambling licence

NOTES TO APPLICANTS (to assist completion of Application Form)

1. The principal purpose of seeking the information required by this Application Form is to provide the Commission with core basic factual details, thereby enabling it to:
 - make preliminary investigations in order to ascertain the full scope of its investigations,
 - identify where further information will need to be requested and/or required, and
 - identify any key individuals who will be designated in accordance with regulation 136 of the Alderney eGambling Regulations, 2009.
2. Additional information may be sought by way of a meeting with an officer of the Commission.
3. If any details set out on this Application Form change prior to the determination of this Application, you must notify the Commission in writing as soon as reasonably practicable.
4. The information provided must be accurate and truthful. {NB section 24(1) of the Alderney eGambling Ordinance, 2009 creates an offence of obtaining a licence by false statement, declaration or information.}
5. Wherever possible, use BLOCK CAPITALS.
6. All dates should be in the form Day/Month/Year.
7. Answer every question, using "N/A" or "NIL" where applicable.
8. Use additional sheets as necessary, cross-referencing against the relevant question the additional sheet(s) on which the answer is to be found.
9. If the deposit of investigation monies required by the Alderney eGambling Regulations, 2009 has not already been made, it must accompany the submission of this Application Form.
10. Applicants are reminded that they must complete and submit for publication the notice set out in Schedule 2.

SECTION 1: APPLICANT'S DETAILS

(1) **Name of applicant** _____

(2) **Company number** _____

(3) **Date of incorporation** _____

Registered office _____

(4) **Correspondence address** _____

Nominated principal contact person _____

Tel: _____

Email: _____

Fax: _____

I/we confirm that the required application deposit has been remitted.

Yes

SECTION 2: CORPORATE INFORMATION

(5) **Type of company** *eg, public/private, limited by share/guarantee etc*

Please supply a copy of the certificate of incorporation

(6) **Previous company name(s)** _____

(7) **Please describe the company's objectives and outline the proposed eGambling activity**

(8) **Shareholders**

Please list known shareholders holding 3% or more of issued share capital

<u>Name</u>	<u>% of issued capital</u>
-------------	----------------------------

(9) **Group corporate structure**

Please attach a diagram showing

- *the complete group structure including any parent company, subsidiary or associated company*
- *the ultimate beneficial owner(s) of the applicant*
- *the activities of each entity in the group*

For each entity in the group, state where registered and ownership

(10) Group investors

Please list all known shareholders holding 3% or more of the applicant's parent company

<u>Name</u>	<u>% of issued capital / entity</u>
-------------	-------------------------------------

(11) Officers and management

Please list directors, company secretary and senior managers of the applicant and, where applicable, of other group entities who will control or exercise influence over the applicant's business and/or operational functions

Consolidated text

Please supply brief biographies or cvs for each named individual

Please attach a company organisation chart showing reporting structures

Name

Position

Relationship to Applicant

SECTION 3: RESOURCES

(12) Funding

Please detail the amount and source(s) of funds to be utilised to establish the proposed eGambling activity.

Please supply recent audited accounts for any business entity which is funding or supporting the proposed eGambling activity.

(13) Business Plan

Please supply a business plan for the proposed eGambling operation, covering the types of eGambling to be conducted, the platform to be used, the timescale for full activation, projected player numbers and revenues. If appropriate please supply screen shots and a diagram of the proposed network architecture.

Will you be registering players? Yes No

Will you be effecting the gambling transaction? Yes

Please name any providers of core services such as games software. Please note that these suppliers may require an Alderney core services associate certificate.

(14) Hosting

Where will your servers or RNG be located?

Who is your proposed hosting provider?

(15) Regulatory status

Does your organisation or an associated business entity hold a gaming related licence anywhere else in the world? If so, please supply copies of any such licence(s).

(16) Litigation

(a) Has your organisation or an associated business entity been fined or censured by any regulatory body in the last 10 years?

Yes *No*

If yes, please supply details

(b) Has your organisation or an associated business entity been involved in substantial litigation in the last 10 years?

Yes *No*

If yes, please supply details

(17) Further information:

Please add any further information which you consider relevant to assist the Commission in determining your application.

DECLARATION

I have been duly authorised by the applicant to make this application on its behalf (see certified true copy of minute attached).

I declare that the information contained in this application is true and accurate to the best of my knowledge, information and belief and that, if any of the information contained in or appended to this application is discovered to be false, I may be liable to prosecution.

Signature: _____

Name (print): _____

Date: _____

* * * * *

The original completed application form and any attachments should be bound as a single document and, together with ONE unbound copy of the same, should be forwarded to:

[Director]
Alderney Gambling Control Commission
St Anne's House
Queen Elizabeth II Street
ALDERNEY
GY9 3TB
via United Kingdom.

NOTES

In Schedule 1,

the words "Category 1 associate certificate" (and accompanying tick box) in the first pair of square brackets were inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(a), with effect from 11th January, 2018;

the words "Category 2 associate certificate" in the second pair of square brackets were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013;

the word "Director" in the third pair of square brackets was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

SCHEDULE 2

Regulations 18, 19, 63

NOTICE OF APPLICATION FOR eGAMBLING LICENCES AND ASSOCIATE
CERTIFICATES

The form of notice to be published by an applicant for an eGambling licence or Associate Certificate shall be as set out below –



An application for a _____^h dated {insert date of application} has been made to the Alderney Gambling Control Commission ("**the Commission**") under the Alderney eGambling Ordinance, 2009 and the Alderney eGambling Regulations, 2009 by –

{ name of applicant }

h Here insert the type of eGambling licence or associate certificate being applied for, namely –

Category 1 eGambling licence (publish in Alderney Official Gazette and on AGCC website)

Category 2 eGambling licence (publish in Alderney Official Gazette and on AGCC website)

Temporary eGambling licence (publish on AGCC website)

Core services associate certificate (publish on AGCC website)

[Category 1 associate certificate (publish on AGCC website)]

[Category 2 associate certificate] (publish on AGCC website).

whose registered office is –

{ address of applicant's registered office }

Any person wishing to raise any objection to this application so that the objection shall be considered by the Commission in accordance with regulation 23, 30 or 74 of the Alderney eGambling Regulations, 2009 should, within **14 days** of the date of publication of this notice, deliver or send to the offices of the Commission a written statement of the objection and the grounds on which it has been raised.

Signed:

for and on behalf of {insert applicant's name }

Dated:

{insert date }

NOTES

In Schedule 2,

the words in the first pair of square brackets in footnote "h" were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(b), with effect from 11th January, 2018;

the words in the second pair of square brackets in footnote "h" were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

FORM OF eGAMBLING LICENCE

The form of an eGambling licence shall be as set out below –



eGAMBLING LICENCE

issued under section 7 of the Alderney eGambling Ordinance, 2009

{ name of licensee }

whose registered office is situate at –

{ address of licensee's registered office }

Having previously been granted licence no. _____ on _____

has been granted the following licence(s):

Category 1 eGambling licence

Category 2 eGambling licence

Temporary eGambling licence

as provided for in regulations 4, 6 or 8 of the Alderney eGambling Regulations, 2009
{ and subject to such further conditions as are attached hereto }.

Consolidated text

This Licence is valid from: {insert date}

Signed: _____ on this {insert date}

[Director]

for and on behalf of the Commission

Licence Number: {insert number}

NOTE

In Schedule 3, the word in square brackets was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

FORM OF ASSOCIATE CERTIFICATE

1. The form of the front of an associate certificate shall be as set out below –



ALDERNEY GAMBLING CONTROL COMMISSION

i _____ ASSOCIATE CERTIFICATE

issued under section 7 of the Alderney eGambling Ordinance, 2009

{ name of associate certificate holder }

whose registered office is situate at –

{ address of certificate holder's registered office }

has been granted an associate certificate of the kind described above subject to the conditions provided for in regulations 58 [58A] and 60 of the Alderney eGambling Regulations, 2009 *{and such further conditions as are attached hereto}*.

- i** Here insert the type of associate certificate – either Core Services[, Category 1] or [Category 2].

This associate certificate is valid from: {insert date}

Signed: _____ on this {insert date}

[Director]

for and on behalf of the Commission

[Certificate Number]: **{insert number}**

2. The form of the reverse of an associate certificate (and, where needed, such additional continuation pages that have to be attached to an associate certificate) shall, if applicable, be as set out below –

ENDORSEMENTS OF GAMBLING EQUIPMENT APPROVED IN PRINCIPLE

<u>Description of gambling equipment</u>	<u>Date approved</u>
{insert sufficient information to be able to identify precisely what has been approved in principle, e.g., unique identifier of software package}.	{insert date}

NOTES

In Schedule 4,

first, the figures and letter in the first pair of square brackets, second, the words in the third pair of square brackets and, third, the punctuation, word and figure in the first pair of square brackets in footnote i

Consolidated text

were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(c), with effect from 11th January, 2018;

the word "Director" in the second pair of square brackets was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

the word and figure in the second pair of square brackets in footnote i were substituted by the Alderney eGambling (Amendment) Regulations, 2014, regulation 3, with effect from 16th July, 2014.

APPLICATION FOR HOSTING CERTIFICATE



ALDERNEY
GAMBLING CONTROL COMMISSION

APPLICANT NAME:

Application for hosting certificate:

NOTES TO APPLICANTS

1. The principal purpose of seeking the information required by this application form is to provide the Commission with core basic factual details, thereby enabling it to:
 - make preliminary investigations in order to ascertain the full scope of its investigations,
 - identify where further information will need to be requested and/or required, and
 - identify the nature of the proposed eGambling activities and any associated business entities and key individuals.

2. The information provided must be accurate and truthful. It is a criminal offence to obtain a certificate by false statement, declaration or information. If any details set out on this application form change prior to the determination of this application, you must notify the Commission in writing as soon as reasonably practicable. {NB section 24(1) of the Alderney eGambling Ordinance, 2009 creates an offence of making a false declaration or statement or giving false information for the purposes of satisfying a requirement under the Alderney eGambling Regulations, 2009.}

3. Every question should be answered in full, using additional sheets or attachments as necessary. Where a section or question is not applicable, please use "N/A" or "NIL".

4. Wherever possible, use BLOCK CAPITALS.

5. All dates should be in the form day/month/year.

6. An application must be accompanied by the required investigation deposit if this has not already been remitted.

SECTION 1: APPLICANT'S DETAILS

(1) **Name of applicant** _____

(2) **Company number** _____

Registered office _____

(3) **Correspondence address** _____

Nominated principal contact person _____

Tel: _____

Email: _____

Fax: _____

SECTION 2: CORPORATE INFORMATION

(4) **Type of company** *eg, public/private, limited by share/guarantee etc*

Please supply a copy of the certificate of incorporation

(5) **Previous company name(s)** _____

(6) **Please describe the company's main activities**

(7) **Shareholders**

Please list known shareholders holding 3% or more of issued share capital

Name	% of issued capital
------	---------------------

(8) **Finances**

Please attach recent audited accounts for your company, parent company or group (as appropriate).

(9) Group corporate structure

Please attach a diagram showing

- *the complete group structure including any parent company, subsidiary or associated company*
- *the ultimate beneficial owner(s) of the applicant*
- *the activities of each entity in the group*

For each entity in the group, state where registered and ownership

(10) Group investors

Please list all known shareholders holding 3% or more of the applicant's parent company

Name

% of issued capital / entity

(11) Officers and management

Consolidated text

Please list directors, company secretary and senior managers of the applicant and, where applicable, of other group entities who will control or exercise influence over the applicant's business and/or operational functions

Please supply brief biographies or cvs for each named individual

Please attach a company organisation chart showing reporting structures

<u>Name</u>	<u>Position</u>	<u>Relationship to Applicant</u>
-------------	-----------------	----------------------------------

SECTION 3: HOSTING PREMISES

(12) Address(es) of premises for which approval is being sought:

(13) Details of premises - specify hosting room name(s)/reference number(s)

Please describe the premises and individual hosting rooms for which approval is sought, giving attention to the following elements:

- (a) certification to relevant local regulations and ISO/TIA standards
- (b) quantity of racks and rack configuration (e.g. 47U capacity 800 x 600)
- (c) power per rack (e.g. 30 amp x 2) and total inbound power capacity (KW/MW) to data-centre, and whether power diversely routed into the premises
- (d) UPS and generator back-up power systems and redundancy
- (e) air conditioning systems, air-flow, raised flooring, overhead cabling, lighting
- (f) redundancy and diversity of internet feeds and telecommunications providers

- (g) access control systems, security procedures, and CCTV recording capacity
- (h) fire and environmental protection systems, including information on whether these meet standards such as VESDA, FM200, water leak detection.
- (i) any disaster recovery procedures, proximity of local threats, alternate premises
- (j) staffing, including recruitment & vetting policies, training, out of hours cover etc

Please attach a technical diagram of the premises for which approval is sought, showing:

- (k) rack layout, and an interior building and external site plan drawing
- (l) map of vicinity at least 1 km square showing proximity of potential threats
- (m) air conditioning, generator, switchgear/control panels and UPS systems
- (n) secure areas, entrances(s) and exit(s), CCTV cameras and emergency lighting

(14) Regulatory status

Does your organisation or an associated business entity hold a gaming related licence anywhere else in the world? If so, please supply copies of any

such licence(s).

(15) Litigation

(a) *Has your organisation or an associated business entity been fined or censured by any regulatory body in the last 10 years?*

Yes

No

If yes, please supply details

(b) *Has your organisation or an associated business entity been involved in substantial litigation in the last 10 years?*

Yes

No

If yes, please supply details

(16) Further information:

Please add any further information which you consider relevant to assist the Commission in determining your application.

DECLARATION

I have been duly authorised by the applicant to make this application on its behalf (see certified true copy of minute attached).

I declare that the information contained in this application is true and accurate to the best of my knowledge, information and belief and that, if any of the information contained in or appended to this application is discovered to be false, I may be liable to prosecution.

Signature: _____

Name (*print*): _____

Date: _____

* * * * *

The original completed application form and any attachments should be bound as a single document and, together with ONE unbound copy of the same, should be forwarded to:

[Director]
Alderney Gambling Control Commission
St Anne's House
Queen Elizabeth II Street
ALDERNEY
GY9 3TB
via United Kingdom.

NOTE

In Schedule 5, the word in square brackets was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

NOTICE OF APPLICATION FOR HOSTING CERTIFICATE

The form of notice to be displayed on the website of the Commission in relation to an application for a hosting certificate shall be as set out below –

"An application for a hosting certificate dated {insert date of application} has been made to the Alderney Gambling Control Commission ("**the Commission**") under the Alderney eGambling Ordinance, 2009 and the Alderney eGambling Regulations, 2009 by –

{ name of applicant }

whose registered office is –

{ address of applicant's registered office }

The premises in respect of which the applicant seeks approval are situated at –

{ insert address(es) of premises proposed for approval }

Any person wishing to make any representations about this application, whether to raise any objection to it or otherwise, so that those representations shall be considered by the Commission when it determines this application in accordance with regulation 109 of the Alderney eGambling Regulations, 2009 should, at any time whilst this notice is currently displayed, deliver or send to the offices of the Commission a written statement of those representations."

FORM OF HOSTING CERTIFICATE

The form of a hosting certificate shall be as set out below –

"ALDERNEY GAMBLING CONTROL COMMISSION



ALDERNEY
GAMBLING CONTROL COMMISSION

HOSTING CERTIFICATE

issued under section 7 of the Alderney eGambling Ordinance, 2009

{ name of hosting certificate holder }

whose registered office is situate at –

{ address of certificate holder's registered office }

has been granted a hosting certificate subject to the conditions provided for in regulation 115 of the Alderney eGambling Regulations, 2009 *{and such further conditions as are attached hereto}*.

For the purposes of this hosting certificate, the following premises are **approved premises** at which an [eGambling licensee's, Category 1 associate certificate holder's

or Category 2 associate certificate holder's] gambling equipment may be accommodated –

{insert address(es)}

This hosting certificate is valid from: **{insert date}**

Signed: _____ on this {insert date}
[Director]
for and on behalf of the Commission

Certificate Number: **{insert number}**"

NOTES

In Schedule 7,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018;¹³⁹

the word in the second pair of square brackets was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

APPLICATION FORM FOR CHANGE TO APPROVED PREMISES

An application for a change to approved premises of a hosting certificate holder shall be made on a form as set out below –

"

ALDERNEY GAMBLING CONTROL COMMISSION



ALDERNEY
GAMBLING CONTROL COMMISSION

APPLICATION FORM FOR

CHANGE TO HOSTING CERTIFICATE HOLDER'S APPROVED

PREMISES

IN RESPECT OF

[INSERT NAME OF APPLICANT]

SECTION 1: CERTIFICATE HOLDER'S DETAILS

(1) Name _____

(2) Correspondence address _____

(3) Nominated principal
contact person _____

Tel: _____

Email: _____

Fax: _____

SECTION 2: PREMISES

(4) This application is for –

**(a) a modification to existing approved premises, or*

**(b) approval of premises not currently approved, or*

**(c) deletion of premises currently approved.*

{* delete as appropriate}

(5) Address(es) of premises in respect of which approval for change sought:

(6) Details of premises:

(4(a): in respect of the approved premises for which approval of a modification is sought, attach detailed plans of the layout of the premises identifying the change(s) being proposed; and provided details of any change(s) relating to security and facilities associated with hosting gambling equipment entailed in the proposed change(s))

(4(b): in respect of each set of new premises for which approval is sought, attach a location map and detailed plans of the layout of the premises; where applicable, provide copies of planning consent authorising the use of the premises for the purposes envisaged; provide details relating to the security of the premises and the facilities at the premises associated with hosting gambling equipment)

SECTION 3: FURTHER INFORMATION

(7) Further information:

(add such further information as you wish that you consider relevant to assist the Commission determine your application)

DECLARATION

I have been duly authorised by the Applicant to make this Application on its behalf (see certified true copy of Minute attached).

I declare that the information contained in this Application is true and accurate to the best of my knowledge, information and belief and that, if any of the information contained in or appended to this application is discovered to be false, I may be liable to prosecution.

Signature: _____

Name (print): _____

Date: _____

The original completed Application Form and any attachments appended should be bound as a single document and, together with ONE unbound copy of the same, should be forwarded to:

[Director]
Alderney Gambling Control Commission
St Anne's House
Queen Elizabeth II Street
ALDERNEY
GY9 3TB
via United Kingdom.

NOTES TO APPLICANTS (to assist completion of Application Form)

1. The principal purpose of seeking the information required by this Application Form is to provide the Commission with core basic factual details, thereby enabling it to:
 - make a preliminary assessment as to what investigations, if any, will be required, and
 - identify where further information will need to be requested and/or required.
2. Additional information may be sought by way of a meeting with an officer of the Commission and/or a visit to the premises concerned.
3. If any details set out on this Application Form change prior to the determination of this Application, you must notify the Commission in writing as soon as reasonably practicable.
4. The information provided must be accurate and truthful. {NB section 24(1) of the Alderney eGambling Ordinance, 2009 creates an offence of making a false declaration or statement or giving false information for the purposes of satisfying a requirement under the Alderney eGambling Regulations, 2009.}
5. Wherever possible, use BLOCK CAPITALS.
6. All dates should be in the form Day / Month / Year.
7. Answer every question, using "N/A" or "NIL" where applicable.
8. Use additional sheets as necessary, cross-referencing against the relevant question the additional sheet(s) on which the answer is to be found."

NOTE

In Schedule 8, the word in square brackets was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

APPLICATION FOR KEY INDIVIDUAL CERTIFICATE

An application for a key individual certificate shall be made on a form as set out below –



ALDERNEY
GAMBLING CONTROL COMMISSION

APPLICATION FORM FOR

KEY INDIVIDUAL CERTIFICATE

IN RESPECT OF

{INSERT NAME OF APPLICANT}

NOTES TO APPLICANTS

1. The principal purpose of seeking the information required by this application form is to provide the Commission with information which will allow it to:
 - make preliminary investigations in order to ascertain the full scope of its investigations, and
 - identify where further information will need to be requested and/or required.
2. The information provided must be accurate and truthful. It is a criminal offence to obtain a certificate by false statement, declaration or information. If any details set out on this application form change prior to the determination of the application, you must notify the Commission in writing as soon as reasonably practicable. {NB section 24(1) of the Alderney eGambling Ordinance, 2009 creates an offence of making a false declaration or statement or giving false information for the purposes of satisfying a requirement under the Alderney eGambling Regulations, 2009.}
3. Every question should be answered in full, using additional sheets or attachments as necessary. Where a section or question is not applicable, please use "N/A" or "NIL".
4. Wherever possible, use BLOCK CAPITALS.
5. All dates should be in the form day / month / year.
6. This application form must be accompanied by:
 - (a) two copies of a recent passport-sized photograph, and
 - (b) a letter confirming that the applicant is indeed a key individual,
 - (c) the required investigation deposit of £1,000.

	<p>Name of employer:</p> <p>Present Business Address:</p> <p>Please explain your role in the organisation and attach a job description</p>
--	--

NATIONALITY AND PASSPORT DETAILS			
1E	<p>What is your nationality/citizenship?</p>		
	<p>Passport Number:</p> <p><i>(attach a copy of the cover and personal identification pages of your passport(s))</i></p>		
	<p>Place and country of issue:</p>		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Date of issue:</td> <td style="width: 50%;">Date of expiry:</td> </tr> </table>	Date of issue:	Date of expiry:
Date of issue:	Date of expiry:		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;"> <p>Have you ever been deported from any country? <i>(if YES, please explain the circumstances)</i></p> </td> <td style="width: 20%; text-align: center;"> <p>Yes/No</p> </td> </tr> </table>	<p>Have you ever been deported from any country? <i>(if YES, please explain the circumstances)</i></p>	<p>Yes/No</p>
<p>Have you ever been deported from any country? <i>(if YES, please explain the circumstances)</i></p>	<p>Yes/No</p>		

SECTION 2: APPLICANT'S HOUSEHOLD DETAILS

MARITAL INFORMATION	
2A	<p>What is your Marital Status? <i>(please circle)</i></p> <p>Single / Married / Separated / Civil Partnership / Divorced / Widowed / Co-habiting</p>
	Date and Place of Marriage/civil partnership:
	Full Name of spouse/partner:
	Maiden Name <i>(if applicable)</i> of spouse/partner:
	Date of Birth of spouse/partner:
	Place of Birth of spouse/partner:
	<p>If married, have you been married before? YES/NO</p> <p>If yes, please give details of any financial maintenance for previous spouse and/or any children.</p>

SPOUSE/PARTNER DETAILS	
2B	Spouse's/partner's Residential Address:
	Spouse's/partner's occupation:
	Spouse's/partner's employer & the nature of their business:
	<i>(include address)</i>

PREVIOUS SPOUSE/PARTNER DETAILS	
---------------------------------	--

2C	Spouse's/partner's residential address:
	Spouse's/partner's occupation:
	Spouse's/partner's employer & the nature of their business (include address)

OTHER MEMBERS OF HOUSEHOLD			
[2D]	List all members of your household, eg, children, parents, siblings, etc. (show relationship of each to you)		
	Full Name	Date of birth	Relationship
			Occupation
	(continue, as necessary)		

PREVIOUS RESIDENCES		
[2E]	List all previous addresses at which you have been resident for 1 month or more during the preceding 10 years in reverse chronological order Please explain the background and reason(s) for any significant moves.	
	Dates	Full address (including postcode)
		Type of occupation (eg, owned, rented, etc.)

--	--	--	--

SECTION 3: APPLICANT'S EDUCATION AND EMPLOYMENT

EDUCATION	
3A	Please give details of all secondary and further education, including establishments attended (with dates), subjects studied, courses followed and qualifications obtained.
3B	Professional Qualifications (if any): <i>(attach evidence of qualification(s))</i>

PROPOSED ROLE IN eGAMBLING OPERATION	
3C	Please give a full description of your actual/proposed role in the eGambling operation:
	Previous experience within the gambling industry: <i>(summarise skills developed and/or qualifications)</i>

	Previous experience with internet-related business(es)
--	--

EMPLOYMENT HISTORY	
3D	Please describe your career to date, including an explanation of your skills, experience and career development.

EMPLOYMENT HISTORY	
3E	<p>Please list <u>all</u> previous employments held during the preceding 10 years in reverse chronological order, giving the following information.</p> <p>Please give full explanation for any gaps in employment of more than a month.</p> <p>Joining/leaving dates (month and year):</p> <p>Name and address of employer:</p> <p>Nature of employer:</p> <p>Job title:</p> <p>Nature of the role and your part in the organisation:</p> <p>Reason for leaving:</p>

3F	<p>Have you ever been dismissed, discharged or asked to resign from any employment? YES/NO</p> <p><i>(if YES, supply date, employment in question and explain the circumstances)</i></p>
3G	<p>Have you ever been a director of, or held an executive position with, any company that has either been in liquidation or receivership? YES/NO</p> <p><i>(if YES, supply details of date, company involved and circumstances)</i></p>

SECTION 4: APPLICANT'S FINANCES

RECENT INCOME											
4A	<p>Attach a summary of your gross income from all sources, for each of the preceding 5 years in the following format:</p> <table border="1" style="width: 100%; margin: 10px 0;"> <tr> <td colspan="2">Year ended:</td> </tr> <tr> <td style="width: 70%;">Source <i>(give full details and addresses of sources)</i></td> <td style="width: 30%;">Amount</td> </tr> <tr> <td></td> <td style="text-align: center;">£</td> </tr> <tr> <td></td> <td style="text-align: center;">£</td> </tr> <tr> <td>TOTAL:</td> <td style="text-align: center;">£</td> </tr> </table> <p><i>(also attach a copy of your latest Tax return)</i></p> <p>Please confirm your current salary:</p>	Year ended:		Source <i>(give full details and addresses of sources)</i>	Amount		£		£	TOTAL:	£
Year ended:											
Source <i>(give full details and addresses of sources)</i>	Amount										
	£										
	£										
TOTAL:	£										

Consolidated text

BANKRUPTCY		
4B	Have you ever been bankrupt or had your affairs declared en désastre or taken advantage of any laws relating to personal insolvency? <i>(if YES, supply details of date and circumstances)</i>	Yes/No

TRUSTS		
4C	Are you a settlor, beneficiary and/or trustee of any trust or settlement? <i>(if YES, supply full details of trust/settlement concerned)</i>	Yes/No

BANK ACCOUNTS												
4D	Attach a list of <u>all</u> your bank account details in the following format:											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">Name of institution:</td> </tr> <tr> <td style="width: 70%; height: 40px;"></td> <td style="width: 30%;"></td> </tr> <tr> <td style="padding: 5px;">Type of account</td> <td style="text-align: center; padding: 5px;">Amount</td> </tr> <tr> <td style="height: 20px;"></td> <td style="text-align: center; padding: 5px;">£</td> </tr> <tr> <td style="height: 20px;"></td> <td style="text-align: center; padding: 5px;">£</td> </tr> </table>			Name of institution:				Type of account	Amount		£		£
Name of institution:												
Type of account	Amount											
	£											
	£											
<i>{NB copy statements may be required by the Commission}</i>												

INVESTMENTS	
4E	Attach a list of <u>all</u> your investments (eg, shares, bonds, debentures, notes,

etc.) in the following format:

Name and address of entity:				
Type	Number	Year acquired	Acquisition cost	Estimated value
				£
				£
				£
				£

CURRENT ASSETS			
4F	Provide details of other current financial assets, eg, debts owed to you, pension scheme benefits, etc.:		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Type</td> <td style="width: 50%; border: none;">Value (£)</td> </tr> </table>	Type	Value (£)
Type	Value (£)		

PROPERTY				
4G	Attach a list of any property you own or in which you have an interest in the following format. For any property other than your main residence, please explain usage and any associated income.			
	Location and description	Year acquired	Acquisition cost	Estimated value
				£
				£

Consolidated text

	Date of mortgage:	Monthly payment (£):
--	-------------------	----------------------

LOANS AND LONG TERM LIABILITIES

4J	Attach details of <u>all</u> loans and other long term liabilities for which you are solely or jointly responsible in the following format: Purpose of loan: Amount of loan (£):	Amount outstanding (£):
	Name of lender:	
	Name of borrower(s):	
	Date of loan:	Monthly payment (£):

CREDIT CARDS, STORE CARDS, ETC.

4K	Attach details of <u>all</u> credit cards, store cards and other such outstanding liabilities at the date of your application in the following format:
----	--

	Name of financial institution:
	Amount outstanding: Monthly payment

OTHER LIABILITIES	
4L	<p>Provide details of other current liabilities or contingent liabilities (i.e., of an indefinite amount and/or unspecified amount for which you might in future become liable), indicating creditor, type and amount:</p> <p>Creditor:</p> <p>Explanation of nature of liability (including details of any security)</p> <p>Date incurred</p> <p>Date of liability</p> <p>Amount</p>

SECTION 5: APPLICANT'S CHARACTER

Consolidated text

CRIMINAL/DISCIPLINARY BEHAVIOUR		
5A	Have you, your spouse/partner or a member of your household (as specified in this Application) ever been:	
	(a) investigated	Yes/No
	(b) arrested	Yes/No
	(c) charged	Yes/No
	(d) convicted	Yes/No
	in respect of a criminal offence (other than a minor motoring offence)?	
	Are you aware that an investigation might be pending against you, your spouse/partner or a member of your household? <i>(if you have answered YES to any of the above questions, provide a detailed explanation, setting out the nature of the investigation/offence in question, the date(s) and the outcome)</i>	Yes/No
[5 B	Have you ever been disciplined in any way by a professional body for whatever reason? <i>(if YES, provide details of date(s) and circumstances)</i>	Yes/No
	Have you ever been the subject of proceedings or disciplinary action by a regulatory body for any reason? <i>(if YES, provide details of date(s) and circumstances)</i>	Yes/No]

LITIGATION		
5C	Have you, your spouse/partner or a member of your household (as specified in this Application) ever been:	
	Have you ever been a party to any civil litigation or are you aware that any action might be pending against you?	Yes/No
	Has a judgment of any type (including a wage arrest/attachment)	Yes/No

Consolidated text

	<p>ever been entered against you?</p> <p><i>(if YES, provide full details of date(s), circumstances and outcome)</i></p>	
5D	<p>Have you ever had any article repossessed by a finance company, etc. for any reason, eg, default in repayments?</p> <p><i>(if YES, provide full details of date, circumstances and reason)</i></p>	Yes/No

REGULATION OF GAMBLING ACTIVITY		
5E	<p>Have you or your spouse/partner ever applied to any authority anywhere in connection with any licence, certificate or permit, however described, in connection with a gambling activity?</p> <p><i>If YES, provide full details of date, authority and explain circumstances.</i></p>	Yes/No
	<p>Have you or your spouse/partner ever been investigated or dealt with in respect of any disciplinary matter by a regulatory authority regulating a gambling activity or is any such matter pending?</p> <p><i>If YES, provide full details of date, nature of matter and outcome.</i></p>	<p>Yes/No</p> <p>Yes/No</p>

CHARACTER REFERENCES	
5F	<p>Provide details of 3 persons known to you for at least 5 years who can vouch for your character and who are not family members, fellow directors or employees:</p>
	<p>Name:</p> <p>Address:</p>

Consolidated text

	Telephone: Email: Occupation: Years known:
	Name: Address: Telephone: Email: Occupation: Years known:
	Name: Address: Telephone: Email: Occupation: Years known:

AUTHORISATION FOR THE RELEASE OF INFORMATION

By making this application for a key individual certificate under section 4 of the Alderney eGambling Ordinance, 2009, I acknowledge that I AM hereby AUTHORISING the Alderney Gambling Control Commission ("**the Commission**") to conduct A FULL INVESTIGATION into my background, my financial affairs and my activities in accordance with regulations 141 to 145 of the Alderney eGambling Regulations, 2009, as from time to time in force.

In accordance with regulation 143 of the Alderney eGambling Regulations, 2009, THIS AUTHORISATION duly signed by me shall constitute my PRIOR PERMISSION for an officer or servant of the Commission to request you to provide such further information and/or documentation, including provision of paper and/or electronic copies to be taken away, as that officer or servant considers desirable to assist in the assessment of my application for a key individual certificate.

YOU ARE, therefore, hereby AUTHORISED TO RELEASE to any officer or servant of the Commission who so requests and confirms that my application for a key individual certificate remains pending ANY OR ALL INFORMATION you hold pertaining to me, whether documentary or otherwise and whether such information would otherwise be protected from disclosure by any statutory, customary or common law privilege.

I further authorise an officer or servant of the Commission to photocopy the original of this authorisation for the purpose of providing to a person requested to release information and/or documentation a copy thereof, or of transmitting to the person a facsimile thereof, provided that the photocopy is uniquely numbered and identifies the person to whom it has been provided or transmitted and a duplicate thereof is retained by the Commission.

Full name:	Home address:
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Consolidated text

Signature:	Date:

FOR OFFICIAL USE ONLY

Photocopy No:	Recipient:
---------------	------------

DECLARATION

I declare that the information contained in this Application is true and accurate to the best of my knowledge, information and belief and that, if any of the information contained in or appended to this application is discovered to be false, I may be liable to prosecution.

Signature: _____
Name (print): _____
Date: _____

The original completed application form and any attachments should be bound as a single document and delivered to:

[Director]
Alderney Gambling Control Commission
St. Anne's House
Queen Elizabeth II Street
ALDERNEY
GY9 3TB
via United Kingdom. "

NOTES

In Schedule 9,

the figures and letters in the first and second pairs of square brackets in section 2, and tabular paragraph 5B in section 5, of the Application Form for a Key Individual Certificate were substituted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2014, regulation 4, respectively paragraph (a)(i), paragraph (a)(ii) and paragraph (b), with effect from 17th December, 2014;

the word "Director" in square brackets was substituted by the

Consolidated text

Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

FORM OF KEY INDIVIDUAL CERTIFICATE

The form of a key individual certificate shall be as set out below –

"ALDERNEY GAMBLING CONTROL COMMISSION



ALDERNEY
GAMBLING CONTROL COMMISSION

KEY INDIVIDUAL CERTIFICATE

issued under section 7 of the Alderney eGambling Ordinance, 2009

–
{insert name of key individual certificate holder}

{affix photograph}

whose address is –

–
{insert address of certificate holder}

has been granted a key individual certificate subject to the conditions provided for in regulation 155 of the Alderney eGambling Regulations, 2009 *{and such further conditions as are attached hereto}*.

Consolidated text

This key individual certificate is valid from: {insert date}

Signed: _____ on this {insert date}

[Director]

for and on behalf of the Commission

Certificate Number: {insert number}".

NOTE

In Schedule 10, the word in square brackets was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 8, with effect from 1st April, 2011.

APPLICATION DOCUMENT FOR APPROVAL OF INTERNAL CONTROL
SYSTEM

1. The cover sheet and first page of an application for approval of an eGambling licensee's or [Category 2 associate certificate] holder's proposed internal control system shall be in the form as set out below –

"

ALDERNEY GAMBLING CONTROL COMMISSION



ALDERNEY
GAMBLING CONTROL COMMISSION

APPLICATION FOR

APPROVAL OF AN INTERNAL CONTROL SYSTEM

–

{INSERT LICENSEE'S OR CERTIFICATE HOLDER'S NAME}

APPLICATION SUMMARY

- (1) **Applicant's Name:** _____

- (2) **Nominated principal contact person:** _____

Tel: _____

Email: _____

Fax: _____

- (3) **Intended hosting provider:** _____

- (4) **Intended system supplier:** _____

- (5) **ICS Version No.:** _____

- (6) **Website URL:** _____

- (7) **eGambling to be offered:** _____

- (8) **Proposed go-live date:** _____

- (9) **External Auditors:** _____

Immediately after the pages required by paragraph 1, the substance of an application for approval of an eGambling licensee's or [Category 2 associate certificate] holder's proposed internal control system shall be set out in accordance with the following list of contents –

SECTION 1: CORPORATE STRUCTURE AND STAFFING

- 1.1 Corporate Structure
- 1.2 Related Gambling Experience and Exposure
- 1.3 Organisational Structure
- 1.4 Job Descriptions
- 1.5 Staff Probity
- 1.6 Staff Training
- 1.7 Compliance Officer
- [1.8 Money Laundering and Financing of Terrorism ("ML/FT")
- 1.9 Business Associates, Foreign Branches and Subsidiaries (General)
- 1.10 Due Diligence on Business Associates to or from which the Licensee[[, Category 1 associate certificate or Category 2 associate certificate] holder] Exports or Imports Players]
- 1.11 Internal Audit Function
- 1.12 Premises
- 1.13 Disaster Recovery
- [1.14 Resident Representative]

SECTION 2: ACCOUNTING SYSTEMS

- 2.1 Accounting Policies
- 2.2 Chart of Accounts
- 2.3 Internal Accounting Controls
- 2.4 Management Accounts
- 2.5 Budgets
- 2.6 External Audit
- 2.7 Accounting Software
- 2.8 Record retention policy
- 2.9 Bank Accounts

- 2.10 Bad Debts
- 2.11 Agency Arrangements
- 2.12 Asset Classification and Control
- 2.13 Jackpot accounting
- 2.14 Registers

SECTION 3: CUSTOMER REGISTRATION, VERIFICATION, BANKING AND MANAGEMENT

- 3.1 Terms Governing Customer Accounts
- 3.2 Customer Verification and Identification
- 3.3 Customer Funds on Account
- 3.4 Closing Accounts
- 3.5 Customers at Risk
- 3.6 Accepting Wagers
- 3.7 Customer Complaints
- 3.8 Registers

SECTION 4: eGAMBLING

- 4.1 Hosting Premises
- 4.2 Alderney Branding
- 4.3 Random Number Generator (RNG) Requirements
- 4.4 Customer Game Session
- 4.5 Malfunction and Non-Responsive Games
- 4.6 Foreign Business Associates (connecting to external gaming systems)
- 4.7 eGambling requirements
- 4.8 Game Design
- 4.9 Requirements for Games against the House (not P2P)
- 4.10 Game Artwork (Information Displayed)
- 4.11 Spinning Wheel (Reel) Requirements

- 4.12 Positioning, Size, Colour and Shape
- 4.13 Substitutes
- 4.14 Winning Patterns
- 4.15 Features
- 4.16 Keno and Bingo Artwork Requirements
- 4.17 Card Game Artwork Requirements
- 4.18 Gamble Option Artwork Standards
- 4.19 Roulette
- 4.20 Dice Games
- 4.21 Simulated Wagering
- 4.22 Scratch Ticket
- 4.23 Video Poker
- 4.24 Blackjack
- 4.25 Live Gambling Studio Control Guidelines and Standards
- 4.26 Event Based Wagering
- 4.27 Other Games
- 4.28 Peer to Peer (P2P) Games
- 4.29 Jackpots and Promotional Jackpots
- 4.30 Registers

SECTION 5: COMPUTER CONTROLS

- 5.1 System Operations
- 5.2 Security
- 5.3 Software Development, Testing, Maintenance and Approval
- 5.4 Equipment
- 5.5 Network
- 5.6 Domain Name System (DNS) Requirements
- 5.7 Communication
- 5.8 Database and Information
- 5.9 External Wagering Systems

5.10 Registers".

At the end of an application for approval of an eGambling licensee's or [Category 2 associate certificate] holder's proposed internal control system, following the substance of the application as required by the list set out in paragraph 2, the following page shall be included as the final sheet of the application document –

DECLARATION

I have been duly authorised by the Applicant to make this Application on its behalf (see certified true copy of Minute attached).

I declare that the information contained in this Application is true and accurate to the best of my knowledge, information and belief and that, if any of the information contained in or appended to this application is discovered to be false, I may be liable to prosecution.

Signature: _____

Name (print): _____

Date: _____

The original completed Application Form and any attachments appended should be bound as a single document and, together with one digital copy, should be forwarded to:

[Director]
Alderney Gambling Control Commission
St. Anne's House
Queen Elizabeth II Street
ALDERNEY

GY9 3TB

via United Kingdom.

NOTES

In Schedule 11,

the words "Category 2 associate certificate" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013;

paragraph 1.8, paragraph 1.9 and paragraph 1.10 of Section 1 were substituted by the Alderney eGambling (Amendment) Regulations, 2015, regulation 5, with effect from 1st April, 2015;

first, the word in the first pair of square brackets within paragraph 1.10 of Section 1 and, second, paragraph 1.14 thereof were inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(d), with effect from 11th January, 2018;

the words in square brackets within the first pair of square brackets within paragraph 1.10 of Section 1 were substituted by the Alderney eGambling (Amendment) (No. 2) Ordinance, 2018, section 2(2), with effect from 12th September, 2018;¹⁴⁰

the word "Director" in square brackets, wherever occurring, was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

SCHEDULE 12

Regulation 193

CHANGES TO APPROVED INTERNAL CONTROL SYSTEM REQUIRING
DEPOSIT OF EVALUATION MONIES

For the purposes of regulation 193, if the type of change to an [eGambling licensee's, Category 1 associate certificate holder's or Category 2 associate certificate holder's] approved internal control system in respect of which an application is made in accordance with regulation 192 involves any of the following –

- (a) a significant change to the corporate structure, for example involving a merger or acquisition,
- (b) a significant change to staff responsibilities, whether within the organisational structure or individual job descriptions,
- (c) entering into a significant arrangement with a new associate,
- (d) the introduction of a new accounting software package,
- (e) the introduction of a new method of payment provision,
- (f) the introduction of a new method of customer registration,
- (g) the introduction of a new method of customer identity verification,
- (h) the introduction of any additional element into an existing form of eGambling,
- (i) the introduction of a new type of eGambling,

- (j) a change in the operating system which is more than a minor change or the necessary fixing of a bug,
- (k) a change in the whole, or a significant part, of the operating platform, or
- (l) a change to the network infrastructure, for example by adding a system hardware component, or

the required deposit shall be made by, or on behalf of, the [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] before, or at the time, the application is submitted.

NOTES

In Schedule 12,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 6, with effect from 11th January, 2018;¹⁴¹

the words in the second pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018.¹⁴²

APPLICATION FORM FOR APPROVAL OF GAMBLING EQUIPMENT

An application by an [eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder] for approval of its gambling equipment shall be made on a form as set out below –

"

ALDERNEY GAMBLING CONTROL COMMISSION



ALDERNEY

GAMBLING CONTROL COMMISSION

APPLICATION FOR

APPROVAL OF GAMBLING EQUIPMENT

–
{INSERT LICENSEE'S or CERTIFICATE HOLDER'S NAME}

APPLICATION DETAILS

(1) **Applicant's Name:** _____

(2) **Nominated principal
contact person:** _____

Tel: _____

Email: _____

Fax: _____

(3) **Hosting provider:** _____

(4) **System supplier:** _____

(if associate certificate held, provide details)

(5) **Website URL:** _____

(6) **Proposed go-live date for
equipment:** _____

GAMBLING EQUIPMENT

(7) **Gambling equipment approved in principle:**

(where the application relates in whole or in part to gambling equipment for which an associate certificate holder has obtained approval in principle identify with sufficient particularity the equipment in question and the

date(s) on which associate certificate holder obtained its approval)

(8) Previously unapproved gambling equipment:

(provide details of the type of gambling equipment concerned; describe the development process(es) undertaken, including the build number/version and date(s); where the equipment will be added to currently approved gambling equipment, detail the inter-relationship of those elements; provide such manuals and documentation as will assist an evaluation of the equipment in question)

(9) Further information:

(add such further information as you wish that you consider relevant to assist the Commission determine your application)

DECLARATION

I have been duly authorised by the Applicant to make this Application on its behalf (see certified true copy of Minute attached).

I declare that the information contained in this Application is true and accurate to the best of my knowledge, information and belief and that, if any of the information contained in or appended to this application is discovered to be false, I may be liable to prosecution.

Signature: _____

Name (print): _____

Date: _____

The original completed Application Form and any attachments appended should be bound as a single document and, together with one digital copy should be forwarded to:

[Director]
Alderney Gambling Control Commission
St. Anne's House
Queen Elizabeth II Street
ALDERNEY
GY9 3TB
via United Kingdom.

NOTES

In Schedule 13,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 5, with effect from 11th January, 2018;¹⁴³

the word in the second pair of square brackets was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

FORM OF GAMBLING EQUIPMENT APPROVAL

The form of a gambling equipment approval shall be as set out below –

"ALDERNEY GAMBLING CONTROL COMMISSION



ALDERNEY
GAMBLING CONTROL COMMISSION

GAMBLING EQUIPMENT APPROVAL

issued under regulation 210 of the [Alderney eGambling Regulations, 2009]

–

{ name of licensee or certificate holder }

whose registered office is situate at –

–

{ address of licensee's or certificate holder's registered office }

has obtained approval from the Commission in respect of the following gambling equipment, thereby authorising it to utilise all or any of this equipment in the conduct of its operations under its [eGambling licence, Category 1 associate certificate or Category 2 associate certificate] –

1. Description of component:

System supplier:

Software ID:

Version:

Dated:

Date of approval: {insert date}

{insert any conditions attached}

2. Description of component:

System supplier:

Software ID:

Version:

Dated:

Date of approval: {insert date}

{insert any conditions attached}

3., etc. {continue numbering and format for further entries, as necessary}

Signed: _____ on this {insert date}

[Director]

for and on behalf of the Commission".

NOTES

In Schedule 14,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations 2010, regulation 3, with effect from 24th May, 2010;

the words in the second pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule, paragraph 10, with effect from 11th January, 2018;¹⁴⁴

Consolidated text

"Category 2 associate certificate" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013;

the word in the third pair of square brackets was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

APPLICATION FORM FOR APPROVAL IN PRINCIPLE OF GAMBLING
EQUIPMENT

An application by an associate certificate holder for approval in principle of its gambling equipment shall be made on a form as set out below –

"

ALDERNEY GAMBLING CONTROL COMMISSION



ALDERNEY
GAMBLING CONTROL COMMISSION

APPLICATION FOR

APPROVAL IN PRINCIPLE OF
GAMBLING EQUIPMENT

–

{INSERT ASSOCIATE CERTIFICATE HOLDER'S NAME}

APPLICANT'S DETAILS

(1) Associate certificate

holder's Name:

(2) Nominated principal

contact person:

Tel:

Email:

Fax:

GAMBLING EQUIPMENT

(3) Gambling equipment for which approval in principle sought:

(provide details of the type of gambling equipment concerned; describe the development process(es) undertaken, including the build number/version and date(s); where the equipment will be added to any gambling equipment currently approved in principle, detail the inter-relationship of those elements; provide such manuals and documentation as will assist an evaluation of the equipment in question)

(4) Further information:

(add such further information as you wish that you consider relevant to assist the Commission determine your application)

DECLARATION

I have been duly authorised by the Applicant to make this Application on its behalf (see certified true copy of Minute attached).

I declare that the information contained in this Application is true and accurate to the best of my knowledge, information and belief and that, if any of the information contained in or appended to this application is discovered to be false, I may be liable to prosecution.

Signature: _____
Name (*print*): _____
Date: _____

The original completed Application Form and any attachments appended should be bound as a single document and, together with one digital copy of the same, should be forwarded to:

[Director]
Alderney Gambling Control Commission
St. Anne's House
Queen Elizabeth II Street
ALDERNEY
GY9 3TB
via United Kingdom.

NOTE

In Schedule 15, the word in square brackets was substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(b), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations.

SCHEDULE 16

Regulation 233

MONEY LAUNDERING AND TERRORIST FINANCING PROVISIONS

...

NOTE

Schedule 16 was revoked by the Alderney eGambling (Amendment) Ordinance, 2020, regulation 2(13), with effect from 9th September, 2020.¹⁴⁵

FORMAT OF MONTHLY OPERATIONAL PERFORMANCE REPORT FOR
CATEGORY 1 eGAMBLING LICENSEES [AND CATEGORY 1 ASSOCIATE
CERTIFICATE HOLDERS]



The format of an eGambling licensee's [and Category 1 associate certificate holder's] monthly operational report to the Commission shall be as follows –

"INDEX

{ Calendar Month reporting period }

<u>CHANGES AND PROBLEMS</u>	<u>Page</u>
1. Change Control Statements	
1(a) Low Risk Change Reports	x
1(b) Other Change Reports	x
2. Significant Software and Hardware Events	x
3. Security Breaches	x
<u>CUSTOMER ACTIVITY</u>	
4. Seized Accounts	x
5. Reversed/Voided Transactions	x
6. Customer Counts and Values, by Age Category	x
7. Manual Adjustments to Customer Funds	x
8. Suspicious Transactions	x

GAME DATA (*where applicable*)

- | | | | |
|-----|---|---|---|
| 9. | Operating Performance Summary | | x |
| 10. | Game Activated or Inactivated from System | x | |

CHANGES AND PROBLEMS

1. Change Control Statements

1(a) Low Risk Change Report

Definition of report: A count of the number of low risk change requests submitted to the AGCC under regulation 201(3)(a) and dealt with pursuant to regulation 202(3).

Number of Low Risk Changes submitted: _____

1(b) High Risk Change Report

Definition of report: A count of the number of other change requests (i.e., not "low risk" as in 1(a)) submitted to the AGCC under regulation 201(3) or (4) and dealt with otherwise than pursuant to regulation 202(3):

Change Control ID	Implemented Date	Description	AGCC Approval Date

* * * * *

2. Significant Software and Hardware Events

Definition of report: This report lists all unusual technical events that resulted in, inter alia, the need to re-start any part of the system, the refunding or otherwise of customer funds, the voiding or re-creation of games, or other technical events, whether planned or otherwise.

Date	Description	Value	AGCC Notification Date

* * * * *

3. Security Breaches

Definition of report: This report lists a description of any event whereby any part of the system was penetrated, accessed without authorisation or potentially compromised in any way, regardless of whether its origin. Further, describe any event whereby data belonging to the licensee [and Category 1 associate certificate holder], an associate or the customers may have been compromised regardless of whether by technical means or physical means.

Date	Description	Measures Implemented

* * * * *

CUSTOMER ACTIVITY

4. Seized Accounts

Definition of report: This report lists customers whose accounts have been seized, whether temporarily or permanently.

User Name	Date Excluded	Reason	Amount

* * * * *

5. Reversed/Voiced Transactions

Definition of report: This report lists all transactions that have been initiated and

completed by the customer, accepted and logged by the system, but subsequently reversed / voided because of mistake (either manual or system error).

Customer ID	Transaction ID	Amount	Date	Description

* * * * *

6. Customer Counts and Values, by Age Category

Definition of report: This report aggregates the number of customer accounts and their value, by age category, whether those funds are held directly with the eGambling licensee[, or Category 1 associate certificate holder] or by an associate on behalf of the licensee.

	Customer Count		Aggregate Real Monetary Value	
	Current Month	Previous Month	Current Month	Previous Month
Active Customers				
Inactive Customers				
Dormant Customers				
Totals				

For purposes of this report, the following parameters apply:

Active customers: customers who have logged-in within the past 12 months.

Inactive customers: customers who have been inactive for more than 12 months, but less than 24 months.

Dormant customers: *customers who have been inactive for over 24 months.*
Real Monetary Value: *withdrawable funds excluding unfulfilled bonuses and promotions, etc.*

* * * * *

7. Manual Adjustments to Customer Funds

Definition of report: This report shows actual customer real money balance modifications which derive from mistakes.

Customer ID	Date	Amount	Reason

* * * * *

8. Suspicious Transactions

Definition of report: This report lists all suspicious transaction reports that have been submitted to the Guernsey FIS.

Customer ID	Date	Description	Amount

* * * * *

GAME DATA *(where applicable)*

9. Operational Performance Summary

Definition of report: This report contains a summary of operational performance,

Consolidated text

itemised by product lines (casino, bingo, poker, (other, as necessary)). Aggregate totals are also required.

For poker sites please explain this in your own terminology, e.g. played hands, poker rake and tournament fees etc.

Product Line	Handle	Payouts	Hold	Hold %	Number of Transactions	Average Wager	Number Unique Logins
A							
B							
C ... etc							
Aggregate							

* * * * *

10. Game Activated or Inactivated from System

Description of report: This report lists any games added to, or removed from, the games made available to customers.

Game	Version	Date	Added/Removed	Description/Reasons

* * * * *

CERTIFICATION

11. Certification

I hereby certify that I am duly authorised to submit this certification; that I believe the information in this return is true and to the best of my knowledge and belief; and that

having made reasonable enquiries, I have:

1. informed the Alderney Gambling Control Commission, to the best of my knowledge and belief, of any material changes to the statement of structure and organisation of the business and its control, supplied at the time of the application, or subsequently
2. compiled to the best of my knowledge and belief, with the requirement to inform the Alderney Gambling Control Commission about key events, and
3. Formed a reasonable opinion that the licensed [or certified] entity has adequate resources to operate in accordance with the Licensing objectives, the Licensing conditions and codes for the foreseeable future.

Please note that it is an offence under section 24 of the Alderney eGambling Ordinance, 2009 for any person, without reasonable excuse, to give the Alderney Gambling Control Commission information which is false or misleading.

Name	
Position held (Must be a key Individual)	
Date	

NOTE

In Schedule 17, first, the words in square brackets in the heading thereto and, second, the words in the first, second, third and fourth pairs of square brackets therein were inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(e), with effect from 11th January, 2018.

SCHEDULE 18

Regulation 242(2)

FORMAT OF QUARTERLY REPORT FOR CATEGORY 1 eGAMBLING
LICENSEE [AND CATEGORY 1 ASSOCIATE CERTIFICATE HOLDER]

The format of a Category 1 licensee's [and Category 1 associate certificate holder's] quarterly report of its management accounts to the Commission shall be as follows:

ALDERNEY GAMBLING CONTROL COMMISSION



QUARTERLY MANAGEMENT ACCOUNTS of

{[INSERT LICENSEE'S OR CATEGORY 1 ASSOCIATE CERTIFICATE
HOLDER'S NAME]}

QUARTER ENDED {insert day/month/year}

Contents	Page
Profit and Loss Account	x
Balance Sheet	x
Notes	x

**PRO FORMA PROFIT & LOSS ACCOUNT FOR QUARTER ENDED
XX/XX/XX**

	This	Previous	
	Quarter	Quarter	Variance

Consolidated text

	Currency	Currency	%age
Income			
Gross gambling income	x		
Other authorised income	x		
Less Cost of Sales			
Gambling payout (excluding sign up & promotional bonuses)	x		
Revenue share commissions paid *	x		
Net Gaming Yield	<u>x</u>		
[Licence or Certificate fees]	x		
[Affiliate fees *]	x		
Gross profit	<u>x</u>		
Administrative expenses	x		
Establishment expenses	x		
Selling and Marketing expenses	x		
Operating profit	<u>x</u>		
Other income/expenses	x		
Net Profit	<u>x</u>	<u>x</u>	<u>x</u>
		**	

Dividends Paid	x
Closing Balance	<hr/> x <hr/>

* **Requires pre-approval from the Alderney
Gambling Control Commission**

** **If the net profit has risen or fallen by 20% (or more)
compared against the net profit from the previous
quarter, then you are required to provide details (in the
notes) as to the factors that attributed to this rise or fall.**

PRO FORMA BALANCE SHEET AS AT XX/XX/XX

FIXED ASSETS	Currency
Intangible assets	x
Tangible assets	x
	<hr/> x <hr/>
CURRENT ASSETS	
Trade debtors	x
Prepayments	x
Other debtors	x
Other current assets	x
Loans to related parties	x
Cash at bank & in hand	x
Cash at bank - client accounts	x
	<hr/> x <hr/>
CURRENT LIABILITIES	
Bank loans and overdrafts	x

Consolidated text

Loans from related parties	X
Trade creditors	X
Amounts due to customers	X
Directors' current accounts	X
Other creditors	X
Social security and other taxes	X
Accruals	X
	<hr/>
	X
NET CURRENT ASSETS	X
LONG TERM LIABILITIES	
Bank loans and overdrafts	X
Directors' loans	X
Loans from related parties	X
	<hr/>
	X
TOTAL NET ASSETS	<hr/> X <hr/>
CAPITAL AND RESERVES	
Called up share capital	X
Share Premium	X
Other Capital & Reserves	X
Profit and loss account (Current Year)	X
Retained earnings (Past Years)	X
	<hr/>
SHAREHOLDERS' FUNDS	<hr/> X <hr/>

NOTES

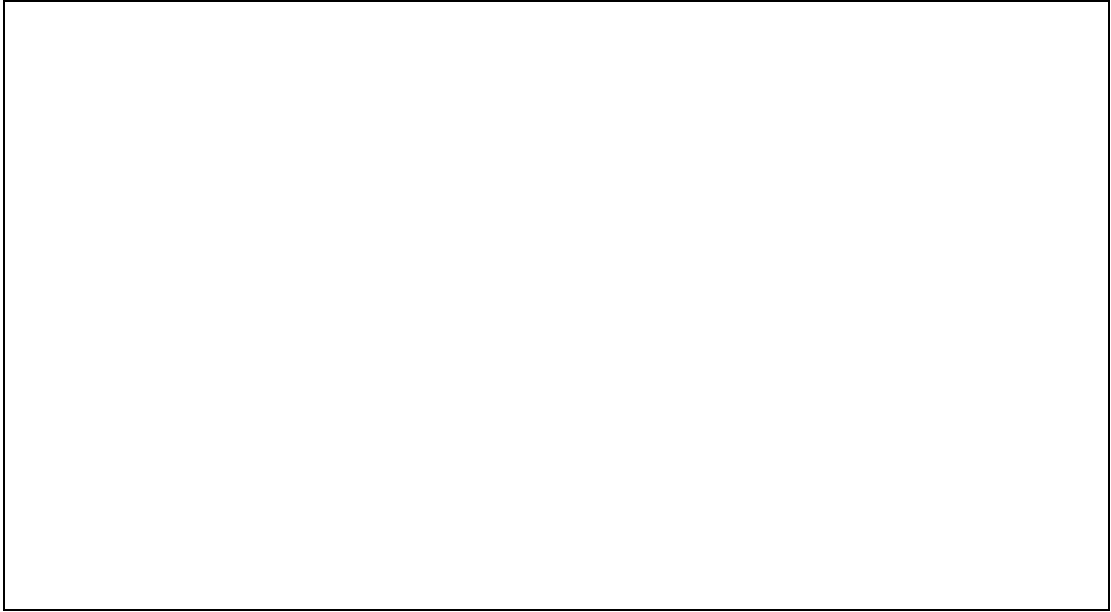
- * Please provide a breakdown of all the revenue share commissions that you have paid during the period

- * Show player funds as "cash at bank-client accounts" in the balance sheet only if these are held in separate bank accounts titled as "client accounts"; if no such formal arrangement is in place, include player funds in "cash in bank and at hand" in the balance sheet.

Licensee Revenue Share Commissions paid during quarter ended dd/mm/yy:	
Name of Entity 1 :	Amount:
Name of Entity 2 :	Amount:
Name of Entity 3 :	Amount:
Name of Entity 4 :	Amount:
Name of Entity 5 :	Amount:
(continue as needed)	
Total:	

- ** Please provide explanation/s (in the box below) for profit variance. Kindly note that this is merely required whereby net profit has risen or fallen by 20% or more compared against the net profit from the previous quarter:

Licensee Profit Variance explanation for quarter ended dd/mm/yy:



CERTIFICATION

I hereby certify that I am duly authorised to submit this certification; that I believe the information in this return is true; and that having made reasonable enquiries, I have to the best of my knowledge and belief:

1. informed the Alderney Gambling Control Commission of any material changes to the statement of structure and organisation of the business and its control, supplied at the time of the application, or subsequently
2. complied with the requirement to inform the Alderney Gambling Control Commission about key events, and
3. formed a reasoned opinion that the [licensed or certified entity] has adequate resources to operate in accordance with the Licensing objectives, the Licensing conditions and codes for the foreseeable future

Please note that it is an offence under section 24 of the Alderney eGambling Ordinance, 2009 for any person, without reasonable excuse, to give the Alderney Gambling Control Commission information which is false or misleading.

Name	
Position held (Must be a key Individual)	
Date	

NOTES

In Schedule 18,

first, the words in square brackets in the heading thereto, second, the

Consolidated text

words in the first pair of square brackets therein were inserted and, third, the words in the second, third and fifth pairs of square brackets therein were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(f), with effect from 11th January, 2018;

the words and symbol in the fourth pair of square brackets were substituted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2013, regulation 2, with effect from 1st July, 2013.

FORMAT OF QUARTERLY REPORT FOR CATEGORY 1 eGAMBLING
LICENSEE, IN RESPECT OF ALL OPERATIONS CONDUCTED BY THE
ALDERNEY COMPANY

The format of a Category 1 eGambling licensee's quarterly report of its management accounts to the Commission in respect of Regulation 242(4) shall be as follows:

ALDERNEY GAMBLING CONTROL COMMISSION



ALDERNEY
GAMBLING CONTROL COMMISSION

QUARTERLY MANAGEMENT ACCOUNTS of

{INSERT LICENSEE'S NAME}

QUARTER ENDED *{insert day/month/year}*

Contents	Page
Profit and Loss Account	x
Balance Sheet	x
Notes	x

**PRO FORMA PROFIT & LOSS ACCOUNT FOR QUARTER ENDED
XX/XX/XX**

	This	Previous	
	Quarter	Quarter	Variance

Consolidated text

	Currency	Currency	%age
Income			
Gross gambling income	x		
Other authorised income	x		
Less Cost of Sales			
Gambling payout (excluding sign up & promotional bonuses)	x		
Revenue share commissions paid *	x		
 Net Gaming Yield	<u>x</u>		
 Licence fees	x		
Affiliate fees	x		
 Gross profit	<u>x</u>		
 Administrative expenses	x		
Establishment expenses	x		
Selling and Marketing expenses	x		
 Operating profit	<u>x</u>		
 Other income/expenses	x		
 Net Profit	<u>x</u>	<u>x</u>	<u>x</u>
		**	

Dividends Paid	x
Closing Balance	<hr/> x <hr/>

* **Requires pre-approval from the Alderney
Gambling Control Commission**

** **If the net profit has risen or fallen by 20% (or more)
compared against the net profit from the previous
quarter, then you are required to provide details (in the
notes) as to the factors that attributed to this rise or fall.**

PRO FORMA BALANCE SHEET AS AT XX/XX/XX

FIXED ASSETS	Currency
Intangible assets	x
Tangible assets	x
	<hr/> x <hr/>
CURRENT ASSETS	
Trade debtors	x
Prepayments	x
Other debtors	x
Other current assets	x
Loans to related parties	x
Cash at bank & in hand	x
Cash at bank - client accounts	x
	<hr/> x <hr/>
CURRENT LIABILITIES	
Bank loans and overdrafts	x

Consolidated text

Loans from related parties	X
Trade creditors	X
Amounts due to customers	X
Directors' current accounts	X
Other creditors	X
Social security and other taxes	X
Accruals	X
	<hr/>
	X
NET CURRENT ASSETS	X
LONG TERM LIABILITIES	
Bank loans and overdrafts	X
Directors' loans	X
Loans from related parties	X
	<hr/>
	X
TOTAL NET ASSETS	<hr/> X <hr/>
CAPITAL AND RESERVES	
Called up share capital	X
Share Premium	X
Other Capital & Reserves	X
Profit and loss account (Current Year)	X
Retained earnings (Past Years)	X
	<hr/>
SHAREHOLDERS' FUNDS	<hr/> X <hr/>

NOTES

- * **Please provide a breakdown of all the revenue share commissions that you have paid during the period**

- * Show player funds as "cash at bank-client accounts" in the balance sheet only if these are held in separate bank accounts titled as "client accounts"; if no such formal arrangement is in place, include player funds in "cash in bank and at hand" in the balance sheet.

Licensee Revenue Share Commissions paid during quarter ended dd/mm/yy:	
Name of Entity 1 :	Amount:
Name of Entity 2 :	Amount:
Name of Entity 3 :	Amount:
Name of Entity 4 :	Amount:
Name of Entity 5 :	Amount:
(continue as needed)	
Total:	

- ** Please provide explanation/s (in the box below) for profit variance. Kindly note that this is merely required whereby net profit has risen or fallen by 20% or more compared against the net profit from the previous quarter;

Licensee Profit Variance explanation for quarter ended dd/mm/yy:

CERTIFICATION

I hereby certify that I am duly authorised to submit this certification; that I believe the information in this return is true; and that having made reasonable enquiries, I have to the best of my knowledge and belief:

1. informed the Alderney Gambling Control Commission of any material changes to the statement of structure and organisation of the business and its control, supplied at the time of the application, or subsequently
2. complied with the requirement to inform the Alderney Gambling Control Commission about key events, and
3. formed a reasoned opinion that the licensed entity has adequate resources to operate in accordance with the Licensing objectives, the Licensing conditions and codes for the foreseeable future

Please note that it is an offence under section 24 of the Alderney eGambling Ordinance, 2009 for any person, without reasonable excuse, to give the Alderney Gambling Control Commission information which is

false or misleading.

Name	
Position held (Must be a key individual)	
Date	

]

NOTE

Schedule 18A was inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2014, paragraph 5, with effect from 17th December, 2014.

FORMAT OF QUARTERLY OPERATIONAL PERFORMANCE REPORT FOR
CATEGORY 2 eGAMBLING LICENSEES, TEMPORARY eGAMBLING
LICENSEES AND [CATEGORY 2 ASSOCIATE CERTIFICATE] HOLDERS

The format of a quarterly operational report for a Category 2 eGambling licensee, a Temporary eGambling licensee and a [Category 2 associate certificate] holder to the Commission shall be as follows –

"ALDERNEY GAMBLING CONTROL COMMISSION



ALDERNEY
GAMBLING CONTROL COMMISSION

QUARTERLY OPERATIONAL PERFORMANCE REPORT

(Platform operator)

of

{ INSERT LICENSEE'S NAME }

INDEX

QUARTER ENDED { *insert day/month/year* }

TECHNICAL DATA

	Page
1. Change Control Statements	
1(a) Low Risk Change Reports	x
1(b) Other Change Reports	x
2. Significant Software and Hardware Events	x

- 3. Security Breaches x
- 4. Reversed/Voiced Transactions x
- 5. Games activated or inactivated from a Platform x

FINANCIAL DATA

- 6. Financial Information x

CERTIFICATION

- 7. Certification x

TECHNICAL DATA

1. Change Control Statements

1(a) Low Risk Change Report

Definition of report: A count of the number of low risk change requests submitted to the AGCC under regulation 201(3)(a) and dealt with pursuant to regulation 202(3).

Number of Low Risk Changes submitted: _____

1(b) High Risk Change Report

Definition of report: A count of the number of other change requests (i.e., not "low risk" as in 1 (a)) submitted to the AGCC under regulation 201(3) or (4) and dealt with otherwise than pursuant to regulation 202(3):

Change Control ID	Implemented Date	Description	AGCC Approval Date

* * * * *

2. Significant Software and Hardware Events

Definition of report: This report lists all unusual technical events that resulted in, inter alia, the need to re-start any part of the system, the refunding or otherwise of customer funds, the voiding or re-creation of games, or other technical events, whether planned or otherwise.

Date	Description	Value	AGCC Notification Date

* * * * *

3. Security Breaches

Definition of report: This report lists a description of any event whereby any part of the system was penetrated, accessed without authorisation or potentially compromised in any way, regardless of whether its origin. Further, describe any event whereby data belonging to the licensee, an associate or the customers may have been compromised regardless of whether by technical means or physical means.

Date	Description	Measures Implemented

* * * * *

4. Reversed/Voided Transactions

Definition of report: This report lists all transactions that have been initiated and

completed by the customer, accepted and logged by the system, but subsequently reversed / voided because of mistake (either manual or system error).

Customer ID	Transaction ID	Amount	Date	Description

* * * * *

5. Games Activated or Inactivated from a Platform

Description of report: This report lists any games added to, or removed from, the games made available to customers.

Game	Version	Date	Added/Removed	Description/ Reason

* * * * *

FINANCIAL DATA

6. Financial Information

Description of report: This report lists your net profit/loss figure at the end of the quarter, and your net asset value (total assets less total liabilities) as at the quarter end date.

Currency:	
-----------	--

Net Profit/ Loss:	
Currency:	
Net Asset Value:	

* * * * *

CERTIFICATION

Certification

I hereby certify that I am duly authorised to submit this certification; that I believe the information in this return is true; and that having made reasonable enquiries, I have to the best of my knowledge and belief:

1. informed the Alderney Gambling Control Commission of any material changes to the statement of structure and organisation of the business and its control, supplied at the time of the application, or subsequently
2. complied to the best of my knowledge and belief, with the requirement to inform the Alderney Gambling Control Commission about key events, and
3. formed a reasoned opinion that the licensed entity has adequate resources to operate in accordance with the Licensing objectives, the Licensing conditions and codes for the foreseeable future.

Please note that it is an offence under section 24 of the Alderney eGambling Ordinance, 2009 for any person, without reasonable excuse, to give the Alderney Gambling Control Commission information which is false or misleading.

Name	
Position held (Must be a key Individual)	
Date	

NOTE

In Schedule 19, the words "Category 2 associate certificate" in square brackets, wherever occurring, were substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

FORMAT OF MONTHLY GAMBLING BUSINESS ASSOCIATE REPORT FOR
EGAMBLING LICENSEES[, CATEGORY 1 ASSOCIATE CERTIFICATE
HOLDERS] AND CATEGORY 2 ASSOCIATE CERTIFICATE HOLDERS



The format of an eGambling licensee[, Category 1 associate certificate holder] or Category 2 associate certificate holder’s monthly gambling business associate report to the Commission in respect of regulation 242(5) shall be as follows:

"INDEX

{Calendar Month reporting period}

	Name of Gambling Business Associate (as contained in Part A of section 1.10 of [the eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder's]	Date Gambling Business Associate added to [the eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder's] approved ICS	Date Gambling Business Associate removed from [the eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder's] approved ICS (leave blank if
--	---	--	---

	approved internal control system ("ICS"))		relationship is ongoing).
--	---	--	---------------------------

1			
2			
3			
4			
5			
6			
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9			
10			

CERTIFICATION

I hereby certify that I am duly authorised to submit this certification; that I believe the information in this return is true and to the best of my knowledge and belief; and that having made reasonable enquiries, I have:

1. informed the Alderney Gambling Control Commission, to the best of my knowledge and belief, of any material changes to the statement of structure and organisation of the business and its control, supplied at the time of the application, or subsequently
2. complied to the best of my knowledge and belief, with the requirement to inform the Alderney Gambling Control Commission about key events, and
3. formed a reasonable opinion that the [licensed or certified entity] has adequate resources to operate in accordance with the Licensing objectives, the Licensing conditions and codes for the foreseeable future.

Please note that it is an offence under section 24 of the Alderney eGambling Ordinance, 2009 for any person, without reasonable excuse, to give the Alderney Gambling Control Commission information which is false or misleading.

Name	
Position held (Must be a key Individual)	
Date	

]

NOTES

Schedule 19A was inserted by the Alderney eGambling (Amendment) Regulations, 2015, regulation 7, with effect from 1st April, 2015.

In Schedule 19A, first, the words in square brackets in the heading thereto and, second, the words in the first pair of square brackets therein were inserted, third, the words "the eGambling licensee, Category 1 associate certificate holder or Category 2 associate certificate holder's" in square brackets, wherever occurring, and, fourth, the words "licensed or certified entity" in square brackets in paragraph 3 under the heading "CERTIFICATION" were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(g), with effect from 11th January, 2018.

FORMAT OF MONTHLY REPORT OF A CATEGORY 1 eGAMBLING
LICENSEE'S [AND CATEGORY 1 ASSOCIATE CERTIFICATE HOLDER'S]
RATIO POSITION

The format of a Category 1 eGambling licensee's [and a Category 1 associate certificate holder's] monthly report to the Commission in relation to its ratio position shall be as follows –

ALDERNEY GAMBLING CONTROL COMMISSION



*MONTHLY RATIO REPORT [(Category 1 licence and Category 1 Associate
Certificate)]*

of

**{INSERT LICENSEE'S [OR ASSOCIATE CATEGORY 1 CERTIFICATE
HOLDER'S] NAME}**

(to be provided within 20 days of month end)

MONTH OF {insert month and year}

Licenses [and Category 1 associate certificate holders] are required to hold capital, subject to a liquidity adjustment in respect of investment in fixed assets, equal to or exceeding the sum of qualifying overheads, arising using the formula below, using the relevant account groupings as they appear in reports specified in [Schedule 18A] and submitted pursuant to Regulation 242(2) of the Alderney eGambling Regulations, 2009.

Please note that it is an offence under section 24 of the Alderney eGambling Ordinance, 2009 for any person, without reasonable excuse, to give the Alderney Gambling Control Commission information which is false or misleading.

Name	
Position held (Must be a key Individual)	
Date	

]

NOTES

Schedule 20 was substituted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2013, regulation 3, with effect from 1st July, 2013.¹⁴⁶

In Schedule 20,

first, the words in square brackets in the heading thereto and, second, the words in the first pair of square brackets therein were inserted, third, the words in the second pair of square brackets therein were substituted, fourth, the words in the third and fourth pairs of square brackets therein were inserted and, fifth, the words "licensed or certified entity" in square brackets in paragraph 3 under the heading "CERTIFICATION" were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(h), with effect from 11th January, 2018;

the word, figures and letter in the fifth pair of square brackets were substituted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2014, paragraph 6 with effect from 17th December, 2014.

SCHEDULE 21
COSTS AND DEPOSITS

The sums to be specified under the regulation mentioned in column 2 in respect of the item described in column 3 shall be the amount specified in column 4 in respect of each item:

Provided that if the [Executive Director] decides that a lesser sum is sufficient as a deposit on account of the cost of processing and investigation in any specific instance, then he may specify the payment of a lesser sum by notice in writing.

Column 1 Item#	Column 2 Regulation	Column 3 Item	Column 4 Amount
1	17	Deposit on account of cost of processing and investigation – Category 1 eGambling licence and Category 2 eGambling licence	£10,000
2	17	Deposit on account of cost of processing and investigation – Temporary eGambling Licence	£5,000
3	27	Supplementary deposit on account of cost of processing and investigation – Category 1 eGambling licence and Category 2 eGambling licence	£5,000
4	27	Supplementary deposit on account of cost of processing and investigation – Temporary eGambling Licence	£5,000
5	39(3)	Administrative charge	£100
[6a	62	Deposit on account of costs of processing and investigation of a core	£5,000]

Consolidated text

		services associate certificate	
[6b	62	Deposit on account of costs of processing and investigation of a Category 1 or Category 2 associate certificate	£10,000]
7	71	Supplementary deposit on account of cost of processing and investigation	£5,000
8	83(3)(c)	Administrative charge	£100
9	99	Deposit on account of cost of processing and investigation	£5,000
10	106	Supplementary deposit on account of cost of processing and investigation	£5,000
11	119(3)(c)	Administrative charge	£100
12	140	Deposit on account of cost of processing and investigation	£1,000
13	146(1)	Deposit on account of cost of processing and investigation	£1,000
14	159(3)(c)	Administrative charge	£100
15	177	Deposit on account of cost of processing and investigation	£10,000
16	193	Deposit on account of cost of processing and investigation	£5,000
17	203(1)	Deposit on account of cost of processing and investigation	£5,000
18	217	Deposit on account of cost of processing and investigation	£5,000
19	252	Deposit on account of cost of processing and investigation	£7,500
20	255(1)(a)	Deposit on account of cost of processing and investigation	£5,000

Consolidated text

21	255(1)(b)	Deposit on account of cost of processing and investigation	£5,000
22	255(2)	Supplementary deposit on account of cost of processing and investigation	£2,000
23	260(3)	Deposit to be maintained	£2,000
24	261(1)	Deposit to be maintained	£2,000

NOTES

In Schedule 21,

the words in the first pair of square brackets were substituted by the Alderney eGambling (Amendment) Regulations, 2011, regulation 6(a), with effect from 1st April, 2011, subject to the savings and transitional provisions in regulation 10 of the 2011 Regulations;

in the table, row 6a and row 6b were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(i), with effect from 11th January, 2018.

FORMAT OF MONTHLY REPORT OF A CATEGORY 1 [eGAMBLING]
LICENSEE'S [AND CATEGORY 1 ASSOCIATE CERTIFICATE HOLDER'S]
CUSTOMER FUND BALANCES

The format of a Category 1 eGambling licensee's [and a Category 1 associate certificate holder's] monthly report to the Commission in relation to the funds standing to the credit of its registered customers shall be as follows –

"ALDERNEY GAMBLING CONTROL COMMISSION



MONTHLY CUSTOMER FUNDS REPORT [(Category 1 licence and Category 1 Associate Certificate)]

Of

{INSERT LICENSEE'S [OR ASSOCIATE CATEGORY 1 CERTIFICATE HOLDER'S] NAME }

(to be provided within 20 days of month end)

MONTH OF {insert month and year}

		£
Funds standing to the credit of registered customers	x	
Funds standing to the credit of registered customers (previous month)		x
Change in month		x

Account details of bank account (which holds funds standing to the credit of any of the licensee's registered customers)	Balance (£)	Balance previous month (£)	Change (£)	Tick if held by Associate

CERTIFICATION

I hereby certify that I am duly authorised to submit this certification; that I believe the information in this return is true; and that having made reasonable enquiries, I have to the best of my knowledge and belief:

1. informed the Alderney Gambling Control Commission of any material changes to the statement of structure and organisation of the business and its control, supplied at the time of the application, or subsequently
2. complied to the best of my knowledge and belief, with the requirement to inform the Alderney Gambling Control Commission about key events, and
3. formed a reasoned opinion that the [licensed or certified entity] has adequate resources to operate in accordance with the Licensing objectives, the Licensing conditions and codes for the foreseeable future.

Please note that it is an offence under section 24 of the Alderney eGambling Ordinance, 2009 for any person, without reasonable excuse, to give the Alderney Gambling Control Commission information which is false or misleading.

Name	
Position held (Must be a key Individual)	
Date	

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NOTES

Schedule 22 was inserted by the Alderney eGambling (Amendment) Regulations, 2012, regulation 7, with effect from 24th July, 2012, subject to the transitional provisions in regulation 9 of the 2012 Regulations.

In Schedule 22,

the word in the first pair of square brackets in the heading thereto was inserted by the Alderney eGambling (Amendment) Regulations, 2013, regulation 21, with effect from 15th May, 2013;

first, the words in the second pair of square brackets in the heading thereto and, second, the words in the first pair of square brackets therein were inserted, third, the words in the second pair of square brackets therein were substituted, fourth, the words in the third pair of square brackets therein were inserted and, fifth, the words "licensed or certified entity" in square brackets in paragraph 3 under the heading "CERTIFICATION" were substituted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(j), with effect from 11th January, 2018;

¹ Prior to its substitution, paragraph (l) was amended by the Alderney eGambling (Amendment) (No 2) Regulations, 2010, regulation 4, with effect from 2nd July, 2010; the Alderney eGambling (Amendment) Regulations, 2011, regulation 2(b) and regulation 2(c), with effect from 1st April, 2011; the Alderney eGambling (Amendment) Regulations, 2012, regulation 2(a), with effect from 24th July, 2012.

² Prior to its substitution, paragraph (l) was amended by the Alderney eGambling (Amendment) Regulations, 2011, regulation 3(a), with effect from 1st April, 2011.

3 The words "paragraph 14(2) of Schedule 4 to the Ordinance" (inter alia) were previously inserted by the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 6(d), with effect from 2nd July, 2010.

4 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

5 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

6 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

7 These words were previously inserted by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(5), with effect from 11th January, 2018.

8 Prior to its substitution, paragraph (j) was amended by the Alderney eGambling (Amendment) Regulations, 2011, regulation 5(b) and (c), with effect from 1st April, 2011.

9 The words "Category 2 associate certificate" were previously substituted by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

10 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

11 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

12 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

13 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

14 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

15 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

16 These words were previously substituted, in part, by the Alderney eGambling

(Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

17 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

18 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

19 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

20 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

21 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

22 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

23 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

24 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

25 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

26 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

27 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

28 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

29 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

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- 30** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 31** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 32** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 33** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 34** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 35** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 36** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 37** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 38** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 39** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 40** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 41** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 42** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 43** These words were previously substituted, in part, by the Alderney eGambling

(Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

44 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

45 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

46 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

47 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

48 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

49 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

50 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

51 Prior to its substitution, paragraph (3) was amended by the Alderney eGambling (Amendment) (No 2) Regulations, 2010, regulation 9(b), with effect from 2nd July, 2010.

52 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

53 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

54 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

55 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

56 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

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- 57** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 58** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 59** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 60** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 61** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 62** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 63** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 64** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 65** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 66** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 67** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 68** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 69** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 70** These words were previously substituted, in part, by the Alderney eGambling

(Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

71 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

72 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

73 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

74 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

75 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

76 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

77 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

78 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

79 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

80 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

81 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

82 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

83 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

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- 84** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 85** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 86** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 87** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 88** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 89** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 90** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 91** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 92** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 93** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 94** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 95** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 96** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 97** These words were previously substituted, in part, by the Alderney eGambling

(Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

98 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

99 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

100 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

101 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

102 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

103 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

104 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

105 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

106 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

107 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

108 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

109 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

110 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

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- 111** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 112** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 113** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 114** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 115** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 116** Prior to its substitution, regulation 242 was amended by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013; the Alderney eGambling (Amendment) (No. 2) Regulations, 2014, regulation 3, with effect from 17th December, 2014; the Alderney eGambling (Amendment) Regulations, 2015, regulation 4, respectively paragraph (a) and paragraph (b), with effect from 1st April, 2015.
- 117** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 118** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 119** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 120** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 121** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 122** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.
- 123** These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August,

2013.

124 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

125 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

126 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

127 Prior to its substitution, paragraph (4) was amended by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

128 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

129 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

130 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

131 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

132 Prior to its revocation, regulation 262 was amended by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

133 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

134 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

135 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

136 The words omitted in the second pair of square brackets were, prior to their revocation, amended by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 5, with effect from 13th August, 2013.

137 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

138 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

139 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

140 These words were previously substituted, in part, by the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(27)(d), with effect from 11th January, 2018.

141 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

142 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

143 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

144 These words were previously substituted, in part, by the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, with effect from 13th August, 2013.

145 Prior to its revocation, Schedule 16 was amended by the following: the Alderney eGambling (Amendment) Regulations 2010, regulation 4, regulation 5, regulation 6 and regulation 7, with effect from 24th May, 2010; the Alderney eGambling (Amendment) (No. 2) Regulations, 2010, regulation 11, regulation 12, regulation 13, regulation 14, regulation 15, regulation 16, regulation 17, regulation 18, regulation 19, regulation 20, regulation 21 and regulation 22, with effect from 2nd July, 2010; the Alderney eGambling (Amendment) Regulations, 2013, regulation 13, regulation 14, regulation 15, regulation 16, regulation 17, regulation 18, regulation 19 and regulation 20, with effect from 15th May, 2013; the Alderney eGambling (Amendment) (No 3) Regulations 2013, regulation 3, regulation 6, regulation 7, with effect from 13th August, 2013; the Alderney eGambling (Amendment) Regulations, 2014, regulation 4, with effect from 16th July, 2014; the Alderney eGambling (Amendment) Regulations, 2015, regulation 6, with effect from 1st April, 2015; the Transfer of Funds (Alderney) Ordinance, 2017, section 14(1), Schedule 2, paragraph 11, with effect from 26th June, 2017; the Alderney eGambling (Amendment) Regulations, 2018, regulation 1(28), Schedule (paragraphs 2, 5, 8, 9 and 11), with effect from 11th January, 2018.

146 Prior to its substitution, Schedule 20 was amended by the Alderney

eGambling (Amendment) Regulations, 2013, regulation 21, with effect from 15th May, 2013.