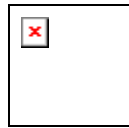


**Lodged au Greffe on 12th February 2002  
by the Gambling Control Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

## REPORT

The Gambling Control Committee reported in October 2001 as part of Amendment No. 5 to the Gambling (Jersey) Law, that the Amendment was one of several that would be presented to the States as part of an on-going process to bring the Island's gambling legislation broadly into line with the legislation introduced in the United Kingdom during the 1990s.

The purpose of this Amendment is to continue this process of modernisation and to clarify some existing inconsistencies. The States will recall that, during the 1980s, the Gambling Control Committee of the day chose to classify as Amusement With Prizes Machines (AWP) those machines that paid out a modest cash prize, and after endorsement by the States, to regulate their use. Within the existing definition contained in the Gambling Regulations, however, it is clear that these machines are actually gaming machines and it is the wish of the Committee to formally recognise this fact. <sup>[1]</sup>

With the increasing de-regulation of the gaming industry worldwide, and recognising that the Committee itself promotes public participation in the Channel Islands Lottery, the Committee proposes that the States should allow the introduction of gaming machines into the strictly controlled environment of Licensed Betting Offices. It is proposed that a Licensed Betting Office be permitted to operate a maximum of two gaming machines, each machine being subject to the granting of a licence and supported by an appropriate regulatory regime to control their supply, maintenance and operation. No premises, other than a Licensed Betting Office, would be permitted to have such machines.

The minimum percentage payout permitted by each machine shall be controlled at 80 per cent of the aggregate charges for play and the maximum value of payout shall be set at £25. The placing of these machines only within premises operating as a Licensed Betting Office ensures that there is a controlled environment and that such machines will not be available to persons aged under eighteen. Further control will be enforced through the regular and *ad hoc* inspection of such machines and their records.

The Committee and its Officers have held meetings with officials from the Gaming Board for Great Britain and have ascertained that the proposals for the use, maintenance and control of these machines are in line with those pertaining to the United Kingdom. This has been essential, as the United Kingdom is the likely source of manufacture for these machines and has historically supplied such machines in the past. The advent of modern computer technology, however, is at least in part responsible for updating this legislation. While the Island could formally rely on the import of redundant machines with limited payouts after changes to United Kingdom legislation, machines are now re-programmed and do not have to be sold off or scrapped. This substantially reduces the opportunity for the supply of machines with a pay-out less than that found in the United Kingdom.

The Committee has given serious consideration to the best form of control with regard to the manufacture of these machines and recognising the resource implications of producing local standards, has opted to allow the use of machines produced by companies holding a licence issued by the Gaming Board for Great Britain. The Committee is confident that the States will view this as appropriate by recognising the very high standards maintained by the Gaming Board and reflecting the desire to keep additional local bureaucracy to a minimum.

In bringing this Amendment, the Committee seeks to clarify the existing confusion between AWP and gaming machines and to permit the controlled use of gaming machines by adults only within an appropriate regulatory regime. The Committee will continue the process of modernising the Island's gambling legislation. This proposition has no implications for the financial or manpower resources of the States.

## Explanatory Note

These Regulations enable the provision in licensed betting offices of gaming machines which give a maximum pay-out per game of £25. They introduce a scheme for the licensing of such premises and make provision for the regulation of the machines. The effect of the individual regulations is as follows -

*Regulations 1 - 3* are interpretation provisions.

*Regulations 4 and 5* modify the absolute prohibition on gaming machines, and legalise machines which are operated and installed in accordance with Part IIA of, and the Schedule to the Gambling (Gaming and Lotteries) (Jersey) Regulations 1965, which in this note and in the Regulations are referred to as “the principal Regulations”.

*Regulation 6 and Schedule 1* insert a Part IIA into the principal Regulations. Part IIA consists of ten new regulations, numbered 8H - 8R, the effect of which is set out below.

*New Regulation 8H* defines the type of machine to which Part IIA applies.

*New Regulation 8I* provides that the provision, operation or use of gaming machines in accordance with Part IIA shall be legal.

*New Regulation 8J* introduces a new Schedule to the principal Regulations which sets out the procedure for the grant, renewal, cancellation and transfer of Part IIA licences, the details of which are explained below.

*New Regulation 8K* sets out the conditions under which gaming machines may be used in licensed betting offices. These include -

- (a) a maximum number of two machines in any one licensed betting office;
- (b) a maximum price per game of 30 pence, with authority for the Gambling Control Committee, which in this note and in the Regulations is referred to as “the Committee”, to prescribe a higher figure by Order;
- (c) cash only being permitted as a prize, with a maximum prize per game of £25. The Committee will have power to prescribe a higher figure by Order;
- (d) a requirement for each machine to be regulated to pay out as prizes at least 80% of the total money inserted into the machine; and
- (e) a requirement for each machine to display details of the prizes that may be won and the percentage referred to in (d) above. Provision is made for the Committee to prescribe by Order the precise manner in which the required information is to be displayed.

*New Regulation 8L* prohibits anyone, except for the licensee or his employee, removing money from a machine, apart from prize money.

*New Regulation 8M* enables the Committee by Order to control the sale, supply or maintenance of gaming machines, and to require written records to be kept, and accounts and annual statements in relation to licensed premises to be produced on request and at regular intervals.

*New Regulation 8N* is a penal provision which makes contraventions of the regulations to be criminal offences in appropriate cases.

*New Regulation 8O* prescribes restrictions on advertising the availability of gaming machines in licensed betting offices and makes contravention of those restrictions an offence.

*New Regulation 8P* provides for the designation by the Committee of persons to be inspectors to enforce the Regulations. It also contains powers of entry and inspection, and requirements to produce documents which may be exercised by a designated inspector or a police officer. The Committee is also empowered to request documents and information. Non-compliance is to be an offence.

*New Regulation 8Q* contains a power of forfeiture which may be exercised by the court on convicting a person of an offence under the Regulations.

*New Regulation 8R* provides for the method of service of notices under the Regulations.

*The Schedule* which is annexed to the principal Regulations by virtue of Regulation 8J, sets out the procedure for the grant, renewal, cancellation and transfer of Part IIA licences.

**Paragraph 1** makes the Committee the licensing authority.

**Paragraph 2** provides that an application for a licence may be made at any time, and sets out time limits for applying for renewal. Power is given for the Committee to prescribe the form of the application. The application fee is set at £2000. The Chief Police Officer has to be informed of every application.

**Paragraphs 3 and 4** provide for the gazettal and advertisement of all applications and for copies to be provided to the Committee.

**Paragraphs 5 and 6** empower the Committee to grant or refuse applications, and to adjourn consideration of an application if necessary.

**Paragraph 7** sets out the grounds on which the Committee may refuse an application.

**Paragraphs 8 and 9** enable the Committee to impose conditions on licences.

**Paragraph 10** provides for appeal from the Committee's decision to the Court.

**Paragraphs 11- 18** provide a procedure for enabling application to be made to the Committee for cancellation of a licence, subject to certain conditions, and for the licensee to appeal to the Court against the Committee's decision to cancel his licence.

**Paragraph 19** provides for the cancellation of a licence by the Court on conviction of the Licensee of an offence under the Law or the Regulations.

**Paragraph 20** enables the Committee to prescribe the form of the licence.

**Paragraphs 21 and 22** provides for licences to expire automatically after one year unless they are renewed.

**Paragraph 23** makes provision for occasions when a licensee dies.

**Paragraphs 24 - 28** provide for the transfer of licences subject to the Committee's approval, and for appeal to the Court against the Committee's refusal.

**Paragraph 29** requires changes in material details of corporate licensees to be reported.

**Paragraph 30** enables a licence to be relinquished.

**Paragraph 31** provides that where premises cease to be a licensed betting office, any Part IIA licence in force in respect of the premises shall automatically lapse.

## **Gambling (Jersey) Law 1964**

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GAMBLING (GAMING AND LOTTERIES) (AMENDMENT No. 14) (JERSEY) REGULATIONS 200-

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*(Promulgated on the \_\_\_\_\_ day of \_\_\_\_\_ 200-)*

### **STATES OF JERSEY**

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The \_\_\_\_\_ day of \_\_\_\_\_ 200-

**THE STATES**, in pursuance of Article 3 of the Gambling (Jersey) Law 1964,<sup>[2]</sup> as amended, have made the following Regulations -

1. In these Regulations “the principal Regulations” means the Gambling (Gaming and Lotteries) (Jersey) Regulations 1965, as amended.<sup>[3]</sup>

2. In Regulation 1(1) of the principal Regulations there shall be inserted -

(a) after the words “otherwise requires -” the following definition -

“ ‘authorized gaming machine’ means a gaming machine to which Part IIA applies;”;

(b) after the definition of “amusement premises licence” the following definitions -

“ ‘charge for play’ means an amount paid in money or money’s worth by or on behalf of a player in order to play one or more games by means of an authorized gaming machine;

‘Chief Police Officer’ means the Chief Officer of the States of Jersey Police Force;”;

(c) after the definition of “gaming machine” the following definition -

“ ‘inspector’ means a person designated in accordance with Regulation 8P;”;

(d) after the definition of “registered” the following definition -

“ ‘relevant licensed premises’ means a licensed betting office in respect of which a licence under Part IIA is for the time being in force;”.

3. For Regulation 1(2) of the principal Regulations there shall be substituted the following paragraphs-

“(2) Any reference in these Regulations to a numbered Part or Regulation, or to the Schedule, shall be construed, unless the context otherwise requires, as a reference to the Part or Regulation so numbered in, or to the Schedule to, these Regulations.

(2A) Any reference in a Regulation or other division of these Regulations to a paragraph, subparagraph or clause by number or letter only and without further identification is a reference to the paragraph, sub-paragraph or clause of that number or letter in the Regulation or other division of these Regulations.”.

4. In Regulation 3 of the principal Regulations before the word “Nothing” there shall be inserted the words “Subject to Part IIA and the Schedule,”.

5. In Regulation 4 of the principal Regulations for the words “if, but only if,” there shall be substituted the words “if it is gaming using authorized gaming machines in compliance with Part IIA, or if”.

6. After Part II of the principal Regulations there shall be inserted the Part set out in Schedule 1 to these

Regulations.

**7.** After Regulation 20 of the principal Regulations there shall be added the Schedule set out in Schedule 2 to these Regulations.

**8.** These Regulations may be cited as the Gambling (Gaming and Lotteries) (Amendment No. 14) (Jersey) Regulations 200- and shall come into force on the day following promulgation.

*SCHEDULE 1*

**(Regulation 6)**

PART TO BE INSERTED AFTER PART II OF THE PRINCIPAL REGULATIONS

*“PART IIA.*

GAMING MACHINES IN LICENSED BETTING OFFICES.

SCOPE.

**8H.** This Part applies to any gaming machine which has a slot or other aperture for the insertion of money or money's worth and which is operated by such insertion.

LEGALITY.

**8I.** The provision, operation or use of an authorized gaming machine on relevant licensed premises in accordance with the provisions of this Part shall not be unlawful gambling.

PROVISIONS AS TO LICENSING.

**8J.** The provisions of the Schedule shall have effect with respect to the licensing under this Part of premises which are licensed betting offices.

USE OF MACHINES BY VIRTUE OF LICENCE.

**8K.**-(1) The following provisions of this Regulation shall have effect where any authorized gaming machine is used for gaming on any relevant licensed premises.

(2) The maximum number of authorized gaming machines which may be made available for gaming in any relevant licensed premises shall be two, or such other number as may be prescribed.

(3) The charge for playing a game once by means of an authorized gaming machine on relevant licensed premises shall be money or money's worth inserted into the machine of an amount not exceeding thirty pence, or such other sum as may be prescribed.

(4) In respect of any one game played by means of an authorized gaming machine on relevant licensed premises, no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than cash delivered by the machine.

(5) The cash delivered by an authorized gaming machine on relevant licensed premises as a prize in respect of any one game played by means of the machine shall not in the aggregate exceed £25 or such other sum as may be prescribed.

(6) There shall not, on relevant licensed premises be an authorized gaming machine which in accordance with the way in which the machine is constructed, adapted, or for the time being regulated, is designed to pay out less than 80% of the aggregate charges for play inserted in the machine.

(7) There shall be displayed on an authorized gaming machine on relevant licensed premises -

(a) a statement specifying the maximum value of the prize or, if there are different prizes, the value of each prize which can be won by playing a game once by means of the machine; and

(b) a statement of the percentage or minimum percentage of the aggregate value of the charges for play inserted in the machine which the machine is designed to pay out,

and if the manner in which those statements are to be displayed is prescribed, they shall be displayed in that manner.

(8) The condition specified in paragraph (5) shall not be taken to be contravened by reason only that a player after inserting in the machine an amount permitted in accordance with paragraph (3) and playing a game successfully, is afforded by the automatic action of the machine an opportunity to play one or more further games without inserting any

further cash in the machine if, in respect of all those games -

- (a) he does not receive, and is not entitled to receive, any article other than a money prize of an amount or an aggregate amount not exceeding £25 or such other sum as may be prescribed under paragraph (5); and
- (b) he does not receive, and is not entitled to receive, any other benefit or advantage apart from the opportunity to play the further game or games.

#### REMOVAL OF MONEY FROM MACHINES.

**8L.** Where an authorized gaming machine is installed in relevant licensed premises, no person who is neither the holder of the licence issued under this Part in respect of the premises in question, nor a person employed by the licence holder, shall remove from the machine any money, other than money delivered by the machine as, or as part of, a prize in respect of a game played by means of the machine.

#### ORDERS WITH RESPECT TO MACHINES AND RECORDS.

**8M.**-(1) The Committee may by Order

- (a) designate types of authorized gaming machines that may not be sold, supplied, maintained or used;
- (b) designate particular premises or types of premises in which authorized gaming machines may not be installed or used;
- (c) specify such restrictions as it may consider necessary or expedient on the sale, supply, maintenance or use of authorized gaming machines which are of a description specified in the Order; and
- (d) specify special requirements in respect of authorized gaming machines which are installed, or are sold or supplied for the purpose of being installed, on relevant licensed premises.

(2) No person shall -

- (a) buy, supply, install, maintain or keep for use an authorized gaming machine which has been designated, under paragraph (1)(a);
- (b) install, maintain or keep for use an authorized gaming machine on premises which have been designated under paragraph (1)(b); or
- (c) sell, buy, supply, install, maintain or keep for use an authorized gaming machine in contravention of a restriction specified under paragraph (1)(c), or in contravention of a requirement specified under paragraph (1)(d).

(3) In respect of authorized gaming machines in relevant licensed premises, the Committee may by Order require the holders of licences issued under this Part to make, and to retain during a prescribed period, such records and accounts as may be prescribed with respect to matters to which this paragraph applies, and to provide such verification of those records and accounts as may be prescribed; and the Order may require the holder of the licence to send to the Committee and to the Chief Police Officer an annual statement containing such particulars as may be prescribed with respect to matters to which this paragraph applies.

(4) The matters to which paragraph (3) applies, in relation to an authorized gaming machine are-

- (a) any payments made in respect of the machine, whether by way of rent, maintenance charges or otherwise;
- (b) any money inserted into the machine otherwise than as charges for play; and
- (c) any money removed from the machine other than as prizes.

#### OFFENCES UNDER PART IIA.

**8N.**-(1) Subject to paragraph (5), where any provision of Regulations 8K or 8M, in so far as it relates to the use of authorized gaming machines, is contravened in relation to any relevant licensed premises, the holder of the licence issued



under this Part shall be guilty of an offence.

(2) Without prejudice to paragraph (1), but subject to paragraph (5), where any such provision as is mentioned in paragraph (1) is contravened in relation to an authorized gaming machine on any relevant licensed premises, any person who allowed the machine to be on the premises shall be guilty of an offence.

(3) A person who contravenes Regulation 8K, 8L or 8M shall be guilty of an offence.

(4) Subject to paragraph (5), where Regulation 8K(3) or (5) or 8M is contravened, the holder of the betting office licence in respect of the relevant licensed premises shall be guilty of an offence.

(5) Where a person is charged with an offence under paragraph (1), (2) or (4) in respect of a contravention of any such provisions as are mentioned in those paragraphs, it shall be a defence for him to prove -

(a) that the contravention occurred without his knowledge; and

(b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.

#### RESTRICTIONS ON ADVERTISING.

**80.**-(1) Except as provided by this Regulation, no person shall issue, or cause to be issued, any advertisement

(a) informing the public that any relevant licensed premises on the Island are premises on which gaming takes place or is to take place;

(b) inviting the public to take part as players in any gaming which takes place, or is to take place, on any such premises, or to apply for information about facilities for taking part as players in any gaming which takes place, or is to take place, on any such premises; or

(c) inviting the public to subscribe to any money or money's worth to be used in gaming on any such premises or to apply for information about facilities for subscribing any money or money's worth to be so used.

(2) Paragraph (1) shall not apply to-

(a) the display on any relevant licensed premises of a sign or notice indicating that gaming takes place, or is to take place, on those premises, whether the sign or notice is displayed inside or outside those premises;

(b) the publication or display of a notice, where the notice is required to be published or displayed by any provision of the Schedule and the publication or display is so made as to comply with the requirements of that provision; or

(c) the publication in a newspaper of a notice stating that a licence under this Part has been granted if the notice is published not later than fourteen days from the date on which the licence was granted or from such later date as may be appointed by the Committee and the notice is in a form approved by the Committee.

(3) Paragraph (1) shall not apply to the publication of an advertisement relating to relevant licensed premises if-

(a) the advertisement is contained in a publication which is not published wholly or mainly for the purpose of promoting premises on which gaming takes place or is to take place; and

(b) the advertisement contains no more than -

(i) the name, logo, address, telephone and facsimile numbers of the premises, and

(ii) factual written information about the facilities provided on the premises, the ownership of the premises, the persons who may be admitted to the premises and the methods by which such persons may become eligible to take part in gaming on the premises.

(4) Where a person is charged with an offence under this Regulation, it shall be a defence to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement

in question for publication in the ordinary course of business and did not know, and had no reason to suspect that its publication would amount to an offence under this Regulation.

(5) For the purposes of this Regulation an advertisement issued by displaying it or exhibiting it shall be treated as issued separately on every day on which it is displayed or exhibited.

(6) Subject to paragraph (4), a person who contravenes paragraph (1) shall be guilty of an offence.

(7) In this Regulation -

‘advertisement’ includes every form of advertising, whether in a publication, by the display of notices, by means of circulars or other documents, by an exhibition of photographs or a cinematograph film, by way of sound broadcasting or television, or on the Internet, and references to the issue of an advertisement shall be construed accordingly; and

‘public’ means the public on the Island, and includes any section of the public on the Island, however selected.

#### PROVISION FOR INSPECTORS AND RIGHTS OF ENTRY AND RELATED RIGHTS.

**8P.**-(1) The Committee may designate persons to be inspectors for the purposes of these Regulations.

(2) Any inspector or police officer may at any reasonable time enter any relevant licensed premises and while on the premises may -

- (a) inspect the premises and any machine or other equipment on the premises, and any book or document on the premises, which he reasonably requires to inspect for the purpose of ascertaining whether a contravention of these Regulations is being or has been committed;
- (b) if he has reasonable cause to believe that any information which is contained in a computer and is accessible from the premises may be required for the purpose specified in sub-paragraph (a), require the information to be produced in a form in which it is visible, legible and intelligible; and
- (c) take copies of such book, document or information referred to in sub-paragraphs (a) or (b).

(3) If a person being the holder of a licence under this Part in respect of any relevant licensed premises or a person acting on behalf of the holder of such a licence -

- (a) fails without reasonable excuse to admit an inspector or police officer who demands admission to the premises in pursuance of paragraph (2);
- (b) on being required by an inspector or a police officer to do so, fails without reasonable excuse to permit the inspector or police officer to inspect the premises or any machine or other equipment on the premises;
- (c) on being required by an inspector or police officer to produce any book or document in his possession or under his control which relates to the premises or to any machine or equipment on the premises and which the inspector or the police officer reasonably requires to inspect for the purpose specified in paragraph (2)(a), fails without reasonable excuse to produce it to the inspector or police officer and to permit the inspector or police officer, if he so desires, to take copies of it or of an entry in it;
- (d) fails without reasonable excuse to comply with a requirement imposed under paragraph (2)(b) and to permit the inspector or police officer, if he so desires, to take a copy of the information produced; or
- (e) on being required by an inspector to furnish any information relating to the premises which is reasonably required by the Committee for the purposes of the performance of their functions under the Law or these Regulations, fails without reasonable excuse to furnish that information to the inspector,

the holder of the licence shall be guilty of an offence.

(4) Without prejudice to any power exercisable by virtue of the preceding provisions, in the case of any relevant licensed premises the Committee may at any time serve on the holder of the licence a notice requiring him in such manner and within such reasonable time as may be specified in the notice -

(a) to produce for inspection by or on behalf of the Committee, books or documents relating to those premises or to any machine or equipment thereon, of any description specified in the notice which the Committee reasonably requires to inspect for the purpose specified in paragraph (2); and

(b) to furnish to the Committee information relating to those premises or that machine or equipment of any description specified in the notice which the Committee reasonably requires for that purpose.

(5) Any power exercisable by the Committee by virtue of paragraph (4) shall also be exercisable by the Chief Police Officer, as if in that paragraph any reference to the Committee included a reference to the Chief Police Officer.

(6) If without reasonable excuse any requirement imposed in relation to any premises, machine or equipment by a notice served by virtue of paragraph (4) or (5) is not complied with the holder of the licence shall be guilty of an offence.

#### FORFEITURE.

**8Q.**-(1) The court by or before which a person is convicted of an offence under this Part or under the Schedule may order anything produced to the court, and shown to the satisfaction of the court to relate to the offence, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

(2) The court shall not order anything to be forfeited under this Regulation where a person claiming to be the owner, or otherwise interested in it, applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

#### SERVICE OF DOCUMENTS.

**8R.** Any notice or other document required or authorized by any provision of this Part or the Schedule to be served on any person, or to be given or sent to any person, may be served, given or sent -

(a) by delivering it to him;

(b) by sending it by post to him at his usual or last-known residence or place of business on the Island; or

(c) in the case of a body corporate, by delivering it to the secretary or clerk of the body corporate at its registered or principal office, or by sending it by post to the secretary or clerk of the body corporate at that office.”.

*SCHEDULE 2*

**(Regulation 7)**

SCHEDULE TO BE ADDED AFTER REGULATION 20 OF THE PRINCIPAL REGULATIONS

*“SCHEDULE.*

**(Regulation 8J).**

GRANT, RENEWAL, CANCELLATION AND TRANSFER OF LICENCES UNDER PART IIA.

**1.** The Committee shall be responsible for the grant, renewal, cancellation and transfer of licences under Part IIA.

**2.-(1)** An application for the grant of a licence under Part IIA may be made at any time.

(2) An application for the renewal of a licence under Part IIA shall, subject to sub-paragraph (3), be made no earlier than five or later than two months before the date on which the licence is due to expire.

(3) The Committee may in any particular case entertain an application for the renewal of a licence under Part IIA which is made later than is requested by sub-paragraph (1) if-

(a) it is satisfied that the failure to make the application on time was due to inadvertence; and

(b) the application is made before the end of such extended period as the Committee may in that case allow.

(4) An application for the grant or renewal of a licence under Part IIA shall be made to the Committee in such form and manner, shall contain such particulars as may be prescribed, and shall be accompanied by a fee of £2,000 in respect of each machine to be provided, operated or used on the premises in respect of which the application is made.

(5) Not later than seven days after the date on which the application is made the applicant shall send a copy of the application to the Chief Police Officer.

**3.-(1)** Not later than fourteen days after the date on which an application under paragraph 2 is made, the applicant shall cause notice of the making of the application to be published in the Jersey Gazette.

(2) A notice published in pursuance of this paragraph shall specify the name of the applicant and the premises in respect of which the application is made, and shall state that any person who desires to object to the grant or renewal of the licence should send to the Committee, before such date (not being earlier than fourteen days after the publication of the advertisement) as may be specified in the notice, a statement in writing of the grounds of his objection.

(3) Not later than fourteen days before the date specified in the notice in accordance with the preceding sub-paragraph the applicant shall cause a like notice to be displayed outside the entrance to the premises in respect of which the application has been made, and the applicant shall take such steps as he reasonably can to keep the notice so displayed until that date.

(4) A notice published or displayed under this paragraph shall not include any matter which is not required by the preceding provisions of this paragraph to be included in it.

**4.** Not later than seven days after the publication of the Jersey Gazette containing the advertisement required by the last preceding paragraph, the applicant shall send a copy of the Jersey Gazette to the Committee, and the Committee shall not consider the application earlier than fourteen days after the date specified in the advertisement.

**5.** On considering an application for the grant or renewal of a licence under Part IIA, the Committee shall take into account any representations made by the Chief Police Officer and by any person objecting to the grant or renewal, and may grant or renew, or subject to paragraph 7 refuse to grant or renew the licence.

**6.** The Committee may adjourn for any purpose the consideration of an application for the grant or renewal of a licence under Part IIA.

**7.-(1)** The Committee may refuse an application for a licence under Part IIA

- (a) if it is not shown to its satisfaction that a substantial demand already exists on the part of prospective players for authorized gaming machines; or
- (b) if, whilst the requirement in clause (a) is satisfied, it is not shown to its satisfaction that no authorized gaming machines exist which are reasonably available to the prospective players in question, or that where such machines are available, they are insufficient to meet the demand.

(2) Without prejudice to sub-paragraph (1), the Committee may refuse to grant or renew a licence under Part IIA on any one or more of the following grounds -

- (a) that the premises in respect of which the application is made are unsuitable because of their lay-out, character, condition or location;
- (b) that the applicant is not a fit and proper person to be the holder of a licence under Part IIA;
- (c) that if the licence were granted or renewed the premises in respect of which the application is made would be managed by, or carried on for the benefit of, a person (other than the applicant) who would himself be refused the grant or renewal of a licence under Part IIA on the grounds that he is not a fit and proper person to be the holder of such a licence;
- (d) that the Committee or the Chief Police Officer, or the authorized representatives of either of them, have been refused reasonable facilities to inspect the premises in respect of which the application is made;
- (e) that a person has been convicted of an offence under Part IIA or under this Schedule; and
- (f) that while a licence under Part IIA has been in force-
  - (i) the premises in respect of which the application is made have not been conducted so as to prevent disturbance or disorder,
  - (ii) gaming on the premises in respect of which the application is made has been dishonestly conducted, or
  - (iii) the premises in respect of which the application is made have been used for an unlawful purpose or as a resort of criminals.

**8.** On granting or renewing a licence under Part IIA, the Committee may-

- (a) impose restrictions on the hours during which authorized gaming machines may be used;
- (b) impose restrictions limiting the authorized gaming machines which may be used on the premises the subject of the application to a particular kind or particular kinds of authorized gaming machines; and
- (c) impose restrictions on the persons who may supply, install or maintain the authorized gaming machines.

**9.** Any restrictions imposed under paragraph 8 shall be imposed so as to have effect until the licence ceases to have effect or is next renewed (whichever first occurs) but without prejudice, where the licence is renewed, to any powers or duty of the Committee to impose the like or may offer restrictions on renewing the licence.

**10.-(1)** Where on an application for the grant or renewal of a licence under Part IIA, the Committee refuses to grant or renew the licence, or impose restrictions under paragraph 8, the Committee shall forthwith notify its decision to the applicant; and within twenty-one days of receipt of that notification the applicant may by notice to the Committee appeal against the decision to the Royal Court.

(2) As soon as practicable after receiving notice of appeal against a decision of the Committee, the Committee shall comply with the requirements of the Rules of the Royal Court relating to appeals against administrative decisions.

(3) In addition to complying with the requirements of the Rules of the Royal Court relating to appeals against administrative decisions, the Judicial Greffier shall enter the appeal and shall give in writing to the appellant, the Committee, the Chief Police Officer and to any person who opposed the application not less than fourteen days' notice of the time, date

and place appointed for the hearing of the appeal.

(4) The Royal Court may by its order allow or dismiss the appeal, or revise or vary any part of the decision of the Committee, whether the appeal relates to that part of it or not, and may deal with the application as if it had been made to the Royal Court in the first instance; and the judgement of the Royal Court shall be final.

**11.**-(1) An application for the cancellation of a licence under Part IIA may be made by any person at any time to the Committee in the prescribed form and shall be accompanied by a statement of the grounds on which the application is made.

(2) On receipt of an application under sub-paragraph (1) the Committee shall give to the holder of the licence and to the Chief Police Officer not less than twenty-one days' notice in writing of the date appointed for the consideration of the application by the Committee and shall send to the holder of the licence a copy of the applicant's statement of the grounds on which the application is made.

**12.** On considering an application for the cancellation of a licence under Part IIA the Committee shall take into account any representations made by the Chief Police Officer and by the holder of the licence and may cancel or refuse to cancel the licence.

**13.** The Committee may adjourn for any purpose the consideration of an application under paragraph 11.

**14.** The Committee shall refuse an application under paragraph 11 if it is satisfied that it is made on grounds which have been, or ought properly to have been, raised previously by way of objection either when the licence was granted or on an occasion when it has been renewed.

**15.** Subject to paragraph 14, on consideration of an application for the cancellation of a licence under Part IIA the Committee may cancel the licence on any of the grounds specified in paragraph 7.

**16.** If, on an application under paragraph 11 the Committee decides not to cancel the licence, the Committee shall cause notice in writing to be given to the applicant that the application is refused, without prejudice to the raising of the same matters by way of objection to the renewal of the licence.

**17.** If on an application under paragraph 11 the Committee decides to cancel the licence, the cancellation-

- (a) shall not take effect until the time within which the holder of the licence can appeal against the decision has expired; and
- (b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.

**18.** The provisions of paragraph 10 shall have effect in relation to the cancellation of a licence under Part IIA as if they have effect in relation to grant or renew such a licence, as if in that paragraph -

- (a) any reference to the applicant were to the holder of the licence; and
- (b) any reference to a person who opposed the application were a reference to the person who made the application for the cancellation of the licence.

**19.**-(1) Where the holder of a licence under Part IIA is convicted of an offence under the Law or any Regulation or Orders made under the Law, the court shall order that the licence under Part IIA shall be cancelled.

(2) An order made under this paragraph -

- (a) shall not have effect until the end of the period within which notice of the appeal against the conviction which gave rise to the order may be given;
- (b) if notice of appeal against that conviction is duly given, shall not have effect until the appeal has been determined or abandoned; and
- (c) shall not have effect if, on such appeal, the appeal is allowed.

(3) Where a person is a holder of a licence under Part IIA and the licence is cancelled by issue of an order made

under this paragraph, the court shall send a copy of the order to the Committee and the Committee shall, notwithstanding anything in these Regulations, refuse any application by that person for the grant of a licence under Part IIA in respect of the same or any other premises.

**20.**-(1) A licence under Part IIA shall be in the prescribed form.

(2) If any such licence as granted or renewed is subject to any restrictions imposed under paragraph 8, the licence as granted or renewed shall contain a statement of these restrictions.

**21.** Subject to these Regulations, and without prejudice to the cancellation under these Regulations of any licence, a licence under Part IIA-

(a) if not renewed, shall cease to be in force at the end of the period of one year beginning with the date on which it was granted; or

(b) if renewed, shall, unless further renewed, cease to be in force at the end of the period of one year from the date on which it would otherwise have expired.

**22.**-(1) Where an application for renewal of a licence under Part IIA has been duly made, the licence shall not cease to be in force by virtue of paragraph 21 before the Committee has determined the application.

(2) Where, on such an application, the Committee refuses to renew the licence, it shall not cease to be in force by virtue of paragraph 21 before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to be in force by virtue of paragraph 21 until the appeal has been determined or abandoned.

**23.** If the holder of a licence under Part IIA dies while the licence is in force-

(a) the licence shall not cease to be in force by virtue of paragraph 21 before the end of the period of six months beginning with the date of his death; and

(b) except for the purposes of a renewal of the licence, his executors or administrators shall be treated for all purposes as the holder of the licence,

and the Committee may, on the application of those executors or administrators, extend or further extend the period for which the licence continues to be in force by virtue of this paragraph if satisfied that the extension is necessary for the purpose of winding up the estate of the deceased and that no other circumstances make it undesirable.

**24.**-(1) An application for the transfer of a licence under Part IIA from one person to another may be made at any time and shall be made to the Committee in such form and manner as may be prescribed and shall be accompanied by a fee of £200.

(2) Not later than seven days after the date on which the application is made the applicant shall send a copy of the application to the Chief Police Officer.

**25.** Paragraphs 3 and 4 shall have effect in relation to any application under paragraph 24 as they have in relation to an application for the grant of a licence under Part IIA.

**26.** On an application for the transfer of a licence under Part IIA the Committee shall not refuse to transfer the licence except on the grounds -

(a) that the person to whom the licence is proposed to be transferred is not a fit and proper person to be the holder of a licence under Part IIA; or

(b) that, if the licence were transferred to that person, the premises specified in the licence would be managed by, or carried on for the benefit of, a person (other than the proposed transferee) who would himself be refused the grant of a licence under Part IIA on the grounds that he is not a fit and proper person to be the holder of such a licence.

**27.** Paragraph 10 shall have effect in relation to the transfer of licences under Part IIA as it has effect in relation to the grant or renewal of such licences.

**28.** Notwithstanding anything in these Regulations, no licence under Part IIA shall be granted, renewed or transferred except on payment of the fee chargeable under paragraph 2 or 24.

**29.**-(1) Where the holder of a licence under Part IIA is a body corporate, if at any time a change occurs

- (a) in the persons who are directors of the body corporate; or
- (b) in the persons in accordance with whose directions or instructions the directors of that body corporate are accustomed to act,

the body corporate shall as soon as reasonably practical after that time serve on the Committee and the Chief Police Officer a notice giving particulars of the change.

(2) A body corporate which fails to comply with sub-paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding level 2 on the standard scale. <sup>[4]</sup>

**30.**-(1) The holder of a licence under Part IIA may at any time relinquish the licence by notice to the Committee and, where such notice is given, the licence shall thereupon be treated as cancelled.

(2) Where the holder of a licence under Part IIA relinquishes the licence under this paragraph, the Committee shall give notice of that fact to the Chief Police Officer.

**31.** Where premises in respect of which a licence under Part IIA is in force cease to be a licensed betting office the licence under Part IIA shall forthwith be cancelled.”.

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[1]

While such machines are properly described as Gaming machines within Jersey legislation, the appropriate term used within the United Kingdom is AWP.

[2]

Recueil des Lois, Volume 1963-1965, page 287.

[3]

Nos. 4642, 4713, 5498, 6516, 6587, 7009, 8251, 8909, 9115, 9152 and 9195.

[4]

Recueil des Lois, Volume 1992-1993, page 437.