

DRAFT GAMBLING (AMENDMENT No. 5) (JERSEY) LAW 200

**Lodged au Greffe on 4th September 2001
by the Gambling Control Committee**



STATES OF JERSEY

STATES GREFFE

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European Convention on Human Rights

The Vice-President of the Gambling Control Committee has made the following statement -

In the view of the Gambling Control Committee the provisions of the Draft Gambling (Amendment No. 5) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator C.G.P. Lakeman**

REPORT

The Gambling (Jersey) Law 1964, as amended, generally prohibits gambling transactions with persons or bodies outside the Island. The purpose of this amendment is to exempt bets made on the United Kingdom Totalisator from this general prohibition.

The Totalisator or Tote, is a system operated by the Totalisator Board of the United Kingdom and is a form of pool betting. Into the pool is placed the gross receipts of bets taken on a particular race which are 'pooled' and from which a certain percentage is retained by the Board. A further percentage is paid as winnings, and a percentage is paid in commissions to bookmakers. A contribution is also given to the Horse Racing Levy Board for the improvement of horse-racing, breeds of horses and the advancement or encouragement of veterinary science or education.

The amendment to the Law, and to Regulations in due course, will permit and make available an on-line system referred to as Tote Direct to licensed betting and credit betting offices, by which bets can be placed on horse-racing taking place in the United Kingdom.

The addition of the option to place bets with the Tote will bring the services offered in licensed betting and credit betting offices in the Island closer to those offered in the United Kingdom.

Consequential amendments to the Gambling (Licensing Provisions) (Jersey) Regulations 1965, the Gambling (Betting) (Jersey) Regulations 1965 and the Gambling (Pool Betting) (Jersey) Regulations 1965 will be presented for debate in the States in due course.

These draft Regulations have no implications for the financial or manpower resources of the States.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 22nd August 2001 the Gambling Control Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Gambling Control Committee the provisions of the Draft Gambling (Amendment No. 5) (Jersey) Law 2000 are compatible with the Convention Rights.

Explanatory Note

This draft Law would further amend the Gambling (Jersey) Law 1964 by exempting bets made on the United Kingdom Totalisator from the general prohibition on gambling transactions with persons or bodies outside the Island. With regulations proposed to be made bets would be able to be made on the Tote through licensed betting offices and licensed credit betting offices using the Totalisator Board's computerised link.

GAMBLING (AMENDMENT No. 5) (JERSEY) LAW 200

A LAW to amend further the Gambling (Jersey) Law 1964, sanctioned by Order of Her Majesty in Council of the

(Registered on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

**Amendment of Article 10 - Prohibition on gambling transactions
with certain persons**

In Article 10 of the Gambling (Jersey) Law 1964,^[1] as amended,^[2] in paragraph (2), after subparagraph (b) there shall be inserted the following sub-paragraph -

“(ba) bets made and transmitted in accordance with regulations made under Article 3 of this Law by means of facilities provided -

- (i) by or on behalf of the Totalisator Board; or
- (ii) by persons authorized by the Totalisator Board and having the management of an approved horse racecourse,

in accordance with section 14 of the Betting, Gaming and Lotteries Act 1963 of the United Kingdom (in this sub-paragraph referred to as ‘the United Kingdom Act’), and in this sub-paragraph -

‘Totalisator Board’ means the Horserace Totalisator Board established by section 12 of the United Kingdom Act; and

‘approved horse racecourse’ means any ground in respect of which there is for the time being in force a certificate of approval of that ground as a horse racecourse issued under section 13 of the United Kingdom Act by the Horserace Betting Levy Board established by section 24 of the United Kingdom Act.”.

ARTICLE 2

Citation and commencement

This Law may be cited as the Gambling (Amendment No. 5) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

^[1] Volume 1963-1965, page 291.

^[2] Volume 1973-1974, page 385 and Volume 1996-1997, page 259.