

STATES OF JERSEY



DRAFT GAMBLING (GAMING AND LOTTERIES) (AMENDMENT No. 15) (JERSEY) REGULATIONS 200- (P.140/2009): AMENDMENT (P.140/2009 Amd.) – COMMENTS

**Presented to the States on 16th November 2009
by the Minister for Economic Development**

STATES GREFFE

COMMENTS

The Minister for Economic Development has recently adopted a statement of policy for regulation that he expects the new Commission, if sanctioned by the States, to follow. One of the principles of that policy is that –

the Commission will ensure that its regulatory approach imposes the minimum burden necessary to promote the licensing principles. The Commission must take into account the regulatory impact on different types and sizes of licence applicant and licence holder and ensure, without compromising key licensing principles, it does not unduly hinder economic progress.

The first proposed amendment put forward by the Deputy of St. Martin to Article 3 repeats that put forward for the Gambling Commission (Jersey) Law and states that the Minister must ‘avoid imposing or maintaining unnecessary burdens on persons providing or operating gaming machines’. While the Minister’s stated policy is in agreement with this statement, it is important to add that the level of regulation required will be directly proportional to assuring that these machines meet the highest standards of regulation relevant to Jersey, both to protect the playing public and to ensure the good standing of the Island.

The proposed requirement for consultation is a positive one and the Minister supports it, most notably because it will allow consultation not only with the operators, but also social, religious and other bodies who will be able to contribute their experience as required.

The third proposed amendment to Article 3 states that the Minister should ‘particularly take account of any burden that may be caused by any unnecessary inconsistency between a provision of an approved code and any similar provision in any other jurisdiction in which providers of gambling services also operate’. This seems superfluous insofar as the Minister would not be expected to inflict anything unnecessary on an operator and from that perspective is entirely supportable. What it does not and cannot mean, however, is any suggestion that the Minister will countenance levels of regulation that do not meet the high standards that will be required in Jersey simply because they are not adopted elsewhere. So long as that is accepted within the Minister’s policy statement then the amendment should be supported.

The only area where the Minister is forced to oppose the Deputy of St. Martin is with regard to the proposal to amend Article 10 so that the fee to operate one of these machines is reduced to £2,630. The Minister has invested significant effort ensuring that the regulatory standards to be applied to the operation of these machines are of the highest quality and has accordingly agreed with the industry that they will provide all information from their monitoring systems to him for analysis. The increase in fee from £2,000 for the old-style machine to £4,000 for this new type of machine reflects this higher regulatory burden and has been agreed with the majority of the industry. To seek to reduce a fee that has been reached by negotiation between both parties seems entirely wrong and will perpetuate the current inconsistencies between the costs of regulation and the setting of fees. It is clearly in the public interest that this gap is narrowed and the setting of a fee at £4,000 will go a long way in addressing this imbalance. For this reason the Minister will oppose this amendment.