

# STATES OF JERSEY



## **DRAFT GAMBLING (CHARITABLE AND MEMBERSHIP GAMBLING SERVICES) (JERSEY) REGULATIONS 201-**

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**Lodged au Greffe on 9th October 2012  
by the Minister for Economic Development**

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**STATES GREFFE**





Jersey

# **DRAFT GAMBLING (CHARITABLE AND MEMBERSHIP GAMBLING SERVICES) (JERSEY) REGULATIONS 201-**

## **REPORT**

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### **Purpose**

The purpose of these Regulations is to define and prohibit certain types of membership gambling service so that they cannot involve children and may not include games of unequal chance. The Regulations also provide for registration and permit schemes for charitable gambling services so that regulation can be more effective and proportionate.

### **Background**

On 20th July 2011 the States adopted a new Gambling Law and this Law received Royal Assent 30th May 2012. The Law gives the States the ability to pass Regulations for the provision of non-commercial providers of gambling services who would then have to obtain approvals, registration or permits. These Draft Regulations give effect to the provisions in the new Law. As with the other Draft Regulations, this does not cover commercial gambling, that is a gambling service offered directly to a consumer, because these services are covered by the Law and are subject to a full licensing regime.

The first part of the Regulation deals with Membership Gambling. Jersey has long permitted gambling in public and the provisions by which gambling has been permitted are covered by the Gambling (Gaming and Lotteries) (Jersey) Regulations 1965. This Regulation is now completely out of date, being unduly prescriptive, inherently inflexible and difficult to effectively regulate. However, the major part of the Regulation deals with social and charitable gambling. As with the membership category, current regulation of charitable gambling is flawed; being highly bureaucratic, confusing and consequently generally ineffective.

In bringing this new Regulation to the Assembly, the Minister seeks to make regulation more targeted and proportionate, freeing up charities to engage in low value gambling, apply proportionate regulation to membership gambling and common sense while cutting red tape.

In all of its regulatory activity, the Jersey Gambling Commission (JGC) must still follow its guiding principles<sup>1</sup> and act in a manner that does not create unnecessary

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<sup>1</sup> gambling should be regulated in accordance with generally accepted international standards to prevent fraud and money laundering, and should not be permitted to be a source of crime; gambling should be verifiably fair to consumers of those services; gambling should always be conducted responsibly and with safeguards necessary to protect children and vulnerable people.

burdens. This new Regulation, therefore, seeks to achieve a modern, reasonable, flexible and proportionate framework for membership and charitable gambling.

### **Membership gambling**

Over the past years, Jersey has seen a growth in the formation of membership clubs, most notably poker clubs. Regulation 5 of the current Gaming and Lotteries (Jersey) Regulations 1965, already allows for private gaming. It also provides for the playing of card games in liquor licensed premises for small stakes, where the gaming is of equal chance and where there is no levy or other charge to play. Most importantly, such membership gambling must exclude young persons, that is, anyone under the age of 18. These stipulations remain important in order to preserve a palpable difference between private membership gambling and any commercial equivalent.

Clearly, commercial gambling is undertaken and operated for a profit, but membership gambling must not be organised for profit, other than to benefit the member(s) of the club. In considering the reform of membership gambling, the JGC was thus minded to allow a greater flexibility in the conditions while preserving the overarching principles that differentiate it from the commercial model. To that end it is necessary to revert to the definition in the Gambling (Jersey) Law 2012, where a Membership Gambling Service is interpreted as a service that –

#### **Article 25(2) –**

- “(2) For the purposes of this Law a membership gambling service is a gambling service that –
- (a) is provided –
    - (i) by a group of persons all of whom are natural persons, or
    - (ii) on behalf of such a group by a member of the group;
  - (b) is provided to members of that group and to no other person;
  - (c) is not provided with a view to the profit of any person other than the members of that group; and
  - (d) is not provided in relation to commercial gambling; and
  - (e) is not a charitable gambling service.”.

Regulation 2 narrows this definition further and specifically prohibits membership gambling services that involve children, or those that do not offer equal chances to all participants, but only in relation to gambling that is done publicly, that is, outside of a private dwelling. Gambling undertaken in private is expressly excluded from the Law (Article 5(1)).

Likewise, under Article 25(2)(c)-(d) of the Law, gambling will be commercial (requiring a licence) rather than membership gambling if it is conducted for the profit of a non-member or by way of business (whether by some or all of the members). In the event that these provisions are contravened, Article 26(4)(a) of the Law creates an offence to provide a prohibited type of membership gambling service, with a penalty of imprisonment for up to 1 year and/or an unlimited fine. Provision of a commercial service without a licence is already outlawed.

The practical effect of this change will see membership clubs being able to operate without a need to obtain a permit or approval, but the Commission will still have its powers as defined in Part 4 of the Law and use this regulatory toolkit to monitor, inspect and request relevant information and records from a club, if it believes that the promoters or organisers are profiting from the undertaking. The easiest way to do this

will be for the JGC to issue a voluntary model for membership gambling services and invite such clubs to discuss their activities and procedures with the JGC to ensure compliance. Any club not making such a voluntary submission would by dint of this fact attract the attention of the Commission.

The proposed new model will add some flexibility to current arrangements by allowing a club to charge members to cover the costs of reasonable expenses; room hire for example, where the event takes place. However, other current prohibitions will continue –

- no deductions or levies are made from sums staked or won (i.e. no rake);
- children and young persons are excluded from participation;
- licensees of a premises where the club meets to gamble do not promote, organise, or facilitate gambling other than providing the venue, appropriate furnishings (tables and chairs), and the sale of food and beverages.

Any other form of charge or distribution of winnings will cause the fixture suspected to be a commercial gambling service and in the event that the organiser/promoter of such commercial service does not have the relevant licence, they will be guilty of an offence punishable under Article 8(3) of the Law with imprisonment for up to 5 years and/or an unlimited fine.

### **Charitable gambling**

This Regulation has been developed to help fundraising by the third sector. The Minister and the Commission recognise the importance of charitable gambling as a fundraiser and believe that its special status should be recognised, albeit with sufficient redress available to the JGC where it may be required. Unless provided 'incidental to an event' (generally a raffle) charities currently have a significant amount of bureaucracy to negotiate. Gambling is not considered as a service or activity, but each segment is treated individually. Therefore the rules for lotteries are different to cinema racing, bingo is divided into 2 different types, with different forms and different requirements and charities must register with the JGC for each type of gambling before applying for a permit for each type. Charities may only conduct one lottery at a time, so this has the perverse effect of forcing a charity to rebrand itself in order to hold, for example, a 100 Club for members at the same time as a lottery open to the public. The JGC does not see any great purpose, public protection or other reason why this should continue to be so.

Furthermore, each piece of paperwork comes at a cost – a fee for the charity (each time) and an on-cost to the JGC who have to charge to process and administer a bureaucratic system that has little effective regulatory merit. This system is crying out for reform and should not be allowed to continue as it has little to benefit either charities or the JGC.

To that end, charitable gambling services in this Regulation have been categorised into 3 types: those that are ad hoc and with low levels of prizes (termed 'exempt'), those that occur regularly or which have a higher level of prizes such that the JGC believe they should be informed of their activity (termed 'registered') and those where the scale of prizes or return is such that they present a clear need for regulatory oversight. This latter category will only be allowed by permit.

### **Exempt charitable gambling**

Regulation 4 outlines the boundaries of the exempt category, which has been designed to cater for ad hoc, or 'one-off' charitable gambling. To be an exempt charitable

gambling service, it can only be offered up to 3 days a year and where the total value of prizes available on any such event is capped at £1,500. These figures have not been picked idly. Currently, charitable gambling is exempt from requiring a permit if it occurs incidental to an event, where the primary reason to attend the event is not to gamble. Through tradition, an event has been accepted as being over 2 consecutive days. This has been a well used and generally non-contentious form of charitable fund raising and the spirit of the current provision is preserved and slightly extended by allocating up to 3 events without the need for a registration or permit. To give Members the practical implications, if this Regulation had been adopted in 2012 it would have had the following effect –

- most current unregulated events would continue to fall outside of the regulatory scope, although an unknown, but certainly lower number would be captured;
- 68% of 2012 charitable lotteries currently requiring a registration, permit and a return form would be exempt;
- 73% of 2012 charitable bingo currently requiring registration, permit (and a return form if public bingo) would be exempt.

This is very good news for charities and a major de-regulation, allowing the JGC to refocus its priorities according to its risk assessments. Although exempt, charities using this category should still follow the JGC's published advice on charities so that, as far as is possible, they keep proper records and can ensure that the gambling they undertake complies with the guiding principles.

Regulation 4 further notes that Crown and Anchor or electronic gambling is specifically excluded from the exempt regime for public protection reasons. Electronic Gambling is captured within the Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations 201- and is discussed within that Report and Proposition. Crown and Anchor is a rapid action banker's game where money can change hands very quickly and it occurs, generally speaking, in public arenas where the size of the money awarded is both difficult to control and open to interpretation. It is not a game that the JGC believes should be permitted to operate without supervision. For that reason it is the JGC's opinion that the offering of Crown and Anchor for charitable purposes should be solely by permit<sup>2</sup>, thus ensuring a proper level of control and public protection.

The second level of regulation is registered, whereby a charity will register their intention to hold charitable gambling with the Commission and submit each year a schedule of future or planned events. The registered category is designed to cater for regularly held, but generally small to medium scale fundraising and this requirement is specified in Regulation 4(5). As at present, the JGC will levy a small administrative fee for the registration, but one registration and one fee will cover all types of permitted charitable gambling services and there will be no additional cost for the gambling itself. Members will note that the maximum permitted fee the JGC may charge for registration is stated in the Law, Article 26(3)(b)(i), as not exceeding £50 in any year, although the Minister may vary this by Order. Given that both the Minister and the Commission wish to see a reduction in overall costs there is no plan to ask the Minister to make such an Order and the JGC believe that the current level of cost at £20 remains appropriate.

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<sup>2</sup> Unless provided by a licensed commercial operator, in which case the charity will require no supervision given the regulatory burden on the licensee offering the service.

To be registered the charity will have to be, as at present, be bone fide and properly constituted. As specified in Regulation 4(2), the Commission must approve a code of practice in relation to charitable gambling services and that Code will spell out the requirements for registration as well as the general advice and information that the Commission believes is appropriate for various types of charitable gambling. Regulation 4(3)(b) thus allows for these policies, codes, information and advice to be provided to a charity in one document, rather than the more confusing plethora of different papers that would otherwise have to be consulted. The Commission has produced a draft document outlining the new regime as it would be applied if the Regulation is passed and the JGC has had exploratory discussions with the Association of Jersey Charities, as the largest stakeholder.

The Commission must still formally consult on this document should the new package be brought into effect and all individual clubs, societies and other charities will have an opportunity to comment on the new regime before it is brought into effect. The JGC intends to offer briefings to interested parties and relevant stakeholders in order to make the transition as smooth as possible.

### **Registered charitable gambling**

Regulation 4(4) ensures that charities wishing to undertake a gambling activity that is neither exempt, nor solely subject to registration must obtain a permit from the Commission and Regulation 4(6) notes that Regulations 5 to 8 apply to both registration and permits.

Regulation 5 provides the details that charities must apply in order to qualify for registration. To that end, they must supply relevant information or evidence about their proposed gambling and pay the fee published by the Commission under the authority granted by Articles 46 and 47 of the Law. As previously noted, this stands as a £50 maximum and the JGC has declared its intention to retain the current fee level at £20. The Commission may refuse to register a charity if it believes their conduct would be likely to contravene a Code of Practice issued under Regulation 4(2).

In order to ensure relevant Codes are complied with and as a proportionate measure of public protection, registered charities will be required to provide evidence of their compliance (accounts, reports, information or other evidence) either on the renewal of their registration or when the proposed gambling takes place, or where the Commission reasonably suspects there may be grounds for revocation. In practice, therefore, the registered category will have a very light touch applied and the JGC will only become involved where it has received a complaint or when the registration or re-registration is being considered. Having a registered category, the JGC must have the power of revocation as a matter of last resort and Regulation 5(5) captures those eventualities.

The detail of what charitable gambling qualifies to be registered, rather than exempt or by permit will be noted in the JGC's published Code. As the Commission wishes to ensure a broad level of support for what is the single largest change to charitable gambling in the Island for 50 years, the Commission has provided a draft outlining its intentions. The JGC expects charities to register if they hold 4 or more gambling events (regardless of the prizes on offer) or if a prize fund on offer at any one event is greater than £1,500, up to a maximum in any one year of £12,000. It is important to stress that the prize fund is what goes to players and the amount generated by the charity will in normal conditions be many times greater than the sum of all prizes. The JGC believe and the Minister agrees that this represents a significant increase in deregulation and that it will be monitored to ensure that this category is set at an appropriate level. Although the Commission believes that the prize boundaries noted

in the draft will be effective, they can be altered based on experience by issuing proposed changes and then undertaking the appropriate consultation exercise.

The Commission believes that where players meet regularly (4 or more times) for the purpose of charitable gambling they must register so that the JGC is aware of their activities. The playing of charitable bingo will be simplified by abolishing the differences between the current 'public' and private' categories and registration will allow prize funds of £1,500 per event or £12,000 per calendar year. If a bingo event is expected to generate prizes in excess of these amounts then the charity must contact the Commission regarding the necessity of obtaining a permit. For lotteries, registration will be required for any charity wishing to offer 4 or more events per year, or any lottery where the combined value of prizes is in excess of £1,500 but no greater than £12,000 per single lottery event. No charity will be allowed to hold lotteries generating a combined total in excess of £30,000 per year in prizes without a permit.

The requirement for registration includes the provision of a schedule of events by the charity in question and additional events may be added by prior arrangement and with the agreement of the Commission. While there is no routine requirement to provide the Commission with an official return regarding outcomes, the Commission reserves the right to inspect the records of registered charities for sampling, audit, or compliance reasons. To that end all charities undertaking registered charitable gambling must keep proper records to prove that they have complied with the tenets of the guiding principles. The Commission will work with charities to advise them on the type of records they should keep.

#### **Charitable gambling by permit**

The provision of a permit to undertake charitable gambling is reserved for those types of gambling that either appear as if they are of a scale to warrant being classed as commercial (other than not being for private gain) or for such reasons as the Commission may specify in a Code of Practice, normally based on a risk assessment or prior regulatory action. Permits issued by the Commission are subject to a similar level of oversight as commercial licences and are subject to the licence conditions noted in Articles 16 – 18, albeit the JGC will have greater flexibility regarding the conditions to apply and that none are mandatory.

A permit would be required for charitable bingo where the maximum prize fund per session (single event) exceeds £1,000 or where the total prize money in any one calendar year exceeds £12,000. A permit would also be required for charitable lotteries where the combined value of prizes in any one draw is in excess of £12,000 or where the combined value of prizes offered by lottery or succession of lotteries in any one year is in excess of £30,000. To understand the impact of this provision, if it had been in effect in 2012, only 2 charities would have required a permit, while charitable bingo would either be totally exempt (73%) or registered (27%).

The imposition of charitable gambling by permit will represent a significant increase in the level of regulation compared to the present regime, but the JGC believes this is appropriate given the scale of funds involved and it is certainly proportionate. The Commission should not inflict unnecessary burdens on its licensees (including permit holders) and the discretion to apply conditions from the Law as seems reasonable, instead of their being mandatory, means that the Commission can treat each application on its merits. This level of oversight will only apply to charitable gambling of a significant nature, such as the 'Hospice Million Pound Draw' as it is self-evident that this represents a higher level of risk than gambling at the exempt or registered level.



Regulation 7 provides that the Commission must publish a Statement of Policy in respect of registrations and permits (as described above) and provides that it may be contained within a Statement applying to commercial operations under Article 9 of the Law, or in a separate document. Regulation 8 provides for appeals against any decision by the JGC in respect of registration and permits and Regulation 9 provides for the citation and commencement provisions.

The final matter worthy of mention is with regard to offences. While these are set in the Regulation, the penalties are found in the Law. No penalty is applicable to an exempt charitable service for obvious reasons, but providing a charitable gambling service that should be registered, but without such registration carries the penalty of a fine of up to £5,000, or Level 4 on the standard scale. There is no penalty for a breach of registration itself, save that the Commission may de-register a charity or insist they be subject to a permit. A person is, however, guilty of an offence and liable to imprisonment for a term of one year and to a fine if they provide a service for which a permit is required without holding such a permit.

### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of these Draft Regulations.

## Explanatory Note

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These Regulations prohibit certain membership gambling services and provide registration and permit schemes for charitable gambling services.

*Regulation 1* is the interpretation provision, defining the “Law” as the Gambling (Jersey) Law 2012, under which these Regulations are made. Other terms, including “membership gambling service” and “charitable gambling service”, as well as “code of practice”, “conduct” and “gambling” are defined in the Law.

*Regulation 2* prohibits membership gambling services that involve children or do not offer equal chances to all participants. Other membership gambling services can be provided without a permit or approval (and, under Article 5(1), the Law does not generally apply to what it defines as private gambling). Under Article 25(2)(c)-(d) of the Law, gambling will be commercial (requiring a licence) rather than membership gambling if it is conducted for the profit of a non-member or by way of business (whether by some or all of the members). Under Article 26(4)(a) of the Law it is an offence to provide a prohibited type of membership gambling service, with a penalty of imprisonment for up to 1 year and/or an unlimited fine.

*Regulations 3 to 7* provide for charitable gambling services. Under Article 25(1)(b) of the Law, a gambling service will be commercial (requiring a licence) rather than charitable, if it is provided by a commercial operator. Licences granted to commercial operators may provide for the conditions under which they are allowed to provide their services for charities (with any standard conditions being published).

*Regulation 3* designates as additional charitable gambling services certain non-commercial gambling services provided mainly for a charitable, sporting, cultural or other similar purpose.

*Regulation 4* provides for different treatment of 3 levels of charitable gambling service.

Exempt services can be provided without any registration or permit, where the gambling is held on 3 or fewer days in a year, with prizes totalling less than £1,500 in value on each day (with no Crown and Anchor or electronic gambling, but otherwise without restrictions as to the form of gambling).

Non-exempt services may be provided on the strength of registration with the Commission, where they meet the requirements of a code of practice (which may set limits on amounts of prizes, forms of gambling, and so on) to be consulted on and published by the Commission under Article 6 of the Gambling Commission (Jersey) Law 2010 and the Gambling Commission (Consultation on Codes of Practice) (Jersey) Order 2011. Under Article 26(5) of the Law it is an offence for an unregistered person to provide such a service without reasonable excuse, and that offence carries a penalty of a fine of up to level 4 on the standard scale. Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, level 4 is set at £5,000 (the other levels are level 1 at £50, level 2 at £500, and level 3 at £2,000).

Other non-exempt services must only be provided after obtaining a permit from the Commission. Under Article 26(4)(b) of the Law contravention of that requirement is an offence, with a penalty of imprisonment for up to 1 year and/or an unlimited fine.

*Regulation 5* gives details of the registration scheme. Applicants must provide information as to the gambling to be conducted over the following year. Applications can be refused if the person appears likely to contravene the code of practice (see below as to appeals). Once registered, and then annually, the person must pay any fee

set by the Commission (but subject to a maximum of £50 under Article 26(3)(b)(i) of the Law, unless an Order prescribes a different limit). The registered person must provide further information annually as to the gambling in the previous year and forthcoming year. The Commission may also demand information about gambling services provided on days listed in that year's return, and where it reasonably suspects there may be a ground to revoke registration. Revocation is available, if proportionate, where the registered person provided false information when first applying, or failed to provide information (truthfully or at all) when required, or to pay a fee, or to comply with the code of practice. No other sanction is provided against a registered person.

*Regulation 6* applies to charitable permits modified versions of provisions in the Law relating to commercial licences. The provisions applied are those dealing with applications (with more discretion for the Commission over the factors it considers), fees (but not fees based on income from provision of services), grant and refusal, conditions (with all the conditions being at the Commission's discretion, instead of some being mandatory), and enforcement (but not civil penalties).

*Regulation 7* requires the Commission to publish its policy on types of non-exempt charitable services for which it generally will or will not grant registration or permits, and which types of permit will attract which (if any) standard conditions. This duty is adapted from the equivalent duty to publish a policy on commercial licences, under Article 9 of the Law. Both policies can be published in the same document (or separately), which may also contain the code of practice (see *Regulation 4(3)(b)*).

*Regulation 8* provides equivalent rights to notification and appeals as are provided in respect of licences (but without the automatic postponement of the effect of certain decisions, and with a requirement for all conditions to be notified individually even if they are standard).

*Regulation 9* names the Regulations and brings them into force when the Law is brought into force (by Appointed Day Act).





Jersey

## **DRAFT GAMBLING (CHARITABLE AND MEMBERSHIP GAMBLING SERVICES) (JERSEY) REGULATIONS 201-**

### **Arrangement**

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#### **Regulation**

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Jersey

## **DRAFT GAMBLING (CHARITABLE AND MEMBERSHIP GAMBLING SERVICES) (JERSEY) REGULATIONS 201-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Articles 25, 26 and 56 of the Gambling (Jersey) Law 2012<sup>1</sup>, have made the following Regulations –

### **1 Interpretation**

In these Regulations, unless the context otherwise requires, “Law” means the Gambling (Jersey) Law 2012<sup>2</sup>.

### **2 Prohibited types of membership gambling service**

A person must not, in or from within Jersey, provide a membership gambling service –

- (a) to a child; or
- (b) in relation to gambling conducted in such a way that the chances in it are not equally favourable to all the persons gambling.

### **3 Designation of additional type of charitable gambling service**

A gambling service is designated as a charitable gambling service for the purposes of the Law, to the extent that it would not otherwise be such a service, if it –

- (a) is provided mainly for a charitable, sporting, cultural or other similar purpose that is neither a purpose of private gain nor of any commercial undertaking; and
- (b) is not –
  - (i) provided by way of business,
  - (ii) a public lottery for the purpose of Article 27 of the Law, or
  - (iii) a membership gambling service.

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**4 Types of charitable gambling service requiring registration or permit**

- (1) For the purpose of this Regulation a charitable gambling service is an exempt service unless –
  - (a) it is provided on 4 or more days in any calendar year;
  - (b) the total value of the prizes available, or of other items or amounts that may be won by those gambling, on any such day equals or exceeds £1,500; or
  - (c) the gambling to which it relates –
    - (i) involves the game known as Crown and Anchor, or
    - (ii) is effected by means of electronic communication or gambling-specific electronic equipment, as those expressions are defined by the Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations 201-<sup>3</sup>,and references to a “non-exempt” service are to be read accordingly.
- (2) The Commission must approve a code of practice, under Article 6 of the Gambling Commission (Jersey) Law 2010<sup>4</sup>, in relation to charitable gambling services.
- (3) The code of practice under paragraph (2) –
  - (a) must specify requirements that a person must comply with if the person provides a type of non-exempt charitable gambling service without holding a permit; and
  - (b) may be contained in one or more documents and may, if each provision forming part of the code is identified as such, form a part or parts of a document that also contains –
    - (i) the statement of policy under Regulation 7 in respect of charitable gambling services,
    - (ii) any information or advice given under Article 7(1) of the Gambling Commission (Jersey) Law 2010 in that respect, or
    - (iii) both such elements.
- (4) A person must obtain a permit from the Commission if the person provides a non-exempt charitable gambling service, unless the person complies with every requirement referred to in paragraph (3)(a) that applies to a service of that type.
- (5) A person must register with the Commission if the person provides a non-exempt charitable gambling service and complies with every requirement referred to in paragraph (3)(a) that applies to a service of that type.
- (6) Regulations 5 to 8 apply to the permits required by paragraph (4) and the registration required by paragraph (5).

**5 Registered charitable gambling service**

- (1) On applying for registration, a person must provide to the Commission such information or evidence as is required by the Commission in relation to the gambling to be conducted under the registration during the calendar year in which the person applies to be registered.



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- (2) The Commission may refuse to register a person if it appears to the Commission that the person's conduct of gambling is likely to contravene a code of practice under Regulation 4(2).
  - (3) A registered person must –
    - (a) on being registered; and
    - (b) in the January of each year following the year of that registration, pay an annual fee, determined and published by the Commission under Articles 46 and 47 of the Law (subject to the limit in Article 26(3)(b)(i) of the Law).
  - (4) A registered person must provide to the Commission such accounts, reports or other information or evidence as are required by the Commission –
    - (a) in December of each year, in relation to gambling conducted in that year and to be conducted over the following year; and
    - (b) on demand –
      - (i) in relation to the provision of any charitable gambling service on a day specified in the demand, being a day on which, according to information provided by the person, such a service is to be provided, or
      - (ii) where the Commission reasonably suspects that there may be any ground for revoking the registration.
  - (5) The Commission may revoke a registration if it has reason to believe –
    - (a) that the registered person –
      - (i) provided false or misleading information in purported compliance with paragraph (1),
      - (ii) has contravened paragraph (3) or (4), or
      - (iii) is conducting gambling, or has conducted or will conduct gambling, in contravention of a provision of the code of practice under Regulation 4(2); and
    - (b) that revocation is, in all the circumstances, a proportionate means of furthering the objectives furthered by that code of practice.

## **6 Permit for charitable gambling service**

- (1) In this Regulation "relevant provision" means any of the following provisions of the Law –
  - (a) Article 11;
  - (b) Article 12, modified so that the Commission may grant a permit in exceptional circumstances notwithstanding anything in that Article;
  - (c) Articles 13 to 15;
  - (d) Articles 16 and 17, modified so that the conditions set out in them are not mandatory but may be imposed by the Commission;
  - (e) Article 18, other than paragraphs (3)(a)(ii) and (3)(c)(ii), and with paragraph (1) modified so that the Commission may impose

supplementary conditions in addition to any imposed under the modified Articles 16 and 17;

- (f) Article 19;
  - (g) Article 20, modified so that the matters set out in subparagraphs (b) to (k) of that Article are not compulsory but may be the subject of conditions imposed by the Commission;
  - (h) Article 21;
  - (i) Article 22(1) to (8); and
  - (j) each provision of Part 4 that otherwise applies only to licences, other than Article 39.
- (2) A relevant provision applies in respect of a permit as it applies in respect of a licence –
- (a) with the substitution of references to a permit for references to a licence;
  - (b) with the substitution of references to charitable gambling services for references to commercial gambling services; and
  - (c) with the substitution of references to Article 24 of the Law for references to Article 8 and Article 10 of the Law.

## **7 Statement of policy as to permits and registration**

- (1) Article 9 of the Law applies to the Commission's policy in respect of registration and permits as it applies to licences.
- (2) The statement of policy prepared under paragraph (1) may be included in the same document or documents as the statement prepared under Article 9 of the Law, or in a separate document or documents.

## **8 Notification of and appeal against decisions as to permits and registration**

- (1) The notification and appeal provisions apply to decisions in respect of registration and permits as they apply to decisions in respect of licences.
- (2) The notification and appeal provisions are –
  - (a) Articles 43 of the Law, other than paragraphs (2)(d) and (3) of that Article; and
  - (b) Article 45 of the Law.

## **9 Citation and commencement**

These Regulations may be cited as the Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations 201- and come into force on the commencement of the Law.

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- <sup>1</sup> *L.14/2012*
  - <sup>2</sup> *L.14/2012*
  - <sup>3</sup> *P.98/2012*
  - <sup>4</sup> *chapter 11.280*