

**DRAFT GAMBLING (LICENSING PROVISIONS)  
(AMENDMENT No. 11) (JERSEY) REGULATIONS 199**

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**Lodged au Greffe on 26th October 1999  
by the Gambling Control Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

## **Report**

The Gambling Control Committee seeks to tighten the Gambling Regulations in order to gain greater knowledge of those persons holding debentures or shares, or having financial interests in, corporate bodies to which a licence has been, or may be issued.

The amendments will help prevent a criminal or a criminal organisation buying shares in, or taking financial control of, a company holding a licence.

These amendments will provide an extension to the range of information which the Committee already requires, allowing it the opportunity to object, either to the renewal, or the granting of a new licence. The Attorney General could then intervene to prevent the renewal or the granting of a new licence, on the grounds that the applicant is not a fit and proper person to hold such a licence.

The licences referred to in the Regulations are - bookmakers, betting and credit betting office, as well as amusement premises and track licences.

12th October 1999

### **Explanatory Note**

These Regulations amend the Gambling (Licensing Provisions) (Jersey) Regulations 1965 -

- (a) to require a body corporate that is the holder of any licence to notify the Gambling Control Committee when the holder registers any transfer of a debenture, share or other financial interest in the holder or becomes aware that a person has become or ceased to be a principal person (that is, in brief, a person in a position to exercise some control) in relation to the body corporate;
- (b) to make it clear that one of the grounds on which the Attorney General may intervene to prevent the renewal of a licence held by a person is that a fresh licence of the same type could be refused under Regulation 8 if that person applied for it;
- (c) to extend the range of information that the Committee may require from bodies corporate that apply for licences to include information as to the persons that the body knows are principal persons in relation to the body; and
- (d) to make it clear that a body corporate may be regarded as not being a fit and proper person to hold a licence if a person who is a principal person in relation to the body corporate would himself not be a fit and proper person to hold a licence of the same type.

The Regulations come into force on

**Gambling (Jersey) Law 1964**

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**GAMBLING (LICENSING PROVISIONS) (AMENDMENT No. 11)  
(JERSEY) REGULATIONS 199**

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*(Promulgated on the      day of      199 )*

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**STATES OF JERSEY**

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The      day of      199

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**THE STATES**, in pursuance of Article 3 of the Gambling (Jersey) Law 1964,<sup>1</sup> as amended, have made the following Regulations -

**1.** In Regulation 1(1) of the Gambling (Licensing Provisions) (Jersey) Regulations 1965,<sup>2</sup> as amended<sup>3</sup> (hereinafter referred to as “the principal Regulations”) there shall be inserted the following definitions severally in appropriate alphabetical order -

“‘associate’, in relation to a person means -

- (a) the person’s husband, wife, child or stepchild;
- (b) his partner;
- (c) any body corporate of which he is a director;
- (d) where the person is a body corporate, any director or employee of the body corporate, any body corporate in the same group as the body corporate, and any director or employee of such a body corporate; or

<sup>1</sup> Recueil des Lois, Volume 1963-1965, page 287.

<sup>2</sup> No. 4641.

<sup>3</sup> No. 7008.

- (e) any person with whom the first mentioned person has an agreement, arrangement or other obligation -
  - (i) to act together in exercising voting power; or
  - (ii) with respect to the acquisition, holding or disposal of shares or other interests in a body corporate, partnership or other association;

‘group’ in relation to a body corporate, means that body corporate, any other body corporate which is its holding company or subsidiary and any other body corporate which is a subsidiary of that holding company;

‘holding company’ has the meaning given in Article 2 of the Companies (Jersey) Law 1991;

‘principal person’, in relation to a body corporate, means -

- (a) a person who, either alone or with any associate or associates -
  - (i) directly or indirectly holds ten per cent or more of the share capital issued by the body corporate;
  - (ii) is entitled to exercise or control the exercise of not less than ten per cent of the voting power in general meeting of the body corporate or of any other body corporate of which it is a subsidiary; or
  - (iii) has a holding in the body corporate directly or indirectly which makes it possible to exercise significant influence over the management of the body corporate;
- (b) a director, or equivalent by whatever name called, of the body corporate;

- (c) a person in accordance with whose directions, whether given directly or indirectly, any director of the body corporate, or director of any other body corporate of which the body corporate is a subsidiary, is accustomed to act (but disregarding advice given in a professional capacity),

and, in relation to a body corporate that has become bankrupt, includes a person who has been appointed as liquidator or administrator of the body's affairs;

'subsidiary' has the meaning given in Article 2 of the Companies (Jersey) Law 1991;”.

2. After Regulation 6(17) of the principal Regulations there shall be inserted the following paragraphs -

“(18) A body corporate that is the holder of any licence shall -

- (a) serve on the Committee notice of any transfer that the body registers of any debenture, share or other financial interest in the body corporate within seven days after registering the transfer; and
- (b) if the body corporate becomes aware that a person has become, or ceased to be, a principal person in relation to the body corporate - serve on the Committee notice of that fact within seven days after becoming so aware.

(19) A body corporate that contravenes paragraph (18) of this Regulation shall be liable to a fine not exceeding one hundred pounds.”

3. After Regulation 7(4) of the principal Regulations there shall be inserted the following paragraph -

“(4A) For the avoidance of doubt, it is hereby declared that among the matters that may be submitted by the Attorney

General (as referred to in paragraph (4) of this Regulation) is the existence of reason to believe that if the applicant for renewal were to make an application for the grant of the type of licence that he is seeking to renew, there would be grounds on which the Authority would be required under Regulation 8 to refuse to grant the licence.”

**4.** In Regulation 8 of the principal Regulations -

- (a) in paragraph (2)(d) for the word “paragraph.” there shall be substituted the words “paragraph; or”;
- (b) after paragraph (2)(d) there shall be inserted the following sub-paragraph -

“(e) in the case of an applicant that is a body corporate, the Authority is satisfied that a person who is a principal person in relation to the body corporate would himself or itself not be a fit and proper person to hold a licence of the same type as that applied for.”;

- (c) in paragraph (6) after the words “in the body corporate” there shall be inserted the words “and the persons who are principal persons in relation to the body corporate”.

**5.** These Regulations may be cited as the Gambling (Licensing Provisions) (Amendment No. 11) (Jersey) Regulations 199 and shall come into force on