



Policy Statement for the Conduct, Regulation and Licensing of Class II Bookmakers

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Introduction

This document sets out the Commission's policy for the regulation of betting at events in Jersey; it details the relevant permissions, responsibilities and appropriate enforcement attached to a Licence. This Policy is published in accordance with Article 9 of the Gambling (Jersey) Law 2012 (the Law) and remains in force until revoked. In publishing this Policy, the Commission sets out the circumstances it will generally grant, or refuse, an application for a Licence and the conditions that will apply to it.

Guiding Principles

The Guiding Principles are set out in the Gambling Commission (Jersey) Law 2010 and are as follows:

- 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.

In exercising its functions under that Law and the Gambling Law, the Commission must always have regard to these principles. The Commission will, therefore, only permit gambling if it considers it reasonably consistent with the pursuit of the Guiding Principles.

This statement will be reviewed by the Commission from time to time and revised after consultation with relevant persons and organisations as appropriate.

Statutory Functions

The Commission's functions with regard to a Class II Bookmakers Licence comprise three key areas: applying for licences, compliance and enforcement. In particular, the Commission has a duty to:

- determine applications for Licences, specify the conditions to be contained in such Licences, and determine applications for variation or renewal;
- assess compliance with the Law and with any Licence condition, code of practice or other provision included by virtue of the Law, and request information from Licensees as necessary;
- take regulatory action against any Licensee failing to comply with the conditions stated in this document, or in relation to offences under the Law.

Context: Class II Bookmakers Licence

Commercial gambling is defined in the Law as a business which contracts directly with a customer and for profit. A Class II Bookmakers Licence allows licensees to directly offer betting services *to* and contracts *with* the public in the form of a customer/punter relationship: it is therefore defined as commercial gambling.

A Class II Bookmakers Licence replaced the previous On-course Bookmaking Licence, which limited betting to racetracks. This Licence broadens where betting can be offered over and above racetracks. Events or places where betting may take place are defined below, but the fact remains that a Class II Bookmakers Licence does not allow for commercial betting from a permanent premises.

The holder of a Class I Bookmakers Licence does not need a Class II Licence to offer betting at events.

Events

Before a company or person can offer betting facilities at an event they must have the appropriate permission in the form of a Licence issued under the terms and conditions of this Policy. The Licence allows bookmaking activity to continue at racecourses and extends this activity to encompass other sporting and athletic events.

However, permission and allocation of all betting positions in designated betting areas remains the sole right and discretion of the organisers of racing, sporting and athletic events.

A Class II Licence permits betting at racing, sporting and athletic events and these *events* include the following activities:

- a horse racecourse
- a greyhound/dog track
- a point-to-point horse-race meeting
- football, cricket and rugby grounds
- an athletics stadium
- golf course
- venues hosting darts, bowls, or snooker tournaments
- a premises staging boxing matches
- fishing competitions
- boat races
- a motor racing event.

Licence: Not Transferable

A licence is awarded to the business or the person who has applied for the permission and found to be fit and proper to receive the award. There is no prohibition on selling a business to another person, but it must be understood a sale cannot commence or be finalised without the Commission vetting the potential purchaser; from the Commission's perspective this purchaser is regarded as a new applicant to the profession and therefore subject to the level of scrutiny set out under the Application section of this Policy.

Policy: Applications

All bookmaking is subject to an application process. Application forms can be found as an annex to this Policy. The application is for a licence known as a **Class II Bookmakers Licence**. Certain conditions apply to the grant of a Licence and remain conditions after it has been granted. In considering the application for any Licence the Commission must ensure that in granting it there is no contravention of the Guiding Principles (as outlined above).

It is therefore for the applicant to satisfy the Commission that they are fit and proper persons to hold a Licence and that business is conducted in such a manner as would not bring Jersey into disrepute.

Applying for a Licence (Article 11)

Applications must be made on forms provided by the Commission. These forms may require the applicant to supply supporting information to enable the Commission to consider whether the applicant meets the criteria for the award of a Licence.

Request for further information

The Commission may at its own discretion request further information or documentation from the applicant in determining whether to grant a Licence. It should be noted that the Commission may also by written notice require the applicant to provide a report by an auditor or accountant, or other expert or qualified person.

Change of circumstances during the application process

A duty is placed on the applicant to inform the Commission in writing of any change pertinent to an application. For instance where the applicant is a company or partnership and the structure has changed (e.g. a director or partner resigns or a new principal joins), or a director or partner in the business is subject to criminal or civil proceedings arising after the application was made. Any intervening circumstances would understandably alter the veracity of the original statements made to the Commission by the applicant. Once the applicant is aware of any material change it must inform the Commission as soon as reasonably possible and before the Licence is issued; failure to do so may result in the revocation of that Licence on the grounds of providing false or misleading information. The provision of false or misleading information is a criminal offence.

Withdrawing an Application

It remains the right of the applicant to withdraw an application at any time before it is granted or refused. The applicant must supply a written notice to the Commission stating the intention to withdraw the application.

Applying for the right Licence?

In examining the application the Commission must consider whether the Licence applied for is the correct form of approval required or whether the applicant would require another type of approval. For the exclusion of doubt, a Class II Bookmakers Licence only applies to the facilitation of betting at and on a live event unless otherwise agreed. **NOTE:** there can be no commercial diversification without approval from the Commission.

Grant of a Licence (Article 12)

It should be noted that the Commission is not compelled to award a Licence just because someone has applied for one. An applicant must and where appropriate provide the Commission with details of the company or trading structure and where appropriate the directors, controllers, owners and beneficiaries of the business. Betting is a specialist activity and any applicant must be in a position to prove competence, knowledge and background in relation to this specialist area.

Therefore, the Commission may only grant a Class II Bookmakers Licence if it has examined and is satisfied of the applicants:

- integrity,
- competence,
- structure or organisation.

The applicant may then be considered a fit and proper person to offer betting at events under the Licence. **NB:** The Commission accepts that most applicants for a Class II Bookmakers Licence are sole traders.

The Commission is also bound to determine whether the grant of the Licence will be harmful to the reputation and integrity of Jersey in gambling matters along with commercial and financial matters.

NOTE: No Right of Access or Tenancy

A Licence confers no right of tenancy or right to exclusive possession upon a Bookmaker of any part of the racecourse, track, pitch or other area set aside for betting by an event promoter and organiser. A Licence in and of itself does not entitle the licensee access or use of a promoter's property or facilities without the promoters express permission to do so.

Testing

The Commission also reserves the right to approve and appoint an independent person to test each item of equipment or device that will be used in relation to the betting to ascertain and confirm the gambling equipment complies with the guiding principles and is in compliance with any relevant code of practice, if appropriate.

Sufficient Connection Test

Applicants from overseas seeking to facilitate gambling in Jersey are subject to the full Licence conditions contained in this Policy. To meet the sufficient connection test, the Commission will require applicants to provide details of the events they mean to attend and agreements reached with the event organisers.

Matters the Commission must take into account

Without limiting the matters that the Commission may take into account in determining whether to grant a Licence to an applicant, the Commission must take into account the following matters:

- financial standing e.g. the ability to meet and honour any promoted odds;
- whether the applicant has at any time been subject to adverse findings, in either the provision of gambling services or gambling related services by a law enforcement agency situated in a country or territory outside Jersey.

- whether the applicant has at any time (whether or not in relation to the application) where information was required under the Law:
 - failed to provide any information, or
 - provided to the Commission information which was untrue or misleading in any material particular.

Convictions

As one of the Commission's key licensing principles is to keep gambling crime free, this necessarily extends to all applicants. The Commission must take into account any convictions of the applicant or applicant company, and this includes convictions outside of Jersey. Convictions include:

- an offence under this Gambling (Jersey) Law 2012, Gambling (Ancillary Services and Miscellaneous Provisions)(Jersey) Regulations 2012 or the Gambling Commission (Jersey) Law 2010,
- an offence under the anti-money laundering and counter-terrorism legislation;
- an offence under the Data Protection (Jersey) Law 2018, the Supply of Goods and Services (Jersey) Law 2009 or the Distance Selling (Jersey) Law 2007;
- an offence of perjury or conspiracy to pervert the course of justice, or any other offence involving fraud or other dishonesty,
- any related offence, under the law of a country or territory outside of Jersey.

Applying for a New Licence

Duration

A Class II Bookmakers Licence lasts for the year it was issued and allows betting only at events throughout that calendar year. If a bookmaker applies for a new Licence before the expiry of the current one, the Commission may not necessarily require the same degree of information to pursue the new application. The Commission will examine what information it already holds and consider whether the known applicant has a good compliance record and there has been no material or significant changes since the last application process. In the absence of any significant event and the applicant has previously proved to be compliant with the Licence conditions, the Commission may waive or reduce any application fee for a new Licence.

Compliance History of Licensees

The compliance history of the licensee will always be reviewed when considering any application for a new Licence. These matters are prescribed in the Law and are as follows:

The Commission must consider whether the applicant has at any time failed, in any material respect, to comply with a condition placed on a current or previous Licence, a code of practice or direction given to the person at any time.

The Commission must consider whether:

- at any time a direction has been given on the basis of any default by the applicant;
- an injunction has been issued under Article 36(2) on the applicant;

- or an order has been made under Article 36(4) on the basis of any contravention by the applicant;
- the applicant has been the subject of an order for intervention under Article 37,
- a Permit held by the applicant or any gambling promotion has managed has been revoked under Article 38, or
- the applicant has been served with a final notice of a civil financial penalty under Article 39.

Grounds for refusal or revocation of a Licence

In accordance with the matters the Commission *must* consider when assessing an application, the following matters – which are not exhaustive - may compel the Commission to revoke a Licence or refuse an application for a Licence:

- the applicant has held a Licence previously and proved to be incompetent or negligent or dishonest;
- the licensee fails to pay fees;
- the licensee or applicant produced misleading and inaccurate information when applying for a Licence or subsequently under the reporting conditions applied to a Licence;
- the licensee has breached such conditions of a Licence without taking remedial action required and set out in notices from the Commission;
- on application the person is found not to be bona fide or indeed would require another form of approval;
- the licensee requests it;
- Jersey's reputation is imperilled;
- if the Commission has issued a direction under Art.16(4).

The Commission must articulate reasons for refusing and revoking a Licence in line with Article 43 (notification of decisions) and the right of appeal must be applied under Article 45.

Article 43: Notification of decisions

The Commission must notify the applicant or licensee (where applicable) of:

- the decision to grant a Licence and the conditions applied to that Licence,
- the decision to refuse a Licence and the reasons leading to this decision,
- any remedial action required by the applicant to obtain a Licence,
- the revocation of a Licence and the grounds for that revocation,
- the effective date of any of these notifications.

NB: A licensee has the right to appeal any enforcement decision pursued by the Commission.

Licence Conditions

The Gambling (Jersey) Law 2012 contains a set of mandatory licence conditions, which must be applied to all licences. While the Commission has some discretion in relation to other conditions contained under subsequent articles, the matters set out under Article 15 compel the application of Article 16 and 17 conditions and at least one supplementary condition (Article 18).

General conditions applied to a Class II Bookmakers Licence

It is a condition of every Licence that gambling must only be conducted at those specified events and that those events are acceptable to the Commission.

On award of a Licence a licensee may seek to alter or increase those events as they appear. Alteration or increase must be made in writing to the Commission along with written agreement that the organiser or promoter sanctions betting at this event.

It is a condition of every Licence that gambling must not be advertised to or at children which for the purpose of this Licence means under 18 year olds.

The expiry of a Licence does not remove any obligations contracted by the Licensee during the months of that Licence's validity.

It is a condition of every Licence that gambling must comply with Data Protection, anti-money laundering and counter terrorism legislation.

It is a condition of all licences & permits that the holder should inform the Commission of any occurrence, incident or event that effects their suitability to hold a licence or which the Commission might ordinarily expect to be made aware of.

Cheating

The Licensee should note that cheating is now a criminal offence and any incidence should be reported to the police and notified to the Commission. The Bookmaker must retain records of actual or suspected cheating incidents.

Specific Conditions

These conditions apply to all persons involved in bookmaking activities at events. This extends to any person employed or engaged by a bookmaker to assist in any way whatsoever with the carrying out of bookmaking activities at these events.

Positions within Betting Areas

The event organiser or promoter will determine the layout of betting areas. The allocation of positions in this layout will be at the discretion of the event organiser. The Commission will take no role in the negotiation of betting positions for individual licensees. Conduct within the betting area is subject to Licence conditions.

The Commission shall not have any liability to any bookmaker (or staff of the licensee, where applicable) for any loss, damage or harm suffered as result of any allocation of positions or other decision made by the event organisers.

Nothing in these conditions shall be deemed to create any proprietary rights or any other rights whatsoever to any position in a betting area or confer a right on Bookmakers to be allocated a recurring position by dint of holding a Licence. The regular or random allocation of betting positions is strictly an agreement between licensee and event organiser.

A licensee must not pitch their joint on an adjoining or overlooking property which is separate but in view of an event to which they have been refused admission to undertake betting.

Betting areas (racing courses, tracks, arena or stadia) will be subject to Commission inspection to establish security matters corresponding to the Guiding Principles.

Conduct in the Betting Areas

It is a condition of a Licence that all Bookmakers and staff (where appropriate) granted access to any betting area must comply with the following points of conduct:

- The Orders and Rules of Racing;
- The Orders and Rules governing sporting and athletic events;
- Reasonable instructions given by Commission staff, or officials of the event organiser;
- The conditions of this Policy and all pertinent guidelines and codes of conduct which may be issued pursuant to the Law;
- Provide to the Commission all information it may request relating to the bookmaking activities carried out at any event within 14 days of such requests;
- Licensees must not be associated in any way with any practice that has, or might have, the effect of distorting artificially the betting market or starting price e.g. false prices on any horse or other participant by any other means.

Display of Terms and Requirements

Class II Bookmakers must display the following information on their board or joint and ensure that it is visible to the public at the relevant betting event:

- runners in race card or betting order of events;
- trading name and some means of contact (aware of the risk of nuisance licensees may elect to provide contact through a third party e.g. the event organiser);
- Where relevant: amount of minimum bet accepted (e.g. not accepting bets less than £5.00);
- Where relevant: maximum guaranteed pay out to an individual winner;
- types of bets available (e.g. to win or each way depending on runners or participants);

In particular, all bookmakers and staff (where appropriate) must:

- price up the odds on offer at least ten minutes before the scheduled time of a race; if bets are taken on other events which enable in game betting a sign explaining movable odds should be displayed;
- prominently display the place terms if betting each-way;

- prominently display the exchange rate if accepting and/or paying out bets in differing currencies.

Conditions: Conclusion of Betting Event & Unsettled Bets

This condition sets out the rules governing circumstances where a winning bet is not claimed. It should be noted that the Rules of National Joint and Pitch Council do not extend to Jersey, primarily on the grounds that on-course bookmaking opportunities are not arranged on the scale and regularity of those in the UK. However, the Commission imposes the following conditions on the treatment of unclaimed winning bets:

- No bookmaker shall dismantle his or her joint or leave the Betting Area until ten minutes after the weighed-in signal has been given in respect of any race on which he or she has an unsettled cash claim in respect of any bet at any Meeting.
- No bookmaker shall dismantle his or her joint or leave the Betting Area until ten minutes after the conclusion of any match, bout, athletic race or other event for which he or she has an unsettled cash claim.
- If, following that period, the bookmaker has an unsettled cash claim outstanding he or she shall record and retain evidence of this unsettled claim and mark it as a debt owing.
- **Recommendation:** This debt must be retained as valid for 6 months after the bet was struck. The Commission understands some licensees retain this debt indefinitely.
- A record of unsettled cash claims must accompany the annual return submitted to the Commission.

Conditions applicable to conduct and governance of the Joint:

- Class II licensees may only conduct bookmaking activities from a fixed stand (including display boards) known as a joint;
- ensure that areas surrounding joints are kept free from clutter and, where appropriate, personal items are kept in or on the joint;
- keep equipment used in the course of his or her business (including the joint and surrounding areas) in a clean, tidy and safe condition, free from clutter.
- All boxes not stored in the joint must be removed from the betting area at least thirty minutes before the scheduled time of the first race;
- ensure that umbrellas along with hoarding used by the bookmaker must not obscure views of any live event;
- conduct his or herself and ensure that his or her staff conduct themselves in a

proper and seemly manner at all times and conduct business with customers and other authorised personnel in a polite and helpful manner;

- comply with and ensure that his or her staff comply with any dress code in force on any particular race day;
- record the amount due to the winning customer; full details of the terms of the bet; details of the receipt number;
- Any betting dispute that a Bookmaker is unable to resolve must be notified to the event organiser without delay;
- It is a **recommendation** that previous to pitching at any event, a bookmaker should hold and maintain comprehensive and adequate public liability insurance with a reputable insurer on industry standard terms. This should cover a reasonable level of liability for any claim for which they become liable as a result of any loss or damage caused at any event.

Condition: Reportable Matters

- It is a condition that the licensee reports to the Commission any breach of these Licence conditions.
- The licensee must not behave in an unacceptable or unruly manner or in a manner that caused offence to other Attendees. Any incidence of this kind of behaviour should be reported to the Commission.
- If a bookmaker or member of their staff is expelled by or gave grounds to the event organizer to refuse entry to the event, the Commission must be informed. The Commission shall investigate any circumstances leading to the expulsion of a licensee or indeed a refusal of entry.
- Bookmakers shall be fully liable and responsible for the conduct and actions of their staff.
- A breach of any condition by any member of staff engaged by a bookmaker shall be treated as an infringement made by the Licensee and this may incur civil penalties.

Condition: Betting Slips

Betting slips or tickets must be issued to each punter for each bet accepted by the bookmaker. These slips must contain distinguishable data and all or some of the following recommendations should be displayed:

- bookmaker's name
- race day name or code detailing date and race number (if applicable)

- name or number of the horse
- amount staked
- odds
- type of bet.

NB: A bookmaker is not compelled to honour any bet without the production of a betting slip or ticket, thereby proving the bet was struck.

Condition: Record Keeping

It is a condition of the Licence that the licensee makes and keeps records per betting event.

The basic record for bookmakers is the 'Field Book', consisting of pages ruled into columns. The Field Book should be bound and have serially numbered pages. Immediately after a bet is made details are entered in the Field Book under the date on which the bet is received.

Where computerised systems are used for issuing tickets and recording of bets, there is no requirement to duplicate records in a Field Book: the computerised record will be considered the prime record. However, the bookmaker must have a back-up system in place if the computer operations fail to support this record keeping requirements e.g. manual recording using a Simplex book or reverting to the Field Book.

If records are made in an electronic format, printouts should be generated for every race or event the bookmaker attends. These sheets should show the following data:

- ticket number of the bet placed
- amount of stake
- odds at the time the bet placed
- pay out.

A summary sheet for each race should be produced showing overall bets taken, the amount paid out and the profit on that race.

On-course bookmakers may also keep a private record of their ups and downs, which may include transactions omitted from other records, such as a record of hedged bets, who the Bookmaker uses for credit bets, and in turn by which bookmakers are used. Where such a book is kept, it may be subject to inspection by the Commission.

In addition to the individual race record, a further summary sheet should be produced showing details of the total bets received, paid out and profit or loss for the whole meeting or event. This will form the basis of the Regulatory Return due to the Commission.

Annual Regulatory Returns to the Commission

The Licensee must send to the Commission an annual Regulatory Return detailing an account of those bets struck at dedicated events held over the year.

The Regulatory Return will contain the following information:

- A record of the maximum bet struck and the maximum pay out per event¹ should be supplied.
- The Commission will accept a consolidated win and loss account per event.
- Any incident of attempts at underage betting and age challenges.
- Any incidents of *after the fact* discovery of underage betting.

As part of the Commission's assessment of both the health and award of a Licence, the bookmaker's liabilities and financial position are considered. A bookmaker must, therefore, make a declaration that he or she has discharged all fees, rates, duties and other legal obligations whether States of Jersey, Parish or any other financial obligation due or owing that is imposed, assessed or charged in respect of their business as a bookmaker.

Bookmakers and Staff

The only persons permitted to accept or lay off bets at an event are holders of Class II Bookmakers Licence, their employees and, in a limited capacity and solely at a racetrack, the holder of a Track Licence. Any person employed by the licensee must be declared on the application form for this Licence. An employee is an employee or other person engaged by the bookmaker to provide or assist with the carrying out of bookmaking activities on behalf of this Licensee, but who does not accept or lay off bets other than those sanctioned by their employer.

Note: The application for a Licence requires the applicant to declare and identify those members of staff engaged to provide or assist with the carrying out of bookmaking activities. Any alteration to this declared staffing must be notified to the Commission (engagement and dismissal included). The Commission does not vet the licensee's staff, but does record its employees. The onus is placed on the licensee to ensure persons hired are both competent and honest.

This Policy does not extend to accepting or laying off bets for the provision of betting (in various dedicated areas) by or on behalf of the Race Club (namely those operating the Totaliser). A Race Track Licence is governed by its own Policy and this includes conditions on the provision of Tote Betting.

The Commission has the power to issue a direction under Article 35 (2)(c) requiring any individual to:

- not perform a specified function (or any function at all) or,
- not engage in specified employment (or any employment at all) or

¹ An event in this context means a day's trading and not each separate event occurring on one particular day.

- not hold a specified position (or any position at all) in the business or conduct of a Class II Bookmakers Licence.

[Art.16(4)]

It therefore follows that it is a condition of every Licence that the licensee must not allow an individual to perform a function, engage in employment or hold a position, if the licensee knows or can reasonably be expected to know that such performance, engagement or holding is in contravention of such a direction. For example if the Commission considers certain employees or associates of the licensee not fit and proper then they cannot be involved or employed in the conduct of the betting.

Social Responsibility Underage Provisions

Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing underage gambling.

These reasonable steps include methods for:

Checking the age of apparently underage customers

Licensees must require their staff to check the age of any customer who appears to them to be under 21.

Staff should challenge any customer who appears to be under 21 and ask for documentary evidence to support the claim of being 18 years old or older.

This documentary evidence should be identification which:

- contains a photograph from which the individual can be identified
- states the individual's date of birth
- is valid
- is legible and has no visible signs of tampering or reproduction.

Government issued ID such as a driving licence or passport should suffice as documentary evidence.

Anyone who appears to be underage that tries to access the betting facilities and cannot produce an acceptable form of identification must be declined.

After the Fact

This Licence is subject to a condition that if the licensee (or anyone employed by the licensee to perform an operational function) becomes aware that a young person has had a bet accepted then the licensee must return any money paid in respect of that bet as soon as is reasonably practicable having subtracted any monies that have already inadvertently been returned.

Such an event **MUST** be reported to the Commission.

Employment

The Licence is subject to a condition that children and young persons (under 18) are not employed by the licensee for the transaction or negotiation of bets.

Vulnerable Persons Provisions

Licensees must take all reasonable steps to ensure that staff involved in the provision of the betting are vigilant for any customer betting beyond their usual means or if unknown displaying symptoms that their gambling is becoming hard to control. It remains the right of the bookmaker to refuse a bet and if a customer is showing any signs that lead the bookmaker to surmise he or she has a gambling problem, service must be refused.

Condition: Donations to the Jersey Social Responsibility Fund

After consultation on this topic, the Commission concluded the fairest method for funding is to avoid deploying a levy system across the industry, and establish a set tariff for mandatory contributions.

It is therefore a mandatory condition for all Class II Bookmakers to donate to the Jersey Social Responsibility Fund. The donation is calculated in the following manner:

- £50 per licensee per annum

Please Note: Failure to make this donation is a breach of a Licence condition and is therefore subject to regulatory sanctions that, without remedy, could lead to both a fine and the revocation of the Licence. Class I Bookmakers having already donated to the fund, a donation under this Policy is not required.

Mandatory Conditions

Advertising

It is a condition the Licensee ensures that they do not advertise gambling to or at children which for the purpose of this Licence means under 18 year olds. A licensee may advertise betting at events and its availability for betting at events, however an advertisement must comply with the Commission's Advertising Policy. **NB:**

Advertising must not be directed at children or young people. (See:

<http://www.jgc.je/policies/policies/policy-advertising/>)

Compliance with Other Legislation

It is a condition of every Licence that the licensee must comply with the Data Protection, anti-money laundering and counter terrorism legislation. If a licensee has a suspicion that money laundering, drug trafficking, or terrorist financing, is being facilitated through a customer's betting at an event they must, in the first instance, report any suspicions to the Police. The licensee is subject to tipping off provisions and must only deal with the Police on any matter falling under anti-money laundering and counter terrorism legislation.

Supervisory & Enforcement Conditions

The Commission has some far reaching supervisory and enforcement powers that also feature as Licence conditions. These are reproduced below to make a licensee aware of these powers as they could extend further than the right to inspect the joint, and apply to the presentation of records in respect of the licensee's betting held elsewhere (other than in Jersey).

Right of Entry and Inspection

It is a condition of every Licence that the holder must co-operate with the Commission to enable it to carry out reasonable routine examinations, including occasional examinations of any premises (joint) without advance notice.

Routine Examination

In connection with any routine examination, it is a condition that the licensee must:

- supply to the Commission information in a format and at times specified by the Commission;
- provide answers to questions asked by the Commission;
- allow officers or agents of the Commission to enter any premises occupied or used by the licensee for the conduct of the betting [restrictions set out below];
- allow officers or agents of the Commission, while on the premises [restrictions set out below]:
 - to search the premises,
 - to examine equipment on the premises,
 - to take possession of any information or documents on the premises or accessible (electronically or otherwise) from the premises,
 - to take, in relation to any such equipment, information or documents, any other steps that may appear to be necessary to preserve them or prevent interference with them,
 - to require any person present on the premises to provide an explanation of such equipment, information or documents, if the person appears to be in possession of relevant information,
 - to take copies of, or extracts from such documents.

Restrictions: Right of Entry & Examination

The right of entry and inspection is limited to the provision of betting and all related records, documentation and information stored and retained in whatever media format in relation to that betting.

Mandatory Conditions: Reporting

Reporting Relevant Information to the Commission

The licensee must provide the Commission with any information in his or her possession if they know or have reasonable cause to believe that the information is relevant to the exercise of the Commission's functions under the Law in relation to the licensee.

The licensee should apply an objective test to information of material significance and consider whether a failure to disclose this information would likely result in the Commission being misled on any matter in relation to the exercise of its regulatory functions.

Limitation on the use of information

Unless in cases where the information provided is found to be false [Art. 34], it should be noted that any Statement made by the Licensee under this condition may not be used by the prosecution in evidence against the Licensee in any criminal proceedings. However, nothing prevents the Commission from using this statement

for the purpose of pursuing its functions including the imposition of a civil financial penalty

General Reporting Condition

It is a condition of all Licences and Permits that the holder should inform the Commission of any occurrence, incident or event that impacts upon their suitability to hold a Licence or which the Commission might ordinarily expect to be made aware of.

Supplementary Condition:

Current Address

It is a condition that the licensee provides and maintains a current address at which the licensee agrees to accept service of any documents under the Law, and which is to be taken to be that person's proper address for the purpose of Article 7 of the Interpretation (Jersey) Law 1954.

Applying principles to functions

The regulator expects to apply the following principles in exercising its functions under the Law. These principles have been formulated with a view to ensuring that the Commission regulates in a transparent, accountable, proportionate, consistent and focused manner.

Regulating gambling in the public interest

The Commission will regulate in the public interest, having regard to, and in pursuit of, the guiding principles in the Law. In doing so the Commission will work with the sector and other stakeholders and will ensure that it takes into account:

- the need to protect the public;
- the need to maintain public confidence in the sector and the Commission;
- the importance of declaring and upholding proper standards of conduct;
- the competence of Licensees.

Reviewing regulatory approach

The Commission will keep its regulatory approach under review, and will make changes to that approach when appropriate (for example, to reflect experience or new developments or guidance under Article 5 of the Gambling Commission (Jersey) Law 2010).

Consultation

The Commission will consult on changes to its regulatory approach where it is appropriate to do so.

Decision making processes

The Commission will ensure that regulatory decisions are properly reasoned and evidence-based and undertaken in a timely manner.

Confirming licensing and regulatory decisions

The Commission will provide written notification of regulatory decisions, including:

- a clear explanation of the reasons on which the decision is based (in a level of detail proportionate to its impact); and
- details of any appeal mechanism(s).

The opportunity to make representations

The Commission will provide an opportunity for applicants to make representations to it in appropriate circumstances.

Minimum burden test

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

Provision of information

The Commission will endeavour to keep the sector fully informed of the requirements of the regulatory regime and provide general information, advice and guidance, both on request and on its own initiative, with a view to aiding compliance.

Complaints

The Commission will treat all complaints seriously and will address them in accordance with its complaints procedure.

Adopting a risk-based approach

The Commission will adopt a risk-based approach to regulation to ensure that its resources are concentrated where they are needed and can be most effective.

Proportionality

The Commission will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any action is proportionate to the importance of the matters to which it relates, having regard to any risk assessment.

Publication of regulatory action

The Commission will publish details of any regulatory action taken, except where it considers that this may have a disproportionately damaging effect.

Gambling should be verifiably fair to consumers of those services.

The Commission will ensure that the Licences it issues, together with the conditions it imposes and the codes of practice it publishes, set appropriate standards of conduct for Licensees, in connection with any permitted activity.

In the event of non-compliance, the Commission will ensure that conditions are imposed that deter future non-compliance on the part of the Licensee.

Gambling should always be conducted responsibly and with safeguards necessary to protect children and vulnerable people.

Jersey Gambling Commission

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