

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR HOME AFFAIRS

**AMENDMENTS TO THE ALDERNEY eGAMBLING (OPERATIONS IN GUERNSEY)
ORDINANCE, 2006**

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled 'Amendments to the Alderney eGambling (Operations in Guernsey) Ordinance, 2006' dated 17th February 2026, they are of the opinion:-

1. To agree to amend the Alderney eGambling (Operations in Guernsey) Ordinance, 2006 to give effect to the proposals set out in section 4 this Policy Letter.
2. Only if proposition 1 has been approved, to approve the draft Ordinance entitled "The Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2026" as set out in the Appendix to this Policy Letter, and to direct that the same shall have effect as an Ordinance of the States.

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ORDINANCE, 2006

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

17th February, 2026

Dear Sir

1 Executive Summary

- 1.1 The purpose of this Policy Letter is to seek approval from the States of Deliberation to amend Guernsey’s eGambling legislation, namely the Alderney eGambling (Operations in Guernsey) Ordinance, 2006¹ (“the 2006 Ordinance”). The proposed amendments relate to technical changes to the 2006 Ordinance to ensure that the Guernsey and Alderney eGambling regimes are aligned.
- 1.2 These proposals follow a gap identified in Guernsey’s eGambling legislation which, unlike Alderney’s eGambling legislation, does not expressly make it a criminal offence under Guernsey law to organise, promote or carry out an unlicensed gambling transaction.
- 1.3 In addition, it is proposed that Guernsey’s legislation is updated to include a definition of the meaning “promote”, which has already been inserted into Alderney’s legislation effective from 1st January 2026², in order to ensure consistency across the regulatory regimes.
- 1.4 As a matter of good practice it is recommended that the two regimes are aligned as soon as practicable. The Committee sought the permission of the Presiding Officer to allow the Policy Letter and legislation to be considered concurrently. The proposed draft Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2026 (“the Amendment Ordinance”) is set out in the Appendix to this Policy Letter.

¹ [The Alderney eGambling \(Operations in Guernsey\) Ordinance, 2006](#)

² [The Alderney eGambling \(Amendment\) Ordinance, 2025](#)

2 Strategic Context

- 2.1 A Memorandum of Understanding has been in place since 2013 setting out the relationship and respective responsibilities of the then States of Alderney Policy Committee (now the Policy & Finance Committee), the then Home Department (now Committee *for* Home Affairs) and the Alderney Gambling Control Commission (AGCC) in relation to eGambling.
- 2.2 Due to technical and commercial reasons, equipment required for eGambling transactions cannot be adequately hosted in Alderney and the 2006 Ordinance therefore facilitates the hosting of eGambling on computer servers located within its jurisdiction which are regulated by the AGCC.
- 2.3 If licensed by the AGCC, gambling transactions that would be lawful in Alderney are also lawful in Guernsey where they take place in Guernsey under certain limited and specified conditions, for instance only being in Guernsey because a computer server is located here.
- 2.4 The relevant eGambling legislation is the aforementioned 2006 Ordinance in Guernsey, and the Alderney eGambling Ordinance, 2009³ (“the 2009 Ordinance”) in Alderney.

3 Issues Identified under the Current Guernsey Legislative Provision

- 3.1 At present, the eGambling legislation in Guernsey – the 2006 Ordinance, unlike the equivalent legislation in Alderney, does not expressly make it a criminal offence under Guernsey law to organise, promote or effect a gambling transaction which has **not** been correctly licensed by the AGCC. What the current legislation does is to set out that a transaction which is correctly licensed by the AGCC is “*not unlawful gambling for the purposes of the Gambling (Guernsey) Law, 1971*” .
- 3.2 Whilst the Gambling (Guernsey) Law, 1971 itself provides that is an offence to contravene provisions of any Ordinance made under it, it is potentially arguable that if a person did not have a licence this may not, in itself, ‘contravene’ the provisions of the 2006 Ordinance. Therefore, in order to put the position beyond doubt, minor amendments to the legislation are being proposed.
- 3.3 In contrast, under the equivalent Alderney Legislation – the 2009 Ordinance, which is dealing with exactly the same conduct in Alderney, i.e. gambling transactions organised or promoted by holders of licences issued by the AGCC, a specific offence is created for all gambling transactions which are not “made

³ [The Alderney eGambling Ordinance, 2009](#)

lawful” by the existence of the extant licences.

- 3.4 In addition, Alderney have taken the opportunity to amend their legislation in order to specify what activity is captured by the word “promote”, as there was no definition in either the Guernsey or Alderney legislation. Some entities will undertake promotion only (and will therefore have no customers) and this would mean the supervision regime would be very different than for those entities who had customers.
- 3.5 This definition⁴ was added to the 2009 Ordinance by the Alderney eGambling (Amendment) Ordinance, 2025⁵ which came into force on 1st January 2026. This means that the Guernsey eGambling regime is now slightly out of step in terms of that definition. Whilst this is not a significant issue in the short term, it would be preferable for the two regulatory regimes to align as soon as practicable as they interrelate.

4 Proposed Legislative Amendments

- 4.1 In response to the issues set out in section 3 of this Policy Letter, it is proposed therefore that the 2006 Ordinance is amended and the draft Amendment Ordinance is appended to this Policy Letter.
- 4.2 Section 1 of the draft Amendment Ordinance puts the question beyond doubt that a gambling transaction which is not organised, promoted or effected by a licence holder is both unlawful business for the purposes of the Gambling (Guernsey) Law, 1971 AND persons organising promoting or effecting any such transaction are guilty of an offence under section 11 of the Gambling (Guernsey) Law, 1971.
- 4.3 Section 1(4) of the draft Amendment Ordinance inserts the definition of “promote” and related expressions from the Alderney eGambling Legislation⁶ to specify what activity is captured by the word promote. Among other things, the amendment makes more clear which supervision regime applies when entities do and do not have customers.

5 Compliance with Rule 4

⁴ The definition of “promote” is as follows: *“in relation to a gambling transaction, means to make or participate in making the arrangements for a transaction, including but not limited to giving publicity to the transaction with the aim of increasing awareness of it, related expressions such as promotes or promotion shall be construed accordingly and, for the avoidance of doubt, it is not necessary for a transaction to be concluded for promotion to take place,”*.

⁵ [The Alderney eGambling \(Amendment\) Ordinance, 2025](#)

⁶ [The Alderney eGambling Ordinance, 2009](#)

- 5.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 5.2 In accordance with Rule 4(1):
- a) The propositions contribute to the States' objectives and policy plans, aligning with the Island Resilience Area of Focus of the Government Work Plan 2026-2029 to ensure regulatory standards are robust and regimes in the Bailiwick are aligned as a matter of good governance.
 - b) The Policy Letter has been shared with the Policy & Resources Committee, the Committee *for* Economic Development and the States of Alderney Policy & Finance Committee.
 - c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
 - d) There are no financial implications to the States of carrying the proposal into effect.
- 5.3 In accordance with Rule 4(2):
- a) The propositions relate to the Committee's purpose and policy responsibilities to develop and implement policies on matters relating to its purpose including lotteries and gambling.
 - b) The propositions have the unanimous support of the Committee.

Yours faithfully

M P Leadbeater
President

J A B Gollop
Vice President

M Malik
A Snowdon
S P J Vermeulen

I M Farrell
Non-States Member

The Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2026

THE STATES, in pursuance of their Resolution of the ** *** 2026^a, and in exercise of the powers conferred on them by section 2 of the Gambling (Guernsey) Law, 1971^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the 2006 Ordinance.

1. (1) The Alderney eGambling (Operations in Guernsey) Ordinance, 2006^c is amended as follows.

(2) In section 1, renumber the existing text as subsection (1) and insert the following subsection at the end –

"(2) A gambling transaction not –

- (a) organised or promoted by or with the holder of a Category 1 eGambling licence or a Temporary eGambling licence, or
- (b) effected by or with the holder of a Category 2 eGambling licence or a Temporary eGambling licence,

^a Article ** of Billet d'État No. ** of 2026.

^b Ordres en Conseil Vol. XXIII, p. 109; this enactment has been amended.

^c Ordinance No. XLIII of 2006; this enactment has been amended.

and not otherwise made lawful by Ordinance made under the Law, is unlawful gambling for the purposes of the Law, and every person organising, promoting or effecting such a transaction shall be guilty of an offence under section 11 of the Law."

(3) In section 2(1) and (2) for "and if these conditions are not met, the transaction is unlawful gambling for the purposes of the Law" substitute "and if these conditions are not met, the transaction is unlawful gambling for the purposes of the Law, and every person organising, promoting or effecting such a transaction shall be guilty of an offence under section 11 of the Law."

(4) In section 5, in the appropriate place, insert—

""**promote**" and related expressions have the meaning given by the eGambling Ordinance,".

Extent.

2. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation.

3. This Ordinance may be cited as the Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2026.

Commencement.

4. This Ordinance shall come into force on the 1st July, 2026.