



JERSEY GAMBLING COMMISSION

Policy Statement for the issuing of Temporary Licences and Permits

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Introduction

This document sets out the Commission's policy for the issuing of Temporary Gambling Licences and Temporary Gambling Permits.

In this policy a reference to the "Law" shall mean the Gambling (Jersey) Law 2012 and a reference to the "Ancillary Regulations" shall mean the Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations 2012.

Temporary Licence or Permits

There may be occasions when the Commission, after having received an application for a licence or permit under the Law or Ancillary Regulations, is not in a position to grant the licence or permit for a full five years¹. In such circumstances the Commission may, if it sees fit, issue a Temporary Licence or Permit in order to allow the applicant to operate or continue to operate whilst their application is finalised.

A Temporary Licence or Permit is issued solely at the discretion of the Commission and cannot be applied for. There is no right to a Temporary Licence or Permit.

Notwithstanding the issuing of a Temporary Licence or Permit, the Commission may still refuse the original application and therefore the issuing of a Temporary Licence or Permit cannot be taken as indicative that a full five year permission will be granted.

In the event that, following the issuing of a Temporary Licence or Permit, the application is refused, the Commission will not be held liable for any expenses incurred by the applicant acting upon an assumption that a Licence or Permit would be issued.

In considering the grant of a Temporary Licence or Permit the Commission will adopt a risk-based approach and have regard to;

1. the type of Licence or Permit applied for,
2. the circumstances of the applicant,
3. the type of business, and
4. the likely period that the Temporary Licence or Permit will be in force.

Guiding Principles

The guiding principles are set out in Article 4 of 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;

¹ Where in this policy reference is made to a 'full five year Licence or Permit', this should also be taken to apply to the grant of a full Licence or Permit of such duration as permitted by Law.

- 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 the Gambling Commission Law and the Law, the Commission must always have regard to these principles. The Commission will, therefore, only permit gambling or services to commercial gambling operators if it considers them consistent with pursuit of the guiding principles.

Conditions

The Commission may attach to a Temporary Licence or Permit any such condition or conditions, being either mandatory or supplementary in the Law, as may appear to the Commission to be necessary for the proper governance of the regulated activity.

The Commission may by way of notice or direction revoke, add or amend any such condition or conditions at any time during which the Temporary Licence or Permit is valid.

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

It is a condition that every Temporary Licence or Permit Holder operates in a manner as if they were the holder of a full Licence or Permit and complies with the relevant policy, published by the Commission for the operation and regulation of that type of gambling activity.

It is a condition of every Temporary Licence or Permit Holder that they may not operate or otherwise transact business from or within Jersey until they are in possession of a 'Go Live' letter from the Chief Executive of the Commission.

Fees

The Commission in accordance with Article 15(1) (a) of the Gambling Commission (Jersey) Law 2010 may levy a fee for the issuing of a Temporary Licence or Permit.

A fee levied for a Temporary Licence or Permit will be the same as that charged by the Commission for the issuing of a Licence or Permit under a relevant published policy.

A fee levied for a Temporary Licence or Permit shall be non-refundable.

The Commission shall be fully entitled to levy a fee for both a Temporary Licence or Permit and then a further fee upon grant of a full five year Licence or Permit in relation to a single application. However in the event that, following the payment of a fee for a Temporary Licence or Permit, an application for a full five year Licence or a Permit is granted, the Commission may, at its own discretion and;

1. having had regard to type of application

2. the work done in relation to the grant and regulation of the Temporary Licence or Permit, and
3. the work done to process the application

deduct a portion of the fee paid for the Temporary Licence or Permit from the fee levied for the first year of the full five year Licence or Permit.

Applicable dates

A Temporary Licence or Permit shall be valid for such time as the Commission sees fit, but shall not exceed one year from the date of issue.

A further Temporary Licence or Permit may be granted in special circumstances at the absolute discretion of the Commission. It should be noted, however, that the Commission would expect that an applicant should be capable of being granted a full five year licence before the expiry of a Temporary Licence or Permit.

Expiry of Temporary Licence or Permit

A Temporary Licence or Permit shall cease to be valid upon the issuing of a full five year Licence or Permit relating to the application for which the Temporary Licence or Permit was issued.

In the event that the Commission refuses to grant an application for a full five years Licence or Permit, the Temporary Licence or Permit may be revoked, suspended or amended.

Revocation

In accordance with Article 38 of the Law the Commission may, by way of notice or direction, revoke a Temporary Licence or Permit at any time.

A person, upon whom such notice or direction has been served, shall have a right of appeal in accordance with Article 45 of the Law.

Date of Issue

This amended policy was considered by the Commission at its meeting on 19th September 2016 and came into force on 26th September 2016.

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