

JERSEY GAMBLING COMMISSION



Code of Conduct for Social and Charitable Gambling

**Published January 2013
Revised December 2016 & July 2019**

Code of Conduct for Social and Charitable Gambling in Jersey

Definitions

'Social' is meant to include sporting and social clubs who wish to engage in public fundraising for the benefit of the club so that it can buy equipment, or otherwise assist the club. It does not allow for generating funds that solely benefits the members.

It does not include gambling that happens within private clubs, strictly limited to its membership and not open to the public. Private gambling and membership gambling are not subject to regulation. For more information on these topics please refer to the appropriate guidance on Membership Gaming and Private Lotteries on the Commission's website.

When referring to a 'charity' or 'charitable', the Commission means a corporation, association, trust or non-profit organization referred to in Article 115(a), (aa) or (ab) of the Income Tax (Jersey) Law 1961 for the purposes of:

the advancement of education; the relief of poverty; the furtherance of religion; a purpose beneficial to the whole community; the service of any church or chapel or any building used solely for the purpose of divine worship, or a non-profit organization within the meaning of the Non-Profit Organizations (Jersey) Law 2008 where that organization is established solely or primarily for cultural purposes, and receives funds wholly or mainly from the States of Jersey in pursuance of those purposes.

This definition is not limited to those organisations that have registered as Jersey Charities under the Charities (Jersey) Law 2014.

Applying principles to functions

In understanding the special place of the charitable sector, 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 charitable 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; and
- competence of permit holders.

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).

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.

The Commission must always have regard to these principles and will only permit gambling (of any kind) if it considers it consistent with them.

Statutory Functions

The Commission's functions with regard to social and charitable gambling comprise three key areas: making registrations and applying permits, compliance and enforcement. In particular, the Commission has a duty to:

- determine applications for registrations and permits, specify the conditions to be contained in such permits, and determine applications for variation or renewal;
- assess compliance with the Law and with any permit condition, code of practice or other provision included by virtue of the Law, and request information from registrants or permit holders as necessary;
- take regulatory action against any individual or group failing to follow the guidelines stated in this document, or in relation to offences under the Law.

Development of policies and procedures

This Code of Conduct for the regulation of social and charitable gambling has been developed to help fundraising by the third sector. The importance of charitable gambling as a fundraising method is well established in Jersey, and the Commission will give help and advice to assist charities realise their aims as long as they are consistent with the Guiding Principles. The Commission expects this document to evolve as a consequence of experience and welcomes feedback from participating bodies to help keep policies relevant.

JERSEY GAMBLING COMMISSION CODE OF PRACTICE FOR CHARITABLE GAMBLING

The Commission believes public protection should be risk based and that a 'one size fits all' approach is not a viable option. Using the Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations 2012, the following rules apply to the 3 categories of social and charitable gambling, namely '**Exempt**', '**Registered**' or '**Permit**'.

Exempt Charitable Gambling

This category has been designed to cater for *ad hoc* / 'one-off' charitable gambling where the amount of prizes on offer is less than £1500. Charities may engage in those forms of gambling defined above on three or less days a year, **except** Crown and Anchor **or** any form of gambling with an electronic component. Accurate records of revenue, prizes and winners should be kept for at least one month.

Donated prizes

In the event where a charity is offered a donated prize it should make certain the prize is real and guaranteed. The actual or perceived value (how much a person thinks it is worth) of a donated prize or prizes must be calculated to work out whether the lottery remains Exempt or should be Registered or needs a Permit. **Remember:** you must calculate the total value of ALL prizes on offer to work out the correct category for regulation. Do not use the overall value of the funds you hope to raise or have raised through a gambling promotion.

Events offered by a third party providers.

If a charity wishes to use a third party provider to offer charitable gambling services (such as crown and anchor or an on-course bookmaker for cinema racing) they may do so as long as the provider is in possession of the appropriate licence from the Commission.

Where a **licensed commercial operator** forms part of a larger event and pays the club, society or charity to offer gambling services at an event (organised wholly or partly to benefit the charity) such as at fete or fair, this gambling will be regulated under the operator's licence granted by the Commission. The licensed operator and the event organizer must inform the Commission of these agreements before the event takes place.

Fun Casinos: on no account can real money be used in these games to buy chips or chances. While prizes can be offered to those who receive the most chips, the Commission requires advance notification of these promotions to ensure there is no confusion between banker's games (hard gambling) and fun or themed entertainments.

Do's and Don'ts

If a charity has any doubt about whether a fundraising event qualifies as Exempt under this Code of Conduct they should contact the Commission. For reference the following do's and don'ts provide a quick guide for organisers:

YOU MUST NOT:

- conduct electronic gambling or offer the game commonly known as Crown and Anchor
- offer prizes in excess of £1,500 per day
- offer or conduct charitable gambling for more than 3 days per year
- offer or conduct gambling otherwise than in accordance with the generally accepted rules of such gambling and after consulting the published advice and Code of Conduct for Charitable Gambling issued by the Jersey Gambling Commission.

YOU SHOULD:

- inform the public of the name, address and charitable purpose of the gambling
- the date of the gambling
- the place or event where the gambling takes place
- the prize or range of prizes
- the price of the ticket or chance
- retain a set of records and accounts including, at a minimum:
 - the whole proceeds of the gambling;
 - the sums deducted from the proceeds on account of expenses;
 - the sums deducted from the proceeds for prizes;
 - the number of tickets or chances –
 - printed (where applicable)
 - sold; and
 - unsold;
 - the recipient of the proceeds of the gambling;
 - the amount the recipient received and ultimate purpose of these monies;
 - the dates when tickets or chances in the gambling were sold.

The following rules also apply to ticket sales:

- the price of every ticket or chance must be the same;
- the price of the ticket must be printed on the ticket (in cases of same day raffles cloak room tickets may be used – see [ADVICE: Conducting Lotteries](#) Raising funds for Charitable, Sporting or other Good Causes:
- no person can enter a lottery without first buying a ticket;
- payment for the ticket must be in full;
- no refunds in a lottery are permitted once the ticket has been purchased.

Record Keeping for Exempt Fundraising

Disputes can occur and the Commission recommends a charity makes records and keeps them for at least one month after all prizes have been paid out. In the event that not all prizes are claimed, they should be retained along with the records for a minimum of six months. A record of how they are then disbursed should also be made and kept.

In the event that you wish to conduct non-exempt gambling you MUST Register with the Commission or obtain a Permit. 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 up to £5,000. In the event that a person provides a gambling service where a Permit is required, that person commits an offence under Article 26(4)(b), with a penalty of imprisonment for up to one year and/or an unlimited fine.

If you have any doubt as to which category your event or type of gambling would fall into, please contact the Commission.

Registrations and Permits

What the Commission expects from applicants for Registration or a Permit:

The Commission expects applicants for Registration or a Permit to:

- demonstrate to the Commission that they are fit to hold a Registration or Permit;
- ensure that the activities they plan to carry out will be conducted in a manner which minimises the risks to the Guiding Principles and be able to demonstrate adequate systems and controls;
- comply with the Commission's social responsibility directives;
- act with due care, skill and diligence;
- work with the Commission in an open and co-operative way;
- tell the Commission anything it would reasonably expect to know.

Registered Charitable Gambling

The Registered category is for regularly held, generally small to medium scale fundraising. If you wish to offer charitable gambling on **more than 3** days a year, or at any time offer prizes exceeding £1,500 in value, then you must be registered with the Commission. Remember, this is the cumulative value of all of the prizes on offer, not just the top prize.

The Registration category is created by Regulation 5 of the Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations 2012, and from this Regulation and the Law, the Commission has developed the following rules and requirements:

- A person within the charity must take responsibility for ensuring that the event complies with this Code and the Law. The Commission refers to this person as the 'Promoter'.
- The Promoter or other responsible officer of the Club, society or charitable cause must provide the Commission with information about all the gambling conducted over the Registration year. Most applicants will have planned their gambling promotions in advance and details of these must be supplied on the application form. Once Registered you can add other activities as long as they are not promotions which would require a Permit (see below).
- The Commission may refuse to register an applicant if it appears the conduct of gambling is likely to contravene the Code of Practice.
- Fees for Registration must accompany the application form. These fees are published on the Commission's website and are currently set at £20.00.
- The Commission may ask for a Financial Regulatory Return from Registered entities. It is not an automatic requirement to provide these returns, but you should be aware the Commission selects a sample of Registrations every year and asks the charity to make these reports. A Financial Regulatory Return will also be necessary if the Commission suspects there may be grounds to revoke a Registration.
- The Commission may revoke a Registration if it has reason to believe the charity:
 - provided false or misleading information,
 - failed to pay fees,
 - the gambling is likely to contravene the Code of Practice.

ONCE REGISTERED YOU MAY:

- **Conduct Bingo** - Registration allows games with a maximum prize fund per session (24 hour period) of £1,500 and up to a maximum of £12,000 in total prize money in any one calendar year.

The Commission recognises some games generate prize pots from the number of people playing the game. In the rare event that a prize fund is generated in excess of the maximums stated above, prizes may be paid out, but the charity must submit an '**Unusual Event**' declaration to the Commission as soon as possible and no later than 3 working days after the event. This form is available from the Commission. **Please note:** no **further** gambling is permitted in the case of an '**Unusual Event**' until authorised to do so by the Commission.

- **Conduct Lotteries** – Registration allows the sale and promotion of charitable lotteries where the combined value of prizes is in excess of £1,500 but no greater than £12,000 per lottery. No charity may offer in excess of £30,000 per year in prizes by lottery without a Permit.

Schedule of Events

One of the main requirements of a Registration is the Schedule of Events which appears on the application form. Prize pot maximums have already been explained, but the schedule provides flexibility for the charity to hold several fundraising promotions. The Commission expects you to have a good idea how many events you plan to hold, but this doesn't stop you from adding extra events throughout the year. These extra events need the agreement of the Commission before you start promoting them. So first contact the Commission and ask if the event can be added to the schedule.

Record Keeping

While there is no routine requirement to provide an official return detailing the results of your promotions, the Commission reserves the right to inspect the records of Registered entities. This sampling helps the Commission understand if its policies are working and a good attitude to compliance has been adopted.

YOU MUST:

- Keep proper records to prove you have complied with the Guiding Principles. The Commission will work with clubs and charities to advise them on the type of records they should keep, but the following list sets out the minimum that is required:
 - proof that the public were provided with the name and address of the charity and purpose of the funds raised by the gambling promotion;
 - the date of the gambling or draw;
 - the place or event where the gambling took place;
 - the prize or range of prizes;
 - the price of the ticket or chance;
 - the whole proceeds of the gambling;
 - the sums deducted from the proceeds on account of expenses;
 - the sums deducted from the proceeds for prizes;
 - the number of tickets or chances printed (where applicable), sold and not sold;
 - the recipient of the proceeds of the gambling;
 - the amount the recipient received;
 - the dates when tickets or chances were sold.
- Provide these records to the Commission on request.
- Provide a Schedule of Events as part of the Registration and before any gambling takes place.

Gambling by Permit and the Law

Permits are issued to larger scale promotions that offer prizes of significant value while raising substantial funds for good causes. Permits issued by the Commission are subject to a similar level of oversight as commercial licences. Law and Regulations place certain conditions on Permits, some of these have already been mentioned in the Do's and Don'ts part of this Policy. This section gives a full explanation of these conditions and where they appear in legislation. Some conditions deal with the testing of equipment used to decide winners, which may not always apply to the type of gambling you propose to use.

Permit per event

A Permit is granted to an individual event and remains valid until that event has happened. A Permit should be applied for in the year in which the event is taking place. For an event planned for January, it is of course possible to prepare/apply in the preceding year.

Mandatory conditions: general (Article 16)

The address or venue where the gambling promotion takes place.

It is a condition of every Permit that the gambling promotion must take place at the premises stated on the application form as this address will be also appear on the Permit. The venue or premises must be approved by the Commission as suitable for a gambling promotion. In the event that a venue needs to be changed this must first be agreed by the Commission and after which all participants in the promotion must be informed of this change.

Marketing and Advertising

It is a condition of every Permit that gambling must not be advertised to children which for the purpose of this policy means anyone under the age of 18 years.

Data Protection and Anti-Money Laundering

It is a condition of every Permit that the promoter must comply with the Data Protection (Jersey) Law 2018 and anti-money laundering and counter terrorism legislation. If a promoter suspects money laundering, drug trafficking, or terrorist financing, is happening they must report any suspicions to the Police.

Specialist Roles

It is a condition of every Permit that the promoter must not allow an individual to perform a function, engage in employment or hold a position, if they know or can reasonably be expected to know that such involvement is in contravention of a Direction issued by the Commission.

A Direction can require any individual to:

- not perform a specified function (or any function at all) or,
- not engage in specified role (or any role at all) or
- not hold a specified position (or any position at all) in connection with the promotion defined on the Permit.

Mandatory conditions: supervision

Right of Entry and Inspection

It is a condition of every Permit that the promoter and their organisation co-operate with the Commission and allow it to carry out routine examinations, this includes occasional inspections of any relevant premises without advance notice.

In connection with any routine examination, it is a condition that the promoter and their organisation must:

- supply to the Commission information in the format and at times it specifies;
- provide answers to questions asked by the Commission;
- allow officers or agents of the Commission to enter any premises occupied or used by the promoter and their organization for the conduct of the gambling described on the Permit;
- allow officers or agents of the Commission, while on these premises:
 - 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 equipment, information or documents, if the person appears to be in possession of relevant information,
 - to take copies or extracts from these documents.

It is a condition of every permit that the permit holder must at the request of the

Commission, and at any reasonable time, whether or not in connection with a routine examination, provide information that it may reasonably require in relation to –

- (a) the conduct of gambling, from Jersey
- (b) the control, by its owners, executive officers and directors, of anybody corporate constituting the permit holder, or of any holding body or subsidiary of the permit holder;

Reporting Relevant Information to the Commission

It is a condition of every Permit that the promoter and their organization must provide the Commission with any information in their 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 Permit.

If the promoter is in possession of information about any feature of the promotion that they feel may be a breach of this Policy, then they must contact the Commission. Reporting mistakes is expected by the Commission. If an inspection discovers a

breach was known about and was not disclosed, it is very likely the Commission would conclude this to be an act of deception. Action would then become a police matter.

It is a condition to inform the Commission of any factual change to the information supplied on the application for a Permit.

A material or factual change could be a change of the named promoter or persons authorising them to undertake the promotion. It could also mean the addition or removal of directors for any reason including any appointments, dismissals, resignations or deaths, if these changes have any effect on the approved promotion.

Any change to the structure of the organization or charity should be notified to the Commission immediately, especially in cases where these changes alter those benefiting from the funds raised by the promotion. In these circumstances the Commission would most likely insist on a new Permit. For example, in a lottery chances are bought by the public on the clear understanding the beneficiary is the good cause printed on the ticket, if you alter this you are changing the purpose of the promotion.

Limitation on the use of information

It must be remembered Permits are not subject to civil penalties – these are fines for breaches of this Policy and its conditions. Breaches are criminal offences [Art.26 (4)]. Therefore, nothing in these mandatory conditions require a Permit Holder to disclose to the Commission information or documents which they would be entitled to refuse to disclose or produce on grounds of legal professional privilege in proceedings in the court.

However, this does not limit the powers of the Commission or relax the Permit Holder's duty to comply with notices, rights of entry, and the serving of search warrants.

Compulsory matters for supplementary conditions

The types of charitable gambling generally allowed under a Permit are:

- bingo
- lotteries

Other types of gambling may be approved by the Commission. In circumstances where Crown and Anchor is requested the charity must use licenced professionals. Charities may also engage the services of other licensed commercial providers licensed by the Commission.

While children may attend events where gambling by Permit is taking place, they should not be involved as customers of the promotion, i.e. the promoter cannot sell them tickets or any other form of chances in gambling games.

Where the promoter or their agents suspects a customer is under the age of 18 years old they must request identification.

If a ticket is sold to an underage person, the promoter must refund monies and take back the ticket. **This incident must be reported to the Commission.**

Social Responsibility and Problem Gambling

Gambling can be a big problem for a small amount of people. Although, charitable gambling differs in many respects from commercial operations, promoters should be aware of organisations dedicated to helping individuals to tackle gambling addiction:

- The National Gambling Helpline – Freephone: 0808 8020 133
- Gordon Moody Association: 01384 241 292
- The Jersey branch of Gambler's Anonymous can be contacted through either:
- www.gamblersanonymous.org.uk or www.ga.org.je

Tickets & Information

A *lottery* ticket should contain everything a person needs to know about the promotion they entered. A promoter should make sure that the following information appears on the ticket:

- the name of the club/charity/society;
- the name and address of the promoter;
- the time¹ and date;
- the place or event where the draw takes place;
- the prize or range of prizes;
- the price of the ticket;
- a unique number identifying the ticket from other tickets;
- the number of the permit or registration (a statement of regulation by the Commission may not fit onto a ticket, but as a minimum the Permit number must appear);
- the return date for tickets (see **ADVICE** mentioned below).

Where a Permit is for the promotion of a lottery, the promoter must follow the recommendations and requirements set out in the Commission publication called **ADVICE: Conducting Lotteries - Raising funds for Charitable, Sporting or Other Good Causes**. This will help the promoter to ensure their agents know what they can and cannot do and enable the formation of a system of accountability and record keeping.

Marketing and Advertising Provisions

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

All advertising of gambling promotions should be undertaken in a socially responsible manner. In particular, you should comply with the Commission's Advertising Code of Practice which can be found at www.jgc.je.

¹ It is only reasonable that a person who purchased a ticket is able to witness the draw should they wish to do so. It is accepted that it is not always possible to specify an exact time that the draw will be held. However, the ticket should give an indication of when the draw will take place for example *'The draw will take place on the evening of the Society's Annual Christmas Dinner'* etc.

All promoters must ensure that advertisements for the promotion **must not**:

- Portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm;
- Be likely to be of particular appeal to under 18s, especially by reflecting or being associated with youth culture;
- Suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security;
- Exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons;
- Link gambling to seduction, sexual success or enhanced attractiveness.

Equipment

It is a condition of every Permit that promoters seek approval from the Commission of the equipment they mean to use to decide the winners of the gambling promotion. Equipment means any hardware or software that it is capable of affecting the outcome of gambling. The promoter should also state whether this equipment is connected or linked to any other equipment.

If the promoter means to use an electronic Random Number Generator, the Commission will need proofs or certificates that this engine has been tested and approved to supply random outcomes. In the case of software or hardware failure, the promoter must receive approval from the Commission of an alternative device to deliver outcomes/winners.

Regulatory Return

It is a condition of every Permit that promoters complete a Regulatory Return at the end of the year. Templates for this Return can be found on the Commission website.

Optional matters and supplementary conditions

Depending on the proposed structure of the promotion, the Commission reserves the right to impose supplementary conditions². Where appropriate these conditions may include:

- a) the amounts payable by customers in relation to the gambling and the manner in which they are paid;
- b) the amounts to be paid to customers in relation to the gambling, and any other items or advantages to be given as winnings, and the manner in which they are delivered;

² Any other matter falling within Article 12(1) or (3) may also form the basis of a supplementary condition.

- c) the display of information intended to ensure that customers are not misled as to any issue relevant to the fairness of the gambling, and the form, location, manner and occasions of the display of this information;
- d) the persons who supply, install or maintain equipment that may be used in connection with the gambling, including any requirements as to approval, certification, qualification or training of those persons;
- e) the training of staff in respect of the requirements of the Guiding Principles, this Policy, Advice notes and the Law.

Maintaining a current address

It is a condition of every Permit that the promoter provides and maintains a current address where they agree to accept the serving of documents under the Law. This will be taken to be that person's proper address for the purpose of Article 7 of the Interpretation (Jersey) Law 1954.

Where operated by a charity, the offering of fun casinos (see restrictions), or cinema racing may only take place by way of Permit. Charities may also engage the services of a licensed commercial provider, in which case no Permit is required, but a Jersey Gambling Licence is a necessity for the operator, for example, to offer Crown and Anchor.

TABLE REFERENCE OF CHARITABLE GAMBLING BY TYPE AND CATEGORY

EXEMPT CHARITABLE GAMBLING	REGISTERED CHARITABLE GAMBLING	CHARITABLE GAMBLING BY PERMIT
A charity may hold gambling on a maximum of three days per year no matter what combination of gambling takes place. This means only 3 days in total NOT 3 days per type of gambling.	Where charitable gambling is in excess of the 'exempt' category, it must be registered with the Commission.	A charity must apply for and comply with the conditions of a permit when the prize fund limits exceed those allowed under a registration i.e. :-
A charity may hold 3 lotteries/raffles draws per year where the total prize fund is £1500 (or less) per lottery.	More than 3 lotteries per year or any lottery where total prizes are over £1500 but £12,000 or less. TOTAL prizes for the year may not exceed £30,000.	Lotteries/Raffles with total prizes over £12,000, or over £30,000 for the year.
Bingo played 3 times per year, where the total prizes ≤ £1500 per session (24 hrs). Or A combination of lottery and bingo events (no more than 3 in total) where the prize fund does not exceed £1500, per event	Bingo organised & played regularly (more than 3 times per year) or any bingo with prizes greater than £1500 per session (24 hrs) and with a maximum of £12,000 in total prize money in any one calendar year.	Any other gambling events (bingo etc) where the prize fund exceeds £12,000 for any ONE event or the TOTAL prize fund for the year is in excess of £30,000.
IF IN DOUBT, PLEASE CONTACT THE COMMISSION BEFORE PROCEEDING WITH ORGANISING ANY GAMBLING EVENT.	You <u>must</u> submit a schedule of planned events prior to engaging in or promoting any registered charitable gambling.	Details of the draw mechanism, auditors and insurance, along with personal KYC are required to be submitted when applying for a permit.

In the event that a prize fund is generated in excess of the thresholds permitted the prizes may be distributed but the charity must submit a 'unusual event' declaration (downloadable from the JGC website) to the Commission as soon as possible and no later than 3 working days after the event. No further charitable gambling is permitted in such circumstances until authorised by the Commission.

IF A CHARITY HAS ANY DOUBT ABOUT WHICH CATEGORY A FUNDRAISING EVENT QUALIFIES FOR THEY SHOULD CONTACT THE COMMISSION.

Jersey Gambling Commission

4th Floor Osprey House

5-7 Old Street

St. Helier, Jersey, JE2 3RG

Tel: +44 (0)1534 828 540

Email: info@jgc.je

Web: <http://www.jgc.je>