

JERSEY GAMBLING COMMISSION

2nd Floor Salisbury House, 1 – 9 Union Street
St. Helier, Jersey, JE2 3RF
Tel: +44 (0)1534 828 540
Email: info@jgc.je
Web: <http://www.jgc.je>



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Civil penalty scheme introduced

Gambling services providers who break the terms of their licences face fines of thousands of pounds under a new policy published by the Jersey Gambling Commission.

The commission has published a civil penalty policy to deal with breaches of the new gambling legislation or individual licence requirements. The Gambling (Jersey) Law 2012 allows fines of up to £5,000, or in cases where someone offering gambling services has profited from the breach, they can be fined up to twice the profit – even if that amount is over the £5,000 threshold.

The policy also sets out the powers of the commission to issue directions requiring licensees to take action – contravening a direction is a criminal offence which will be dealt with by the courts, and which carries a possible fine and a prison sentence of up to two years.

Civil penalties handed out under the law will be subject to appeal to the Royal Court.

Jersey Gambling Commission chief executive Jason Lane said that they hoped never to have to use the new civil penalty powers.

‘Our experience of dealing with the gambling industry in the Island is that they are professionals and that they don’t try to push the rules,’ he said.

‘But we need to have the tools in our arsenal to deal with breaches, and that is why we have published the policy which is now in effect.

‘If we were to find serious breaches of the rules – for instance if someone had allowed a child to gamble, or refusing to help people to self-exclude – then we will investigate, and we have the powers to issue a fine.

‘We do need these powers, but we would hope not to have to use them.’

Any fines that were paid would go to the States, and would not be held by the commission, which is independent of the States, and which is funded by license fees and not be taxpayers.

In the past, the only option open to the commission for dealing with licence breaches would have been to attach conditions to a license or to involve the police in a criminal investigation. The civil penalty scheme does not require a case to be proven ‘beyond reasonable doubt’ in the same way as a criminal trial, but instead allows fines to be levied when the commission deems that it is ‘more likely than not’ that the rules were broken (ie. cases need to be proven on the balance of probabilities).

About the commission...

The Jersey Gambling Commission was established in September 2010 and its remit covers the regulation of gambling in the Island and advising the Economic Development Minister, Economic Affairs Scrutiny Panel and the States on policy and legislation. It also operates a dedicated gambling therapy service for Jersey residents at www.gamblingtherapy.je. The commission works to three guiding principles enshrined in law, namely that gambling services should be conducted responsibly and with safeguards necessary to protect children and vulnerable people; that they 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; and that they should be verifiably fair to consumers of those services.