



Jersey

**GAMBLING COMMISSION
(CONSULTATION ON CODES OF
PRACTICE) (JERSEY) ORDER 2011**

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Jersey

GAMBLING COMMISSION (CONSULTATION ON CODES OF PRACTICE) (JERSEY) ORDER 2011

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Jersey

GAMBLING COMMISSION (CONSULTATION ON CODES OF PRACTICE) (JERSEY) ORDER 2011

THE MINISTER FOR ECONOMIC DEVELOPMENT, in pursuance of Articles 6(12) and 22 of the [Gambling Commission \(Jersey\) Law 2010](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order, unless the context otherwise requires –

“consultation draft” means a consultation draft referred to in Article 3(1)(a);

“consultation notice” means a consultation notice referred to in Article 3(1)(b);

“Law” means the [Gambling Commission \(Jersey\) Law 2010](#);

“proposed code” means a code of practice that the Commission proposes to approve under Article 6 of the Law, whether by way of revision of a previously approved code or otherwise.

2 Requirement to consult in specified manner

Before approving a code of practice under Article 6 of the Law, the Commission must comply with each provision of Articles 3 to 5 of this Order that applies to the proposed code, subject to Article 9.

3 Consultation documents

(1) The Commission must produce –

(a) a consultation draft of the proposed code consisting, subject to paragraph (4), of the full text of –

(i) the proposed code, and

(ii) any technical standards to which the proposed code refers under Article 6(5)(a) of the Law; and

(b) a consultation notice that –

- (i) invites submission of responses to the consultation draft,
 - (ii) specifies the means and time limit by which responses are to be submitted,
 - (iii) concisely states the Commission's reasons for proposing to approve the code, and
 - (iv) if the Commission seeks responses on any particular question, sets out that question.
- (2) Paragraph (3) applies if the proposed code –
 - (a) takes the form of a code of practice issued by another person, with deletions, amendments or additions made by the Commission under Article 6(3) of the Law;
 - (b) refers to technical standards issued by another person and applies those standards subject to deletions, amendments and additions made by the Commission under Article 6(5)(a) of the Law; or
 - (c) is a revision, under Article 6(5)(d) of the Law, of a previously approved code.
- (3) The consultation draft must indicate each such deletion, amendment, addition or revision, by way of –
 - (a) a supplement to the original text of the code or technical standards, together with –
 - (i) a copy of that original text, or
 - (ii) information as to how it may be accessed free of charge;
 - (b) an annotation of the proposed text of the code or technical standards; or
 - (c) any other means appearing to the Commission to be likely to make clear the effect of the deletion, amendment, addition or revision.
- (4) The Commission need not include in the consultation draft the full text of the proposed code or technical standards if the Commission –
 - (a) relies on paragraph (3)(a) or (c); and
 - (b) is satisfied that the consultation draft is sufficiently clear to enable informed responses to be submitted.
- (5) Paragraph (1)(b) is not to be read as preventing –
 - (a) the inclusion in a consultation notice of a statement in addition to the statement required by paragraph (1)(b)(iii); or
 - (b) the consideration of a response, if relevant to any aspect of the proposal, merely because it does not answer any question asked under paragraph (1)(b)(iv).
- (6) The Commission may decide on the form of the documents to be produced under this Article, may produce one document covering more than one code, and may in particular –
 - (a) include all or part of the consultation draft and consultation notice in the same document;
 - (b) produce each in a separate document; or

- (c) subdivide either or both into more than one document.

4 Publication of consultation

- (1) The Commission must arrange for –
 - (a) one or more copies of the consultation draft to be made available for inspection by the public in one or more offices during reasonable hours; and
 - (b) electronic copies of the consultation draft and consultation notice to be made available for downloading without charge by the public from a website.
- (2) The Commission must announce information as to the arrangements made under paragraph (1) –
 - (a) by placing an announcement on the website used under paragraph (1)(b), or on another website from which readers are directed to that website; and
 - (b) in addition, by at least one other means that the Commission considers likely to bring the information to the attention of the public of Jersey in a timely manner.
- (3) The Commission must take reasonable steps, in addition to complying with paragraph (2), to bring the consultation to the attention of –
 - (a) any person who –
 - (i) holds a relevant authorization,
 - (ii) has an outstanding application for a relevant authorization, or
 - (iii) has informed the Commission of an intention to apply for a relevant authorization;
 - (b) the Minister; and
 - (c) any other person who has requested, in the manner and at the times approved by the Commission, to be informed of consultations.
- (4) In paragraph (3)(a) “relevant authorization” means a licence, permit, approval, certificate, registration or other permission that –
 - (a) is granted, issued, made or given by or on behalf of the Commission; and
 - (b) relates to a type of gambling that will, in the opinion of the Commission, be significantly affected by the proposed code.
- (5) The Commission must comply with every requirement of paragraphs (2) and (3) no later than 28 days before the time limit specified in the consultation notice for submission of responses, unless the Minister approves a shorter period in the exceptional circumstances of a particular consultation.
- (6) For the purpose of paragraph (5), the date on which the Commission complies with a requirement is to be treated as –
 - (a) in respect of paragraph (2)(a), the date on which the announcement first appears on a website under that sub-paragraph;
 - (b) in respect of paragraph (2)(b), the date on which the Commission last takes any action to comply with that sub-paragraph; or

- (c) in respect of paragraph (3), the date on which the Commission last takes any step to comply with that paragraph,

irrespective in each case of whether or when the information or consultation comes to the attention of any person to whom it is directed.

5 Responses and further consultation

- (1) The Commission may –
 - (a) invite any person who submits a response to do either or both of the following –
 - (i) submit a further response,
 - (ii) permit the Commission to publicize the response and any further response on the website on which the consultation draft was made available; and
 - (b) extend the time limit specified in the consultation notice for submission of responses, if it publicizes the extension in the same manner as it made the announcement under Article 4(2).
- (2) If the Commission proposes to approve the consultation draft subject to any significant amendment, the Commission must publish, on the website on which the consultation draft was made available –
 - (a) a notice specifying each amendment it proposes to make; and
 - (b) an invitation to submit further responses on the proposed amendments by a date specified in the invitation.
- (3) The date specified under paragraph (2)(b) must be no earlier than whichever is the later of –
 - (a) 14 days after the date of publication under paragraph (2); and
 - (b) the time limit –
 - (i) specified, under Article 3(1)(b)(ii), in the consultation notice, or
 - (ii) as extended under paragraph (1)(b) of this Article.
- (4) For the purpose of paragraph (2) an amendment of a code is significant if, in the opinion of the Commission, it would significantly alter the effect of the code on –
 - (a) any burden imposed on providers of gambling services; or
 - (b) any protection afforded to consumers of gambling services.
- (5) For the purpose of paragraph (4) –
 - (a) it is irrelevant whether the alteration in the effect results from the amendment itself or from its combination with any other amendment to be made to the code; and
 - (b) an alteration in the effect of the code is not to be treated as significant if the alteration is merely –
 - (i) to the practical effect of the code, and
 - (ii) as a result of an improvement in the clarity of the code.

- (6) The Commission must consider a response if –
 - (a) it is submitted in the manner specified in the consultation notice; and
 - (b) it is received –
 - (i) by the time limit specified, under Article 3(1)(b)(ii), in the consultation notice,
 - (ii) by the time limit as extended under paragraph (1)(b) of this Article, or
 - (iii) in the case of a further response invited under paragraph (2)(b) of this Article, by the date specified in that invitation.
- (7) After considering any responses, the Commission must decide whether to approve or withdraw the proposed code.

6 Withdrawal of proposed code

If the Commission decides to withdraw the proposed code, it must announce, in the same manner as it made the announcement under Article 4(2) –

- (a) the withdrawal of the proposed code; and
- (b) the reasons for the withdrawal, stating concisely –
 - (i) why it considers that the reasons stated in the consultation notice under Article 3(1)(b)(iii) no longer justify approval of the code, and
 - (ii) any further action it proposes to take as a result of the consultation, or its reasons for not so proposing.

7 Approval of proposed code

If the Commission decides to approve the proposed code, it must approve the consultation draft –

- (a) as published under Article 4;
- (b) as amended in any way that does not constitute a significant amendment within the meaning of Article 5(4);
- (c) as amended in accordance with any or all of any amendments published under Article 5(2); or
- (d) as amended as mentioned in paragraph (c) and further amended as mentioned in paragraph (b).

8 Publication of approved code

- (1) If the Commission approves the code it must publish, in the same manner as the consultation draft –
 - (a) the code as approved;
 - (b) any third party standards referred to by the code; and
 - (c) a concise statement of –

- (i) its reasons for approving the code, to the extent that they are different from those given under Article 3(1)(b)(iii), and
 - (ii) its assessment of the consultation responses.
- (2) The date stated in a code as the date on which the code comes into force must not be less than 7 days after the date on which the code is published under paragraph (1).

9 Minor revision of a previously approved code

The Commission may approve a code without complying with any or all of Articles 4(1)(a), 4(2), 5(2), 8(1)(c) and 8(2), if –

- (a) the proposed code is a revision, under Article 6(5)(d) of the Law, of a previously approved code;
- (b) the revision does not constitute a significant amendment within the meaning of Article 5(4) of this Order; and
- (c) the statement under Article 3(1)(b)(iii) includes –
 - (i) reasons for the Commission’s opinion that paragraph (b) of this Article applies, and
 - (ii) an outline of the effect of this Article.

10 Citation

This Order may be cited as the Gambling Commission (Consultation on Codes of Practice) (Jersey) Order 2011.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Gambling Commission (Consultation on Codes of Practice) (Jersey) Order 2011	R&O.136/2011	25 October 2011

Table of Renumbered Provisions

Original	Current
None	

Table of Endnote References

There are currently no endnote references