

Alderney eGambling Regulations, 2009

PART III - HOSTING CERTIFICATES

CHAPTER I - INITIAL CERTIFICATE APPLICATION

Hosting certificates.

98. (1) A hosting certificate may be issued under section 7 of the Ordinance in respect of premises that are approved by the Commission for the accommodation of gambling equipment.

(2) If gambling equipment is to be located in Guernsey then a hosting certificate is required in respect of those premises.

(3) If gambling equipment is not located at premises approved by a hosting certificate, then in order for such equipment to be used lawfully for the purposes of gambling the Commission must be satisfied that the premises, in accordance with section 1(2)(c)(ii) of the Ordinance –

- (a) are suitable and secure, by reference to the premises–
 - (i) certification to relevant local regulations and the standards set by the International Organisation for Standardisation ("ISO") and the Telecommunication Industry Association ("TIA");
 - (ii) rack quantity, power and configuration;
 - (iii) uninterruptable power supply ("UPS") and generator back-up power systems and redundancy;
 - (iv) air conditioning systems;
 - (v) redundancy and diversity of internet feeds and telecommunications providers;
 - (vi) fire and environmental protection systems, including information on whether these meet the standards set by systems such as VESDA, FM200;
 - (vii) water leak detection systems;
 - (viii) disaster recovery procedures; and
 - (ix) staffing policies; and
- (b) meet the Commission's published technical standards in relation to the suitability and security of premises.

Submission of application and initial deposit of investigation monies.

99. (1) An application for a hosting certificate may be made in respect of premises situated in any jurisdiction, and shall be made in writing by completing an application form as set out in Schedule 5, signed by a duly authorised officer of the applicant and delivered to the offices of the Commission.

(2) Before making an application in accordance with paragraph (1), a person intending to apply for a hosting certificate, or a person acting on behalf of a prospective applicant, may submit to the Commission, in electronic or paper format, all or part of an application form as set out in Schedule 5 for the purposes specified in regulation 101(2).

(3) Before, or at the time of, the submission of an application for a hosting certificate, the relevant sum specified under Schedule 21 shall be deposited with the Commission by, or on behalf of, the applicant from which the Commission is permitted to draw the costs associated with processing, investigating and determining that application.

Display on Commission's website.

100. Following receipt of an application for a hosting certificate, the Commission shall post and thereafter continuously display on its website until the application is withdrawn by the applicant or determined by the Commission a notice in the form set out in Schedule 6 containing the information required therein detailing the application.

Commencement of investigations.

101. (1) When an applicant has complied with regulation 99, the Commission shall make arrangements to investigate the applicant and the premises in respect of which the applicant desires approval in order to assess —

- (a) whether the applicant appears to be a fit and proper person to hold a hosting certificate; and
- (b) whether the premises in respect of which approval is sought are suitable to accommodate gambling equipment utilised by an eGambling licensee or a foreign gambling associate certificate holder to conduct its operations.

(2) If a person submits all or part of an application form in accordance with regulation 99(2) and complies with regulation 99(3), at the request of that person, the Commission may make arrangements to commence an investigation in accordance with paragraph (1) insofar as that is practicable from the information supplied, pending compliance with regulation 99(1).

Criteria against which application assessed.

102. (1) In deciding whether an applicant for a hosting certificate is a fit and proper person to hold that certificate, the Commissioners shall have regard to the following matters —

- (a) the applicant's character;
- (b) the applicant's business reputation;
- (c) the applicant's current financial position and financial background;
- (d) whether the applicant has the appropriate business and technical ability to assist an eGambling licensee or a foreign gambling associate certificate holder by accommodating gambling equipment utilised by the eGambling licensee or the foreign gambling associate certificate holder to conduct its operations.

(2) In deciding whether the premises for which an applicant for a hosting certificate seeks approval are suitable, the Commissioners shall have regard to the following matters —

- (a) the location of the premises;
- (b) the layout of the premises;
- (c) the security of the premises, including access thereto; and
- (d) the facilities at the premises, including the arrangements in place in respect of power sources and business continuity.

Request for further information.

103. At any time before an application for a hosting certificate is determined by the Commission, an officer or servant of the Commission may request from the applicant or, with the applicant's prior permission, from some other person such further information or documentation as the officer or servant considers necessary to enable a proper assessment of the application to be made.

Requirement for further information.

104. (1) Whether or not a request in accordance with regulation 103 has been made, a duly authorised officer of the Commission may, by notice in writing given to the applicant, require the applicant to supply to the Commission such further information or documentation as may reasonably be required to make a proper assessment of the application.

- (2) Where a notice under paragraph (1) has been given, the Commission –
- (a) is not required to determine the application until the notice has been complied with;
 - (b) may, if the applicant fails to comply with the notice under paragraph (1) within a reasonable time, give the applicant notice by email or other means that if it fails to so comply within 7 days, then the applicant shall be deemed to have withdrawn its application pursuant to regulation 107(1).

External consultations.

105. As part of the investigation of an application for a hosting certificate, an officer or servant of the Commission may make appropriate enquiries of an officer of police, any regulator or law enforcement agency operating within or outside the Bailiwick of Guernsey or such other person as he considers can assist him in order to enable a proper assessment of the application to be made.

Supplementary deposit of investigation monies.

106. (1) If, prior to the determination of an application for a hosting certificate, the monies deposited with the Commission in accordance with regulation 99 or this regulation have been exhausted, the Commission may by notice in writing to the applicant require that the relevant sum specified under Schedule 21 shall be deposited with the Commission by, or on behalf of, the applicant.

(2) Where a notice under paragraph (1) has been given, the Commission is not required to determine the application until the notice has been complied with.

Withdrawal and lapse of application.

107. (1) At any time before the Commissioners determine an application for a hosting certificate, the applicant may, by notice in writing given to the Commission, withdraw the application.

- (2) If an applicant fails to proceed with its application by –
- (a) not taking a required step in furtherance of the application for 3 months; or
 - (b) failing to substantially respond to a relevant enquiry or direction by the Commission within 3 months,

the application shall lapse and be treated as if it had been withdrawn.

(3) Where an applicant withdraws the application or it lapses by operation of paragraph (2), the Commission shall repay to the applicant or, as the case may be, the person who deposited monies on behalf of the applicant any monies not drawn by it from the monies deposited in accordance with regulation 99 or, where applicable, regulation 106.

Report to Commissioners.

108. On completion of an investigation of an application for a hosting certificate, a report containing details of the application, the investigation and the assessment made of the application shall be prepared by a duly authorised officer of the Commission for submission to the Commissioners for their consideration.

Determination of application.

109. (1) Before deciding whether to grant or refuse an application for a hosting certificate, the Commissioners shall consider —

- (a) the report submitted to them in accordance with regulation 108;
- (b) any written representations received as a result of the display of the notice required by regulation 100; and

- (c) such other material or information supplied to the Commission by, or on behalf of, the applicant as they consider appropriate.

(2) Where the Commissioners consider that they have insufficient information on which to decide whether to grant or refuse the application, they shall defer their decision on the application and —

- (a) shall cause an appropriate requirement under regulation 104 to be made; and
- (b) may invite the applicant, or a representative of the applicant, to attend before them for interview.

Notification of refusal.

110. If the Commissioners refuse to grant an application for a hosting certificate, the Commission shall give the applicant written notice of the decision and of the reasons for the refusal.

Form of hosting certificate.

111. If the Commissioners grant an application for a hosting certificate, the certificate issued under section 7 of the Ordinance shall be in the form set out in Schedule 7.

Payment of investigation costs not deposited.

112. Where the costs payable by an applicant under section 6(1) of the Ordinance exceed the total of the monies deposited in accordance with regulation 99 and, where applicable, regulation 106, the hosting certificate shall not be regarded as valid until payment of the amount by which the costs incurred exceeded the amount deposited, as notified to the certificate holder in writing by the Commission, has been received by the Commission.

Repayment of surplus investigation monies deposited.

113. After determining an application for a hosting certificate, the Commission shall repay to the applicant any monies not drawn by it from the monies deposited by the applicant in accordance with regulation 99 or, where applicable, regulation 106.

Accounting for investigation monies deposited.

114. The Commission shall, whenever requested to do so by an applicant, account to the applicant in respect of the costs as at that time incurred by the Commission in respect of the application.

CHAPTER II - CERTIFICATE CONDITIONS

General conditions attaching to hosting certificate.

115. A hosting certificate granted by the Commission under section 7 of the Ordinance is subject to the following conditions —

- (a) upon request from a duly authorised officer of the Commission about the level of activity at approved premises being undertaken by an eGambling licensee or a foreign gambling associate certificate holder, the hosting certificate holder must, as soon as reasonably practicable, provide the information requested or explain why that information cannot be supplied;
- (b) the certificate holder must within 48 hours of any serious incident negatively affecting the operations of any service provided to an eGambling licensee or a foreign gambling associate certificate holder at its approved premises notify the Commission in writing of the details and consequences of the incident and of the remedial steps, if any, taken;
- (c) the hosting certificate holder must give notification in writing to the Commission containing full details within seven days when a material change occurs in the

information previously supplied by it to the Commission, whether prior to being granted the certificate or subsequently, to which the Commission would be able to have regard in considering whether or not the certificate holder is a fit and proper person to hold a hosting certificate; and

- (d) upon being given reasonable notice, which shall wherever possible be not less than seven days, the hosting certificate holder shall attend at a meeting of the Commissioners for the purpose set out in the notice.

Imposition or change of certificate conditions.

116. (1) Where the Commission considers it necessary, expedient or desirable to —

- (a) attach a condition to a hosting certificate;
- (b) modify an existing condition attached to a hosting certificate; or
- (c) rescind an existing condition attached to a hosting certificate,

it shall issue to the certificate holder a notice in writing (a “**condition notice**”) which shall explain the proposed change of condition and set out the Commission’s reasons for the change.

(2) Subject to regulation 117, a change of conditions takes effect on —

- (a) the day on which the condition notice is given to the hosting certificate holder; or
- (b) such later day as is specified in the condition notice.

Challenge to condition notice.

117. (1) If a hosting certificate holder wishes to make representations to the Commission about anything in the condition notice, it may do so in writing within seven days of receipt of the condition notice.

(2) Representations under paragraph (1) may include a request that the date from which the change of conditions takes effect be postponed until the Commission has considered the representations.

(3) After consideration of a hosting certificate holder’s representations, the Commission may confirm, modify or withdraw the condition notice.

(4) The Commission shall give the hosting certificate holder written notice of its decision under this regulation and of the reasons for it.

Return of hosting certificate for endorsement of changed conditions.

118. (1) A hosting certificate holder shall return its hosting certificate to the Commission within seven days of —

- (a) receiving a condition notice; or,
- (b) where it exercises its right to make representations in accordance with regulation 117, receipt of a notice from the Commission in accordance with regulation 117(4) confirming or modifying the condition notice.

(2) On receiving the hosting certificate, the Commission shall —

- (a) amend the certificate in an appropriate way and return the amended certificate to the certificate holder; or
- (b) if the Commission does not consider that it is practicable to amend the certificate, issue a replacement hosting certificate free of charge, incorporating the change of conditions to the hosting certificate.

(3) A change of conditions does not depend on the hosting certificate being amended to record the change or a replacement hosting certificate being issued.

CHAPTER III - MODIFICATION TO AND SURRENDER OF CERTIFICATE

Modification to hosting certificate.

119. (1) Subject to regulation 120, a hosting certificate holder who wishes to obtain the Commission's approval for a proposed modification to the details contained on its hosting certificate shall make application by letter to the Commission setting out the modification for which it seeks approval.

(2) Without prejudice to the generality of paragraph (1), an application is required within seven days of —

- (a) a hosting certificate holder's name changing; or
- (b) a hosting certificate holder's registered office changing.

(3) An application under paragraph (1) shall be accompanied by —

- (a) the certificate holder's hosting certificate;
- (b) where applicable, a certified copy of the resolution of the hosting certificate holder effecting the change in question; and
- (c) payment in respect of an administration charge of the relevant sum specified in Schedule 21.

(4) If the Commission refuses to grant an application under this regulation, it shall return the certificate holder's hosting certificate and give to it notice of its decision and of the reasons for the refusal.

(5) If the Commission grants an application under this regulation, it shall —

- (a) amend the certificate in an appropriate way and return the amended certificate to the certificate holder; or
- (b) if the Commission does not consider that it is practicable to amend the certificate, issue a replacement hosting certificate free of charge, incorporating the change of conditions to the hosting certificate.

Changes to approved premises.

120. (1) A hosting certificate holder who wishes to obtain the Commission's approval for —

- (a) a proposed modification to its approved premises;
- (b) the addition of new premises to its approved premises;
- (c) the deletion of any premises from its approved premises,

shall make application in that behalf by completing an application form as set out in Schedule 8, signed by a duly authorised officer of the certificate holder and delivered to the offices of the Commission.

(2) An application under this regulation shall be investigated and determined by the Commission in the same way as it would investigate and determine the suitability of premises specified in an initial certificate application.

(3) If the Commission refuses to grant an application under this regulation, it shall give the hosting certificate holder written notice of its decision and of the reasons for the refusal.

(4) If the Commission grants an application under this regulation, it shall —

- (a) give the hosting certificate holder written notice of its decision and require the certificate holder to return its hosting certificate; and
- (b) render an account in respect of the costs incurred associated with processing, investigating and determining the application.

(5) On receiving the hosting certificate and payment of the account rendered under paragraph (4)(b), the Commission shall —

- (a) amend the certificate in an appropriate way and return the amended certificate to the certificate holder; or
- (b) if the Commission does not consider that it is practicable to amend the certificate, issue a replacement hosting certificate free of charge, incorporating the change of conditions to the hosting certificate.

(6) A change to a hosting certificate holder's approved premises under this regulation takes effect on —

- (a) the day on which the certificate holder's amended or replacement certificate is returned or issued by the Commission; or
- (b) such later date as is specified on the amended or replacement certificate.

Surrender of hosting certificate.

121. (1) A certificate holder may surrender its hosting certificate by written notice (a “**surrender notice**”) given to the Commission.

(2) The surrender takes effect —

- (a) on the day specified in the surrender notice; or
- (b) if no day is specified in the surrender notice, one month after the surrender notice is given to the Commission.

(3) A person who has surrendered a hosting certificate must, unless it provides an explanation which is acceptable to the Commission, return the certificate to the Commission within seven days after the day on which the surrender takes effect.

CHAPTER IV - SUSPENSION, REVOCATION AND OTHER SANCTIONS

Fit and proper test: hosting certificate holder.

122. For the purposes of section 12(1)(a) of the Ordinance, in deciding whether a hosting certificate holder continues to be a fit and proper person to hold that certificate, the Commission shall have regard to the following matters —

- (a) the certificate holder's character;
- (b) the certificate holder's business reputation;
- (c) the certificate holder's current financial position and financial background;
- (d) whether the certificate holder has the appropriate business ability to assist an eGambling licensee or a foreign gambling associate certificate holder by accommodating gambling equipment utilised by the eGambling licensee or a foreign gambling associate certificate holder to conduct its operations; and
- (e) whether the approved premises of the certificate holder continue to be suitable, having regard to —
 - (i) the layout of the premises;
 - (ii) the security of the premises, including access thereto; and
 - (iii) the facilities at the premises, including the arrangements in place in respect of power sources and business continuity.

Rectification: Commission proposal.

123. (1) Where the Commission believes that —

- (a) a ground referred to in section 12(1) of the Ordinance exists; and

- (b) it is appropriate to give the hosting certificate holder an opportunity to rectify the matter or matters giving rise to the Commission’s belief that such a ground exists,

it shall issue to the hosting certificate holder a notice in writing (a “**rectification proposal**”) which shall explain the proposed direction under regulation 124 and set out the Commission’s reasons for proposing to give the direction.

(2) If a hosting certificate holder wishes to make representations to the Commission about anything in the rectification proposal, it may do so in writing within seven days of receipt of the rectification proposal.

- (3) After consideration of a hosting certificate holder’s representations, the Commission may –
 - (a) confirm, modify or withdraw the rectification proposal; or
 - (b) take no further action concerning the rectification proposal indefinitely, or for such period as the Commission considers appropriate.

(4) The Commission shall give the hosting certificate holder written notice of its decision under paragraph (3) and of the reasons for it.

Direction to rectify.

124. (1) Where —

- (a) a hosting certificate holder elects not to make any representations in accordance with regulation 123(2); or
- (b) after considering a hosting certificate holder’s representations, the Commission decides to confirm or modify its proposals as set out in the rectification proposal,

the Commission shall, by written notice to the certificate holder (a “**rectification notice**”), direct it to rectify the matter or matters specified in the notice in the manner specified in the notice within the period of time specified in the notice.

(2) A rectification notice shall warn the hosting certificate holder of the consequences of failing to comply with the notice as specified in regulation 126(2).

(3) Where the Commission believes that the hosting certificate holder has an existing relationship with an eGambling licensee or a foreign gambling associate certificate holder, the Commission shall give a copy of the rectification notice to that eGambling licensee or foreign gambling associate certificate holder.

(4) During the period of time specified in a rectification notice, its terms may be modified in any way the Commission sees fit, whether as a result of written representations from the hosting certificate holder or from an eGambling licensee or a foreign gambling associate certificate holder with which the certificate holder has an existing relationship, or of the Commission’s own motion.

Written caution.

125. Where the Commission is satisfied that —

- (a) a ground referred to in section 12(1) of the Ordinance —
 - (i) exists, or
 - (ii) existed and has been resolved, whether voluntarily or in accordance with a rectification notice; and
- (b) it is appropriate to give the hosting certificate holder formal notice warning it about the consequences of any repetition of the type of act or omission giving rise to the Commission’s view,

it may issue to the certificate holder a notice in writing which shall set out the basis for its finding that a ground in section 12(1) of the Ordinance has arisen and warn the certificate holder of the consequences of any repetition of the same or a similar nature.

Regulatory hearing: notice.

126. (1) Where the Chief Executive Officer believes that —

- (a) a ground referred to in section 12(1) of the Ordinance exists; and
- (b) the circumstances are such that it is necessary to convene a hearing of the Commissioners at which the hosting certificate holder shall be given the opportunity of making representations in response,

he shall give to the hosting certificate holder a notice in writing (a “**hearing notice**”) which shall explain that the Chief Executive Officer is recommending to the Commission that it should impose a financial penalty or suspend or revoke the hosting certificate and set out his reasons for convening the hearing.

(2) Where the Chief Executive Officer believes that a rectification notice has not been fully complied with, he shall give to the hosting certificate holder a hearing notice which shall explain that the Chief Executive Officer is recommending to the Commission that it should impose a financial penalty or suspend or revoke the hosting certificate and set out the Chief Executive Officer’s reasons for convening the hearing.

(3) A hearing notice shall give at least seven days’ notice of the hearing to the hosting certificate holder and appoint a date, time and place for the hearing.

(4) A hosting certificate holder may elect not to attend the hearing convened by the hearing notice and confine its representations to any it wishes to make in writing to the Commission prior to the date of the hearing.

Immediate suspension.

127. (1) At the same time as giving a hearing notice, the Chief Executive Officer may, with the approval of at least one Commissioner, suspend a hosting certificate under this regulation if he is satisfied on reasonable grounds that —

- (a) a ground referred to in section 12(1) of the Ordinance exists;
- (b) the seriousness and urgency of the matter requires that immediate action be taken ahead of a regulatory hearing;
- (c) the seriousness and urgency of the matter do not permit the taking of action by way of a rectification proposal; and
- (d) the circumstances require that the hosting certificate be suspended to ensure that the hosting certificate holder is unable to jeopardise the integrity of an eGambling licensee’s or a foreign gambling associate certificate holder’s operation.

(2) A suspension under this regulation —

- (a) shall be effected by written notice given by the Chief Executive Officer to the hosting certificate holder (a “**suspension notice**”);
- (b) takes effect immediately when the suspension notice is given; and
- (c) is effective until —
 - (i) the Commissioners have reached a determination at the conclusion of the hearing convened in accordance with regulation 126; or
 - (ii) it is cancelled by further notice in writing of the Chief Executive Officer in accordance with regulation 128.

(3) Where the Chief Executive Officer believes that the hosting certificate holder has an existing relationship with an eGambling licensee or a foreign gambling associate certificate holder, the Chief Executive Officer shall give a copy of the suspension notice to that eGambling licensee and/or foreign gambling associate certificate holder.

Cancellation of suspension notice.

128. (1) If a hosting certificate holder, or an eGambling licensee or a foreign gambling associate certificate holder receiving a copy of the suspension notice in accordance with regulation 127(3), wishes to request that the immediate suspension imposed by the suspension notice be cancelled, it may make representations in writing to the Chief Executive Officer at any time whilst the suspension is effective.

(2) After consideration of any representations made under paragraph (1), the Chief Executive Officer, with the approval of at least one Commissioner, may confirm or cancel the suspension notice.

(3) The Chief Executive Officer shall give the hosting certificate holder and, where applicable, the eGambling licensee or foreign gambling associate certificate holder written notice of the decision under this paragraph (2) and of the reasons for it.

(4) Where, prior to the Commission reaching a determination at the conclusion of the hearing convened in accordance with regulation 126, the Chief Executive Officer considers that it is no longer necessary to continue the suspension of a hosting certificate, he shall, with the approval of at least one Commissioner, cancel the suspension notice and give written notice to that effect to the certificate holder and, where applicable, the eGambling licensee or foreign gambling associate certificate holder which have received a copy of the suspension notice in accordance with regulation 127(3).

Conduct of regulatory hearing.

129. (1) At a hearing convened in accordance with regulation 126 —

- (a) the proceedings shall be opened and directed by the Chairman of the Commission or, in his absence, the Commissioner presiding at the hearing, who shall be responsible for the proper conduct of the hearing;
- (b) the Commissioners shall, so far as it appears to them appropriate, seek to avoid formality in their proceedings and shall conduct the hearing in such manner as they consider most appropriate for the clarification of the issues before them and generally to the just handling of the hearing; and
- (c) the hosting certificate holder may appear before the Commissioners through any representative.

(2) Without prejudice to the generality of paragraph (1)(b), where the hosting certificate holder indicates that it wishes to challenge the allegation set out in the hearing notice given to it, the Commissioners may adopt the following procedure —

- (a) a duly authorised officer of the Commission or any representative of that officer shall first be invited to present the case setting out the ground under section 12(1) of the Ordinance alleged against the certificate holder and may, for that purpose, call unsworn evidence from witnesses and produce documents;
- (b) in the event that a witness gives evidence in support of the duly authorised officer's presentation, cross-examination by the representative of the certificate holder and re-examination by the duly authorised officer or his representative shall be permitted;
- (c) the representative of the certificate holder shall next present its response and may, for that purpose, call unsworn evidence from witnesses and produce documents;
- (d) in the event that a witness gives evidence in support of the certificate holder's presentation, cross-examination by the duly authorised officer or his representative and re-examination by the representative of the certificate holder shall be permitted;
- (e) written representations may be lodged with the Commissioners by, or on behalf of, the duly authorised officer or certificate holder before or during the hearing or in such other manner as the Commissioners may direct;
- (f) questions may be asked at any time by the Commissioners; and

- (g) the Commissioners may proceed to determining whether or not a ground referred to in section 12(1) of the Ordinance has been established before inviting comments from the representative of the certificate holder in relation to any appropriate sanction.

(3) Where the Commissioners proceed in accordance with paragraph (2)(g) and determine that a ground referred to in section 12(1) of the Ordinance has been established, they shall provide an opportunity for the representative of the hosting certificate holder to offer any explanation and make such other comment as he wishes.

(4) Without prejudice to the generality of paragraph (1)(b), where the hosting certificate holder indicates that it accepts the allegation set out in the hearing notice given to it, the Commissioners may adopt the following procedure —

- (a) a duly authorised officer of the Commission or any representative of that officer may first be invited to summarise the case setting out the ground under section 12(1) of the Ordinance alleged against the certificate holder;
- (b) the representative of the certificate holder shall be provided with the opportunity to offer any explanation and make such other comment as he wishes; and
- (c) questions may be asked at any time by the Commissioners.

(5) A hearing under this regulation may be adjourned by the Commissioners at any time and for any purpose.

(6) Unless the Commissioners otherwise direct, a hearing under this regulation shall be held in public in Alderney.

Regulatory hearing: Commissioners' determination.

130. (1) During or at the conclusion of a hearing convened in accordance with regulation 126, having taken into account everything said before and lodged with them, the Commissioners shall first determine whether the existence of a ground referred to in section 12(1) of the Ordinance has been accepted by, or established against, the hosting certificate holder and —

- (a) if so, shall then determine which of the actions specified in section 12(3) of the Ordinance, if any, to take in respect of the certificate holder or, as the case may be, its certificate; or
- (b) if not, shall direct that the allegation against it be recorded as not having been established.

(2) The Commission shall give the hosting certificate holder written notice of its decision under this regulation and of the reasons for it (a “**determination notice**”).

(3) Where the Commission believes that the hosting certificate holder has an existing relationship with an eGambling licensee or a foreign gambling associate certificate holder, the Commission shall give a copy of the determination notice to that eGambling licensee and/or foreign gambling associate certificate holder.

Financial penalties.

131. (1) Where the Commissioners decide to impose a financial penalty on a hosting certificate holder —

- (a) the amount shall not exceed £25,000; and
- (b) the determination notice shall direct whether the penalty is payable immediately or is to be of suspended effect.

(2) Where a financial penalty is payable immediately, the amount shall be paid to the Commission as agent for the States in the manner specified in the determination notice.

(3) Where the Commissioners direct that a financial penalty shall be of suspended effect, the determination notice shall specify the period, which shall not in any event exceed 12 months, during

which the penalty is capable of being activated in accordance with regulation 132 and, at the end of the period so specified, the penalty shall no longer be capable of taking effect.

Activation of suspended financial penalty.

132. (1) Where, during the period of suspension specified in a determination notice, the Chief Executive Officer believes that a ground in section 12(1) of the Ordinance exists, the hearing notice that may be given to the hosting certificate holder in accordance with regulation 126 shall also explain that the Chief Executive Officer is recommending to the Commission that it should consider activating the suspended financial penalty.

(2) If, at the conclusion of a hearing convened by such a hearing notice, the Commissioners are satisfied that a ground in section 12(1) of the Ordinance exists, or existed at the time of the hearing notice, having taken into account the representations of the hosting certificate holder, the Commission's determination notice shall direct that the original financial penalty of suspended effect —

- (a) shall be payable to it as agent of the States immediately in the manner specified in the determination notice —
 - (i) with the original amount unaltered; or
 - (ii) with the substitution of a lesser amount for the original amount;
- (b) shall be suspended for such further period not exceeding 12 months as the determination notice specifies; or
- (c) shall not be activated on this occasion and shall continue unaltered.

Post-hearing suspension.

133. Where the Commissioners decide to suspend a hosting certificate, the determination notice shall specify —

- (a) the date from which the suspension takes effect; and
- (b) the period of time during which the suspension shall be effective.

Withdrawal of hosting certificate.

134. (1) The Commissioners may withdraw a hosting certificate if they are satisfied that any of the grounds specified in section 12(1) of the Ordinance apply, and that unless the certificate is withdrawn —

- (a) the integrity of the conduct of eGambling by an eGambling licensee or a foreign gambling associate certificate holder may be jeopardised in a material way; or
- (b) the public interest or the integrity and reputation of eGambling in Alderney may be affected in an adverse way.

(2) Withdrawal of a hosting certificate takes effect when the determination notice is given or, if the determination notice specifies a later day, on the later day.

(3) A person whose hosting certificate has been withdrawn shall return the certificate to the Commission within seven days of the withdrawal taking effect.