



ONLINE GAMBLING REGULATION ACT 2001

ONLINE GAMBLING REGULATIONS (AMENDMENT) (NETWORK SERVICES) REGULATIONS 2011

Laid before Tynwald

12th July 2011

Coming into operation

in accordance with regulation 2

The Treasury makes these Regulations under sections 3, 5 and 21 of the Online Gambling Regulation Act 2001¹.

1 Title

These Regulations are the Online Gambling Regulations (Amendment) (Network Services) Regulations 2011.

2 Commencement

- (1) Subject to paragraph (2), these Regulations come into operation on 20 July 2011.
- (2) The amendment to regulation 2 of SD 257/09, specified in regulation 5(3), comes into operation on 1st September 2011.

3 SD 731/07 amended

- (1) The Online Gambling (Systems Verification) (No.2) Regulations 2007² are amended as follows.
- (2) After regulation 4 insert –

"4A. Modified application for operators providing network services

- (1) This regulation applies if –
 - (a) an Operator is conducting Online Gambling under a network services licence; and
 - (b) a condition in the licence in respect of those services requires –

¹ 2001 c.10

² SD 731/07

Price £0.75

- (i) the System by which Gaming or a Lottery is conducted is to comply with standards different to those specified in Schedule 1; or
 - (ii) Betting Operations to comply with terms different to those specified in Schedule 2.
- (2) The application of regulations 2 to 4 is modified in accordance with paragraphs (3) and (4).
 - (3) In regulations 2 and 3, for "Schedule 1" (wherever occurring) substitute "the Operator's network services licence condition referred to in regulation 4A(1)(b)".
 - (4) In regulation 4, for "Schedule 2" substitute "the Operator's network services licence condition referred to in regulation 4A(1)(b)".
 - (5) In this regulation, "network services licence" means a licence which –
 - (a) refers to "Network Services"; and
 - (b) is subject to the conditions in connection with those services specified in the licence."

4 SD 283/08 amended

- (1) The Online Gambling (Registration and Accounts) Regulations 2008³ are amended as follows.
- (2) In regulation 2(1), for "paragraph (2)" substitute "paragraphs (2) and (3)".
- (3) After regulation 2(2) insert –
 - "(3) Further, paragraph (1) does not apply in respect of Online Gambling conducted by an Operator whose licence –
 - (a) refers to "Network Services"; and
 - (b) is subject to the conditions in connection with those services specified in the licence.

5 SD 257/09 amended

- (1) The Online Gambling (Licence Fees) Regulations 2009⁴ are amended as follows.
- (2) In regulation 1(3), after the definition of "full licence" insert the following definition –
 - " "network services licence" means a licence which –
 - (a) refers to "Network Services"; and
 - (b) is subject to the conditions in connection with those services specified in the licence;"
- (3) In regulation 2, for "£1,000" substitute "£5,000".
- (4) For regulation 3 substitute –
 - "3. Licence fee**

³ SD 283/08

⁴ SD 257/09

- (1) The annual fee payable by the holder of the licence is –
 - (a) £35,000, in the case of a full licence;
 - (b) £5,000, in the case of a sub-licence; and
 - (c) £50,000, in the case of a network services licence.
- (2) The holder of a network services licence must also pay an additional annual fee at the same time as it pays the fee specified in paragraph (1)(c), calculated in accordance with paragraph (3).
- (3) The additional fee is £5,000 for each operator not licensed by the Commissioners which has used the services of the holder of the network services licence at any time during the year preceding payment of the annual fee specified in paragraph (1)(c)."

6 SD 909/09 amended

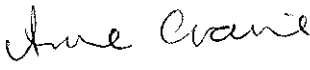
- (1) The Online Gambling (Exclusions) Regulations 2010⁵ are amended as follows.
- (2) In regulation 2, after the definition of "gambling program" insert the following definition –

" "network services licence" means a licence granted under the Act which –

 - (a) refers to "Network Services"; and
 - (b) is subject to the conditions in connection with those services specified in the licence;"
- (3) In Schedule 1, after paragraph 11 insert –

" 12. *Providing foreign registered players to an Isle of Man Network*
An overseas operator may allow its players to participate in online gambling in the Island if it has an arrangement with an operator and the online gambling is conducted under a network services licence held by the operator."

Made 22nd June 2011


Minister for the Treasury

⁵ SD 909/09

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend certain public documents made under the Online Gambling Regulation Act 2001. The amendments are needed to facilitate the imposition of conditions on licenses granted or renewed under the Act where online gambling is to be conducted by the holder of the licence in circumstances where the persons betting, gaming or participating in a lottery do so through a foreign operator (being a person outside the Island who is not licensed under the Act to conduct online gambling here).