

STATES OF JERSEY



Jersey

DRAFT ALCOHOL LICENSING (JERSEY) LAW 202-

Lodged au Greffe on 8th December 2025
by the Minister for Sustainable Economic Development
Earliest date for debate: 20th January 2026

STATES GREFFE



Jersey

DRAFT ALCOHOL LICENSING (JERSEY) LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Sustainable Economic Development has made the following statement –

In the view of the Minister for Sustainable Economic Development, the provisions of the Draft Alcohol Licensing (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy K.F. Morel of St. John, St. Lawrence and Trinity**
Minister for Sustainable Economic Development

Dated: 3rd December 2025

REPORT

Introduction

The draft Alcohol Licensing (Jersey) Law 202- (the “**draft Law**”) would, if adopted, replace the [Licensing \(Jersey\) Law 1974](#) (the “**1974 Law**”). The draft Law seeks to update Jersey’s alcohol licensing regime to one that is modern, proportionate and fit for purpose. An analysis of the shortcomings of the 1974 Law have been cited within previous attempts to replace the Island’s licensing regime. These criticisms were summarised in [P.103/2017](#) as:

- *“its complexity – to the extent that prospective licensees may require specialist legal advice to understand it*
- *the lack of policy guidance the existing Law offers to the Licensing Assembly as to when applications should be granted and lack of provision for an overarching plan*
- *inequity in the level of licence fees charged to different types of licensed premises*
- *inflexibility in the defined licence categories, such that licensees may require multiple licences to legitimise their business model”.*

This draft Law builds upon the work of previous attempts at reforming the licensing regime and seeks to deliver five key policy priorities, namely:

1. Bring responsibility for policy guidance under the remit of the Government and States Assembly.
2. Reduce the complexity and time involved in the application process.
3. Preserve and enhance the role of the Parishes.
4. Establish new and more proportionate mechanisms for enforcement.
5. Reduce the number of licence categories and remove the need for multiple licences at the same premise.

Each of these is expanded upon in more detail within the relevant subheadings below but an important change in enabling each of these policy objectives is the decision to bring the responsibility for licensing within the remit of a dedicated Regulatory Authority.

This enables licence conditions to be tailored to the bespoke needs of a business, its operating environment and its neighbours and allows for decisions to be made in real time. Hospitality is a fast-moving industry that needs to be able to adapt to a changing consumer environment and evolve the product accordingly. Additionally, in recent years the sector has faced operational challenges and cost increases that make it imperative that the government provides an enabling framework for licensing that removes unnecessary barriers to business and allows innovation to happen.

Rather than engage in a lengthy and costly process of establishing a brand-new regulator the decision has been made to move the existing responsibilities of the Licensing Assembly to the already established Gambling Commission – which would be renamed via this draft Law as the Alcohol and Gambling Commission.

Importantly the draft Law would allow for the work of the Alcohol and Gambling Commission to be shaped by guidance which will be subject to debate, amendment and approval by the States Assembly.

This will allow for the States Assembly to have greater control over alcohol policy and more flexibility in how this sector is regulated in future.

Consultation process

In preparing the draft Law, both myself as Minister and my policy officers have consulted with relevant Government Departments, Ministers and external stakeholders including the Royal Court, Parishes and uniformed services as well as industry groups. A full list of stakeholders is included in **Appendix 1**.

This process commenced in early 2024 with policy officers meeting with stakeholders in person to obtain input from a wide and varied group of interested parties. A public consultation was also undertaken which included public drop-in sessions and submissions from key stakeholders. A paper summarising the feedback received and setting out the Government's response to the consultation was published in May 2025.

The consultation responses reflected a broad desire to see the current Law updated, and the feedback received was generally positive and did not require any major changes to the proposals set out in the consultation paper. However, a small number of adjustments were made to the proposed amendments to incorporate consultation feedback. Further detail is set out in the [Government's Response Paper](#).

This was followed by a further round of stakeholder engagement between May and September 2025 to enable interested parties to submit views on the draft Law. Government officials approached various local stakeholders to obtain further input, including the Comité des Connétables, Gambling Commission, the SoJP, Public Health Directorate, Jersey Hospitality Association and the Chamber of Commerce.

The Alcohol and Gambling Commission

The draft Law would move the existing responsibilities of the Licensing Assembly to the already established Gambling Commission (the "Commission"). This follows the same process that took place for gambling in 2012 which was also previously regulated by the Licensing Assembly.

The Gambling Commission has established relationships with a number of existing alcohol licensees (who also offer gambling activity on their premises) and has a record of managing a complicated industry with a number of differing stakeholders from large bookmakers to small charities. It maintains a modest staff but several of its key personnel do have prior experience working in the regulation of alcohol. This will be further enhanced during the transition period to ensure the Commission is ready to discharge its new functions, should the draft Law be adopted.

The Commission is further preparing a complete update to its website and, if this draft Law is adopted, this will provide a natural opportunity to incorporate an easy to use portal for alcohol licensees to use.

This move to the Commission will enable a number of subordinate changes which are considered desirable but have proven difficult to institute under the existing Law:

- **Policy decisions brought under the remit of the States Assembly**

This change, adopted via [P.105/2020](#), will enable the Minister for Sustainable Economic Development to submit proposed guidance to the States Assembly which could then be debated and amended prior to being issued in the form of instructions to the Commission.

This change will allow for the law itself to be flexible to provide for future States Assemblies to shape the Island's alcohol policy without the need to further amend the Law.

- **Allow for decisions to be made in real time**

The existing Licensing Assembly meets quarterly and convenes additional, extraordinary meetings when needed. In recent years the number of extraordinary meetings has increased to as many as four or five to respond to issues and applications. Nevertheless, applicants can be waiting several weeks before their case is heard.

The Commission is available five days a week and will be able to consider applications as they arrive and on a case-by-case basis – this will also enable the issuing of bespoke licences and is further expanded upon in the section below.

- **Allow for matters to be referred quickly**

In addition to the above, the draft Law would expand the Article 9 powers of the Attorney General under the existing Law to also empower Connétables, the States of Jersey Police, the Jersey Fire and Rescue Service and licensees themselves to refer matters to the Commission for urgent review.

This new Article, which is renumbered as Article 12 in the draft Law, will enable the Commission to be instructed to review the terms of a licence and, if appropriate, change the licence conditions.

- **Create a clear mechanism for appeals**

Under the existing Law, the Licensing Assembly comprises Jurats and the Bailiff who (in other circumstances) constitute the highest court in the Island, licensing applications are effectively therefore sent ‘straight to the top’ on first consideration and that this creates difficulties in managing appeals, which should naturally flow to a higher authority for consideration¹.

This has been highlighted as a concern by industry and the draft Law addresses this by allowing for decisions of the Commission to be appealed and heard by the Licensing Appeals Court (which shall be the Inferior Number of the Royal Court sitting for the purposes of hearing an appeal under Article 63).

Key changes

Bring responsibility for policy guidance under the remit of the Government and States Assembly.

Policy under the draft Law would move from the responsibility of the Attorney General and Licensing Assembly to the Government and States Assembly. This would be led by an Alcohol Policy Ministerial Group which is proposed to include the below members:

- Minister for Sustainable Economic Development (Chair)
- Minister for Health and Social Services
- Minister for Justice and Home Affairs
- The Attorney General
- A representative of the Comité des Connétables.

It may also be appropriate to include the Minister for Treasury and Resources and the Minister for Children and Families either as full members or as on an *ad hoc* basis.

¹ This notwithstanding, appeals against Licensing Assembly decisions may be subject to judicial review by the Royal Court.

This group would develop an Alcohol Policy Framework for the Island including, but not limited to guidance to the Commission on subjects such as:

- Opening and closing times
- Drinks promotions and minimum pricing
- The definition of a fit and proper person
- Public health considerations

Any guidance issued by the group would also be required to be lodged for debate and approval by the States Assembly, allowing States Members the opportunity to amend the framework and update it as needed.

If adopted, this framework will be in place before the draft Law is enacted but will be finalised and lodged following the June 2026 General Election.

Reduce the complexity and time involved in the application process

As noted above, the move to a dedicated Regulatory Authority will allow for the expediting of the application process and for changes in licence conditions to be considered in real time.

This should allow for applications to be progressed faster and with more flexibility for the applicant who will also no longer be required to apply for multiple types of licence and will instead have a single bespoke licence.

The draft Law also creates a single point of contact for applicants via the Alcohol and Gambling Commission with the Commission responsible for providing notification and feedback on applications to the other relevant stakeholders.

Other simplifications have also been made to the display of pricing, restrictions on visitor accommodation premises, removing the requirement to renew licences annually and simplifying the requirements on prior residency for licensees and licence managers.

Preserve and enhance the role of the Parishes

An important consideration throughout the law drafting process has been to preserve the existing role of the Parishes and, where possible, to enhance it.

This included a number of amendments based on feedback from the Comité des Connétables and is summarised in the table below.

Parishes will continue to be part of the applications process in the same way as they are now. This will continue to include the submission of applications to Parish Assemblies, interviews of prospective licence managers and licensees by the Parish and policing powers for the Honorary Police.

The draft Law will also add new powers for Parishes to deal with licensing matters promptly and proportionately. For example, Connétables would, under the draft Law, be empowered to refer matters to the Alcohol and Gambling Commission in the same manner as the Attorney General does under the existing Licensing Assembly. This could include requests to alter the licence conditions of existing licensees or even requests to suspend or revoke a licence following a perceived breach in the licence conditions.

A summary of the changes is set out below:

Action	Licensing (Jersey) Law 1974		Draft Alcohol Licensing Law 202-	
Consider and provide a recommendation on all applications	Yes, all applications considered by Parish Assembly		Yes, all applications considered by Parish Assembly	
Notification of all 'relevant decisions' by other bodies	Varies on type of decision		Yes, in all cases Parish is a named stakeholder	
Maintain register of convictions relating to licensed premises	Yes, and present the register to Licensing Assembly when requested		Yes, and present register to Commission when requested	
Seek a review of a licence/ licensee or change conditions	Power currently held by Attorney General only		Yes, Parishes are now explicitly given this power	
Issue Closure Orders	Power not held by anyone under current Law.		Yes, power held on equal basis as SOJP	
Develop the Island's policy towards alcohol	Power currently held by Attorney General		Yes, named consultee (and debated by the Assembly)	

Enforcement

The draft Law retains the role of the States of Jersey Police and Honorary Police in helping to ensure public safety and, as noted above, Article 12 extends the existing powers of the Attorney General to formally refer matters to now also encompass the relevant Parish and States of Jersey Police (as well as the Fire Service and Attorney General).

The provision for Exclusion Orders has also been retained, and this will now be brought directly under the same legislation (rather than operating as a separate law).

The draft Law seeks to create an intermediate step in enforcement for issues which have not been dealt with informally through words of advice but which might constitute a breach in conditions or necessitate a suspension of the licence.

An important power which has been copied from the Gambling Law is the ability for the Commission to issue Directions. These are issued by the Commission (either of its own volition or following a referral under Article 12), and may require a licensee to undertake a particular action within a designated timeframe. For example, following a referral by the Honorary Police, the Commission may decide that a licenced premise has not made adequate provision for clearing the premises at closing time within a reasonable timeframe and without causing a noise disturbance to neighbours. The Commission could issue a Direction requiring the licensee to make the necessary arrangements.

Of course, many issues will be resolvable at an informal level, but the use of Directions creates a helpful middle-ground between the current binary choice of words of advice and a licensee appearing before the Licensing Assembly.

Where serious and urgent issues arise, the draft Law establishes a new power for the SOJP and Honorary Police to issue Temporary Closure Orders. These may be issued where there is a significant risk of disorder or where a disturbance is causing a significant public nuisance, and such an Order has the effect of closing the premises for up to 72 hours and may be extended via an application to the Magistrate's Court.

These Orders may only be issued by a Chef de Police (or their designate) or by a member of the States of Jersey Police who is of the rank of inspector (or higher). The States of Jersey Police have suggested that such a power would not be in standard use but nevertheless represents a helpful tool to prevent harm to the public.

Reduce the number of licence categories and remove the need for multiple licences at the same premise

The draft Law would reduce the current system of seven categories of licence down to just two (on-licence and off-licence) removing the need for premises to hold multiple licences.

Instead, premises licence conditions would be bespoke and would cover all alcohol sales within those premises. This will also remove the need to pay multiple sets of fees and allow for such on-licence premises such as restaurants to offer a takeaway service without the need for an off-licence separate licence.

Clarity has also been provided to allow for online sales and mobile premises such as food trucks, both of which are ambiguous under the existing Law.

A new category of licence for events, known as a Special Events Alcohol Licence, will also be established. This will replace the current practice by which a public event relies on its individual vendors to secure ‘special permits’ via Article 89 of the existing Law. It has been noted by both industry and the States of Jersey Police that this can cause complications in enforcement where a customer may have frequented multiple different vendors at the same event but who are each operating under a different licence. Instead, the draft Law will require a single licence, held by the event organiser or other appropriate person, which will cover the sale of alcohol by all the approved vendors at an event.

Transitional provisions

The draft Law, if adopted, would be commenced via an Appointed Day Order to allow licensees the opportunity to move their licences onto the revised category system under their existing terms or take the opportunity to seek a revision to their licence conditions in the usual way.

It is anticipated that the draft Law would be effective no earlier than 2027 to allow for the States Assembly to consider the Alcohol Policy Framework noted above following the June 2026 General Election and for a consultation to be held on a new simplified fee model.

Amendments to Gambling Legislation

The draft Law makes a number of subordinate changes to the Island’s legislation but it is important to note that the [Gambling \(Jersey\) Law 2012](#) (the “Gambling Law”) will remain separate from the Alcohol Licensing (Jersey) Law.

As already noted, the Gambling Commission would be renamed to the Alcohol and Gambling Commission and the Minister empowered to issue guidance to the Commission on its work in relation to alcohol licensing – subject to the guidance being debated and amended by the States Assembly.

The changes included within the draft Law would also update the definition of a Principal Person for the purposes of the Gambling Law and allow for restricted information held by the Commission to be shared with the Minister and relevant Scrutiny Panel.

Statement of financial and staffing implications

The cost of administering the alcohol licensing system will continue to be met by the fees collected from businesses. With the reduction in categories there is a natural opportunity to simplify the existing fee structure which is included in **Appendix 2**. These fees have not changed since 2007.

Officers have begun consultation with industry and the Gambling Commission on a new simple fee structure, but this will be subject to public consultation before it is finalised.

The current proposals are included in the below table for completeness but these are purely indicative and do not represent the final figures:

	Current fee, £	Current fee adjusted for inflation, £	Proposed fee, £
Small off-licence (premises < 50m ²)	114	207	100
Large off-licence (Premises >50m ²)	114	207	550
On-licence	434*	788	550
Event	40	62	100

* As noted in Appendix 2 the fee for on-licences (any category excluding 6) varies. Licensees may also hold several categories at once for the same set of premises.

It is expected that any costs associated with transitioning to the new Regulatory Authority will be met within existing departmental budgets. This may include IT set-up, training and communications to industry on the new process. These costs will be limited thanks to the use of the already established Gambling Commission.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

Human Rights

The notes on the human rights aspects of the draft Law in **Appendix 3** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

APPENDIX 1 TO REPORT**Consultees**

- Council of Ministers
- Comité des Connétables
- Bailiff's Chambers
- Parish of St Helier
- Judicial Greffe
- Law Officers' Department
- Department for Justice and Home Affairs
- Jersey Fire and Rescue service
- States of Jersey Police
- Public Health Directorate
- Government Economic Analysis Team
- Jersey Gambling Commission
- Regulation Directorate
- Jersey Hospitality Association
- Jersey Chamber of Commerce
- Jersey Competition Regulatory Authority
- Office of the Jersey Children's Commissioner

In addition to the above, a [full public consultation](#) was undertaken between 23rd December 2024 and 26th January 2025 which included drop in sessions for local businesses and members of the public.

APPENDIX 2 TO REPORT

Fee Structure under the existing [Licensing \(Jersey\) Law 1974](#)

Licence type	Fee
Taverner's	£434 plus £1.07 multiplied by the maximum number of persons allowed on your premises at any one time
Residential	£1.07 multiplied by the number of approved residents (£136 minimum fee)
Restaurant	£434
Comprehensive	£1,082 plus £2.15 multiplied by the number of approved residents
Club licence	£324
Off-licence	£114
Entertainment (a) (cinemas and theatres)	£434
Entertainment (b) (places other than cinemas and theatres)	£1.07 multiplied by the number of persons mentioned on the permit in respect of the premises (£434) minimum fee)

APPENDIX 3 TO REPORT**Human Rights Notes on the draft Alcohol Licensing (Jersey) Law 202-**

These Notes have been prepared in respect of the draft Alcohol Licensing (Jersey) Law 202- (the “**draft Law**”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (the “**ECHR**”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law, if adopted, would replace the Licensing (Jersey) Law 1974, regulate the sale and consumption of alcohol, as well as replace the existing Licensing Assembly with the Jersey Alcohol and Gambling Commission (the “**Commission**”).

The draft Law engages certain articles of the ECHR and an outline analysis of each right as it is engaged by the draft Law is provided below. The draft Law is compatible with the Convention, and any potential interferences can be justified.

Article 6 ECHR: The right to a fair trial

Article 6 of the ECHR concerns the right to a fair trial with Article 6(1) providing, *inter alia*:

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”

In the civil context, the guarantees afforded by Article 6 ECHR will only be relevant to the extent that an act or a decision is determinative of a ‘civil right’ or ‘obligation’.

The draft Law contains provisions that require the Commission to make decisions affecting a person’s ability to work for, or carry on, a business. For example, the draft Law requires that those who wish to sell alcohol, or to work as a registered manager, must have a licence / approval to do so (see e.g. Articles 18, 46 of the draft Law).

Under Parts 2 and 7 of the draft Law, the Commission has the power to impose or vary conditions on a licence or to suspend or cancel a licence after a review.

The right to engage in a business is a civil right, as is a licence to sell alcohol, as it confers a right upon the licensee in the form of an authorisation to sell alcoholic beverages at the premises. A decision by the Commission as to whether a person is a fit and proper person to be granted a licence or registered as a manager is also likely to be determinative of a civil right.

The Commission’s decision-making processes in respect of granting licences or provisional licences (etc) do not afford the full procedural guarantees required by Article 6(1) of the ECHR of an independent and impartial tribunal. ‘Independence’ for the purposes of Article 6(1) of the ECHR, means independent of the executive and of the legislature. Article 6(1) also requires a public hearing. In view of these requirements, the determination of ‘civil rights’ by the Commission would not of itself be Article 6(1) ECHR compatible. In this regard it is noted that the Chairman of the Commission is appointed by the Minister for Sustainable Economic Development from among the Commissioners, and that Minister appoints the Commissioners from among those nominated by the Chairman.

It will, however, be compatible with Article 6(1) ECHR for the Commission to make determinations as to ‘civil rights’ under the draft Law if the Commission’s decisions are “subject to subsequent control by a judicial body that has full jurisdiction and does provide the guarantees of Article 6(1)” and “has the ability to quash the impugned decision or to remit the case for a new decision by an impartial body”.

For appeals from “relevant decisions” of the Commission pursuant to Article 63 of the draft Law, that judicial body is the Licensing Appeals Court, being the Inferior Number of the Royal Court sitting for the purposes of hearing an appeal under Article 63. The Royal Court is an Article 6 compliant body, and it follows that the appeals process under the draft Law is compatible with Article 6(1) of the ECHR. Article 63 provides that the right of appeal is available to all relevant decisions (as defined at Article 1(1)) other than a decision to grant a licence (as distinct from a decision to refuse to grant a licence).

To the extent that the draft Law provides for the making decisions that are not relevant decisions which are subject to the express right of appeal, the local judgment of *J v His Excellency the Lieutenant Governor of Jersey* [2018] JRC 072A whilst dealing with the appropriateness of judicial review as the appeals mechanism for decisions from immigration decisions, can be applied more generally to the appropriateness of judicial review where the subject matter of the judicial review is of civil rights. This judgment notes that the ambit of judicial review, when required, will be enlarged to be compliant with the right to a fair trial. This will not be, and does not need to be, a full merits review. The facts of the dispute need only be reviewed to the extent required to comply with Article 6 of the ECHR. In his judgment, the then Bailiff noted:

*“There is no right of appeal against the decision of the Lieutenant Governor and judicial review is therefore the only basis upon which the Applicant can have the decision examined by an independent tribunal. That being so, although it is a question of judicial review, the ambit of the examination is wider because the Human Rights (Jersey) Law 2000 requires that a decision affecting the human rights of the Applicant must ultimately be taken by a human rights compliant tribunal. See also *De Gouveia v Lieutenant Governor and Minister for Home Affairs* [2012] (1) JLR 291 at paragraph 23. The Court on judicial review, as it were, fills the gap which otherwise exists from having no human rights compliant tribunal to which the Applicant can appeal from the Respondent’s decision.”*

It follows that the judicial review mechanism, in the context of any other decisions of the Commission that may amount to a determination of a person’s civil rights and for which no specific right of appeal is provided in the draft Law, would be sufficiently flexible for Article 6(1) compliance.

In addition, the draft Law provides that an appeal must be brought within the period of 28 days after notice of the decision. Limiting the period within which an appeal can be made in this manner is, in principle, compatible with Article 6(1) ECHR, however any limitation period must pursue a legitimate aim and be proportionate. It is common to include a 28-day time limit in respect of appeals of this nature, which pursues the legitimate aim of ensuring challenges to administrative decisions are dealt with expeditiously and efficiently, with this time limit being proportionate to that legitimate aim.

For these reasons the draft Law is compatible with Article 6(1) ECHR.

Article 6(2) – the presumption of innocence

Article 6(2) of the Convention provides that:

“Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.”

Article 6(2) of the Convention is engaged by Article 41, which provides that:

“In any proceedings under this Law the proof that a person is resident on any licensed premises is on that person.”

Article 41 is capable of applying in relation to, for example, the Article 23 offence of consumption of alcohol outside permitted hours on licensed premises, as Article 23(2)(b) provides that the offence is not committed by, *inter alia*, persons living on the premises.

Further, Article 23(4) provides that:

“...it is a defence for the licensee holder [sic] to prove that they took all reasonable precautions to prevent the commission of the offence.”

Likewise, a defence is provided to the offence of permitting a person to enter or remain on licensed premises in breach of an exclusion order (Article 37(2)) as Article 37(3) provides:

“It is a defence to proceedings under paragraph (2) for the licensee to prove that they took all reasonable precautions to prevent the commission of the offence by them or their employee or agent.”

Similarly, a defence is provided to the Article 44 offences involving alcohol being served or delivered to or for consumption by minors, as Article 44(9) provides:

“In any proceedings for an offence under this Article, it is a defence for the defendant to prove that the defendant did not know, and could not with reasonable enquiry have ascertained, that the person was a minor.”

The above defences are based around a reverse burden of proof, i.e. in order to establish the defence, the responsibility would be on the defendant in each case to prove that particular circumstances apply, e.g. lack of knowledge, residency or taking of reasonable precautions.

Article 6(2) of the Convention does not prohibit statutory provisions which transfer the burden of proof to the accused to establish the defence, provided the overall burden of establishing guilt remains with the prosecution. In addition, any rule shifting the burden of proof must be confined within “reasonable limits which take into account the importance of what is at stake and maintain the rights of the defence”. When determining this issue the question is whether the burden imposed on the accused relates to something which is likely to be within his knowledge or to which he has ready access. In the case of the various defences set out above, the burden properly falls on the accused because the information relevant to the defence would be known to the accused and not to the prosecutor, e.g. what reasonable precautions were taken, whether the person resides on the premises and what reasonable enquiries were made. It follows that there is no incompatibility with the ECHR arising from the offences in these Articles of the draft Law.

Article 8 of the Convention: the right to respect for private and family life

Article 8 of the Convention provides that:

1. *Everyone has the right to respect for his private and family life, his home and his correspondence.*
2. *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the*

country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 8 of the ECHR is engaged by the power in Article 33 of the draft Law for a police officer, officer of the Commission or a member of the States of Jersey Fire and Rescue Service to enter licensed premises without a warrant to make enquiries, carry out inspections and take the steps thought necessary to ensure compliance with the draft Law. The Article 8 ECHR right to home life applies to private dwellings and has also been held to extend to business premises. As licensed premises may include premises that are used exclusively as business premises or premises that are for a mixture of domestic and business use, it is likely that the exercise of these powers will engage the right in Article 8 ECHR.

Article 8 of the ECHR is also engaged by the ability of the Commission to disclose prescribed classes of information it holds to prescribed classes of persons detailed in Article 60. Information held by “agents of the State” about a person’s life has been held to fall within the scope of “private life” in Article 8(1) of the ECHR.

Any interference with the Article 8(1) ECHR right must be justified under Article 8(2) of the Convention, meaning it must be: (a) in accordance with the law; (b) in pursuit of one of the legitimate aims set out in Article 8(2); and (c) necessary in a democratic society. ‘Necessity’ requires the identification of a pressing social need and the existence of “relevant and sufficient” reasons to justify the interference at issue. A measure will only be proportionate to the legitimate aim if supported by sufficiently persuasive reasons.

The nature of the interference in Articles 33 and 60 would be deemed to be ‘in accordance with the law’; that power is contained in a provision which will have a basis in domestic law and which can be viewed as sufficiently precise and accessible, therefore being foreseeable.

The purpose of the Article 33 power is to ensure that those afforded the power may ascertain whether an offence under the Law is being or has been committed, as well as that the draft Law is being complied with. The offences relate to who can sell alcohol, where and when alcohol can be sold, under what conditions it can be sold, in order to promote public safety, reduce alcohol-related harm, and ensure responsible consumption, so the rationale for the Article 33 power may be categorised within more than one of the qualifications in Article 8(2) of the ECHR.

The purpose of the permitted disclosures in Article 60 is, predominantly, to enable those permitted to disclose information to assist others in carrying out their functions in relation to the draft Law. Again, the rationale for the Article 60 permitted disclosures may be categorised within more than one of the qualifications in Article 8(2) of the ECHR.

As noted above, ‘Necessary in a democratic society’ requires there to be a pressing social need for the interference in question and that the interference is proportionate to the legitimate aim.

The powers at Article 33 are ‘necessary’ for ensuring that offences can be detected and the draft Law is complied with. Measures aimed at e.g. promoting public safety, reducing alcohol-related harm, and ensuring responsible consumption are a ‘pressing social need’ and, in pursuance of those legitimate aims, the interference with the Article 8 ECHR right by the power to enter premises is proportionate, in principle.

The permitted disclosures pursuant to Article 60 are ‘necessary’ for ensuring that those charged with doing so, may carry out their functions in relation to the draft Law. Measures aimed at e.g. the “prevention of disorder or crime” and promoting public safety, are a ‘pressing social need’ and, in pursuance of those legitimate aims, the interference with the Article 8 ECHR right by the disclosure of information is proportionate, in principle.

An important aspect in determining what is ‘necessary in a democratic society’ is the identification of procedural safeguards which mitigate the exercise of powers interfering with the Article 8(1) right. Safeguards ensure that a state remains within its margin of appreciation in

fixing the applicable regulatory framework. The European Court of Human Rights has enunciated a list of safeguards which provide adequate protection against abuse of the Article 8 right, one of which is the requirement for the law to contain explicit and detailed provisions about how the powers interfering with Article 8 ECHR should be exercised.

In the draft Law, the purpose of the Article 33 power is stated as being for ensuring the draft Law is being complied with. Linking the power to a specific purpose should restrict any unnecessary exercise of the power. The purpose of the permitted disclosures is to assist specified bodies in carrying out their functions. Linking the permitted disclosures to a specific purpose, together with the offence of disclosing information in Article 59 should restrict prohibited disclosures.

Furthermore, the Human Rights (Jersey) Law 2000 requires that in exercising any such powers, a public authority must do so in a way that is human rights compliant.

Article 1 of the First Protocol (“A1P1”): Protection of property

A1P1 provides –

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except as provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

Therefore, A1P1 provides for the protection of “possessions” and the European Court of Human Rights has found that the economic interests connected with operating licensed premises are “possessions” for the purposes of A1P1. As maintenance of a licence is a principal condition of a licensee carrying on its business, a revocation of a licence could have significant adverse effects on the goodwill and value of a business, so, for example, the Commission revoking a licence could be an interference in a licensee’s right to peaceful enjoyment of its possessions.

Revocation of an alcohol licence has been said to be a control of use of property rather than a deprivation. For a measure constituting a control of use to be justified it must be in accordance with law and for ‘the general interest’. The measure must also be proportionate to the aim pursued.

Regarding A1P1, compliance by an entity with certain laws has been held to constitute a legitimate general interest objective. The power of the Commission to revoke a licence where a licensee does not comply with the draft Law meets such an objective when a purpose of the draft Law is to promote public safety, reduce alcohol-related harm, and ensure responsible consumption of alcohol, by regulating the sale and consumption of alcohol. A power to revoke licences is required to ensure that the draft Law is effective. Where property rights are concerned, states have a wide margin of appreciation in determining the existence of a general public concern and in implementing measures designed to meet it, so in providing a power to revoke licences, which amounts to an interference with property rights, but which is required in pursuance of an identifiable public interest, the States would be afforded a degree of deference.

A further requirement for a ‘control of use’ under A1P1 is the need for measures to be in ‘accordance with the law’. Again, this requires the law to be sufficiently precise and foreseeable, and the draft Law satisfies this requirement. Interferences by way of revocation of licences would in principle be deemed to be ‘in accordance with the law’, as the ability to revoke will have a basis in domestic law, which can be viewed as sufficiently precise and accessible, therefore being foreseeable.

Proportionality requires a balance to be struck between the means employed in furthering the general interest identified and the protection of fundamental rights. The requisite balance will not

be struck if the person concerned has had to bear an “individual and excessive burden”. The ability to revoke licences in pursuance of the aims of promoting public safety, reducing alcohol-related harm, and ensuring responsible consumption of alcohol, is proportionate in circumstances where the grounds for revocation (or suspension) are limited.

Abuse of the Commission’s ability to revoke licences is stymied by the provisions of Article 43(4) and (5) which set out the grounds for revocation, as well as by the inclusion of a decision to revoke a licence in the definition of a “relevant decision” of the Commission, meaning that such a decision would be subject to the right of appeal to the Licensing Appeals Court pursuant to Article 63 of the draft Law.

As regards the power to impose civil penalties (Article 57), contracting states are given a wide margin of appreciation in imposing reasonable penalties in furtherance of a legitimate aim, such as ensuring compliance with the draft Law in the interests of public health, public order, etc.

Similarly, the power to impose reasonable fees payable on the application for or grant of a licence (Article 9), to temporarily close premises in limited circumstances relating to significant public disorder or nuisance (Article 34(1)), to impose directions where specified circumstances apply (Article 42), to impose a minimum unit price by way of licence conditions (Schedule 2, paragraph 7), to exclude persons from the premises in specified circumstances (Articles 17, 35, 39), or a duty to publish limited particulars in respect of a licence (Article 14), or not to engage unregistered door security staff (Article 27), is not incompatible with Convention rights. As noted above, in exercising any such powers, a public authority must do so in a way that is human rights compliant.

Accordingly, the draft Law is compatible with Convention rights.

EXPLANATORY NOTE

This draft Law, if passed, will replace the Licensing (Jersey) Law 1974 with a new Law governing the sale and consumption of alcohol under the supervision of the renamed Alcohol and Gambling Commission (“the Commission”).

The draft Law is divided into 10 Parts.

Part 1 – Introductory provisions

Article 1 contains the defined terms used in the draft Law.

Article 2 sets out the 3 categories of licence regulated by the draft Law, namely the On-Licence, the Off-Licence and the Special Events Alcohol Licence (“SEAL”).

Part 2 – Grant of alcohol licences and associated provisions

Article 3 contains the procedure for applying for alcohol licences.

Article 4 provides for the Commission to request the Chief Fire Officer, the Medical Officer of Health or any other competent person to inspect premises relating to On-Licences and SEALs, and to report to the Commission in writing.

Article 5 provides for all applications for licences to be referred to the Connétable of the relevant parish, who must convene a Parish Assembly. The Connétable must report the recommendation of the Parish Assembly to the Commission.

Article 6 provides criteria for the Commission to grant or refuse licences and requires it to attach the conditions it considers appropriate to a licence.

Article 7 provides the procedure for provisional licences in the case of premises being constructed or adapted.

Article 8 provides for what is to happen on the completion of the works and how provisional applications are confirmed.

Article 9 provides for the charging of application and annual fees and for the Minister for Sustainable Economic Development (“the Minister”) to set the fees by Order, The fees are to be paid to the Commission unless the Order specifies otherwise.

Article 10 enables a licensee to hold a licence for more than 1 premises, but premises (other than Off-Licence premises) must have a separate manager unless the Commission agrees they are near enough to each other for the same manager to carry out duties satisfactorily.

Article 11 requires the Commission to provide documents relating to licences and applications and copies of reports to the Attorney General if requested.

Article 12 enables the Commission to review licences of its own volition, at the request of the licensee or when referred by the Attorney General, the Chief of Police or Chief Fire Officer. The Commission may revoke or suspend a licence or vary the conditions attached to it.

Article 13 requires licensees to co-operate with the police, the fire service and the Commission in the exercise of their functions and must on request provide the information to those bodies that they may reasonably require in the exercise of those functions.

Article 14 requires the Commission to publish on its website a list of all licensed premises and the licence conditions, including the permitted hours, attached to each licence.

Part 3 – Conduct of licensed premises

Article 15 provides for the appointment, registration and duties of managers and for the revocation of their registration.

Article 16 states that nothing in the Law prevents the licensee from closing the licensed premises at any time and for any period.

Article 17 empowers the licensee or their employee or agent to refuse to admit or expel from licensed premises of a person who is drunk, under the influence of drugs, violent or disorderly, or any person whose presence on the premises would subject the licensee to a penalty under this Law. A police officer must assist when requested to by the licensee or their employee or agent.

Article 18 sets out the circumstances in which a licence has no effect after 28 days unless a manager is appointed.

Article 19 provides for when the Commission must be notified or its approval required if the licensee or manager is absent and another person deputises for them.

Part 4 – On-Licence

Article 20 provides that Part 4 applies only to On-Licences and to premises in respect of which an On-Licence is held.

Article 21 provides for the scope of the licence.

Article 22 sets out the general conditions that apply to On-Licences.

Article 23 provides that alcohol must not be consumed on the premises outside permitted hours and exceptions to this.

Article 24 is a provision extending closure time to enable patrons to leave the premises.

Article 25 is about making prices of alcohol readily available to customers.

Article 26 enables the Minister by Order to extend permitted hours on a day or days in the event of a special celebration in Jersey.

Article 27 requires the registration of door security staff with the Minister of Justice and Home Affairs and for the register to be shared with the Commission, the police and the relevant parish.

Part 5 – Off-Licence

Article 28 provides that Part 5 applies only to Off-Licences and to premises in respect of which an Off-Licence is held.

Article 29 sets out the scope of the licence.

Part 6 – Special Events Alcohol Licence

Article 30 provides that Part 6 applies only to SEALs and to premises in respect of which a SEAL is held.

Article 31 provides for applications for a SEAL and its scope.

Part 7 – Enforcement

Article 32 requires Connétables to keep a register of convictions relating to licensed premises and to produce it to the Commission when required.

Article 33 provides the circumstances when the police, an officer of the Commission or the fire service may enter licensed premises to make enquiries and take the steps necessary to ensure

compliance with the Law. There is also a similar power for police officers to enter other places in which an offence under the Law is being or has been committed.

Article 34 empowers certain senior police officers to issue temporary closure orders in the event of disorder or disturbance in licensed premises and includes a power for the order to be extended by the Magistrate's Court.

Article 35 contains provision about exclusion orders moved from legislation now repealed by this Law. These are Orders made on sentencing that exclude offenders from named licensed premises, public bars or certain categories of licensed premises.

Article 36 empowers the court to terminate or vary exclusion orders if there is a change of circumstances.

Article 37 sets out the offences in connection with exclusion orders.

Article 38 is a provision for notifying the Commission and the police when an exclusion order is made.

Article 39 enables the licensee to refuse to admit or expel a person whom they reasonable suspect is the subject of an exclusion order and with the aid of a police officer if requested.

Article 40 is about proof of sale or consumption of alcohol in relation to proceedings under this Law.

Article 41 states that in any proceedings under this Law the proof that a person is resident on any licensed premises is on that person.

Article 42 enables the Commission to give written direction to a licensee.

Article 43 sets out when the Commission may suspend or revoke a licence.

Part 8 – Offences and penalties

Article 44 contains offence provisions relating to alcohol and minors.

Article 45 contains the offence of procuring alcohol for a drunk person.

Article 46 contains the offence of selling alcohol without a licence.

Article 47 contains the offence of contravening the terms of a licence.

Article 48 contains the offence of purchasing alcohol outside permitted hours.

Article 49 contains the offence of taking away alcohol sold for consumption on the premises.

Article 50 contains the offence of causing a significant public nuisance on licensed premises.

Article 51 makes it an offence to obstruct the police, an officer of the Commission or a fire officer in the exercise of their powers under Article 33.

Article 52 is an offence of providing false information to the Commission.

Article 53 sets out a general penalty of imprisonment for 6 months and/or a fine for offences where no other penalty is stipulated.

Article 54 makes the licensee and their employee or agent both liable for an offence committed by the employee or agent.

Article 55 provides a defence for licensee in relation to an offence committed as a result of a false statement made to them or their employee or agent.

Article 56 provides for the criminal liability of partners, directors and other officers.

Article 57 introduces a civil financial penalty regime that applies in the event of a contravention of a licence condition, a requirement imposed by or under the Law or a direction under Article 42.

Article 58 provides provisions supplementary to Article 57.

Part 9 – Miscellaneous

Article 59 contains an offence of disclosing restricted information.

Article 60 sets out the permitted disclosures.

Article 61 provides how the Commission may notify its decisions.

Article 62 provides for the postponement of the effect of the Commission's decisions.

Article 63 provides for appeals against relevant decisions to the Licensing Appeals Court.

Article 64 enables the sale of alcohol on vessels in port if a permit is granted by the Commission.

Article 65 contains general exemptions for the sale of low quantities of cider from Jersey apples or pears, the sale of medicines containing alcohol, sale of alcohol in auctions and the sale of alcohol without a licence on aircraft or vessels.

Article 66 provides a wide power (which currently exists in a Law being repealed by this Law) for the States, if they consider it expedient to do so, to make provision, whether or not by amending this Law or any other enactment, in relation to regulating the consumption of alcohol or the licensing of premises to supply alcohol as circumstances may require.

Part 10 – Closing provisions

Article 67 and *Schedule 1* provide for transitional provisions.

Article 68 repeals the Loi (1833) sur la Conduite des Taverniers, the Loi (1921) sur l'Assemblée des Gouverneur, Bailli et Jurés (Transfert de Pouvoirs, etc.), the Licensing (Jersey) Law 1974 and legislation made under it and the Licensed Premises (Exclusion of Certain Persons) (Jersey) Law 1998, which contained provisions on exclusion orders now covered by the draft Law. The Licensing Assembly which granted licences, under the 1974 Law, is also abolished.

Article 69 and *Schedule 2* provide for amendments to the Gambling Commission (Jersey) Law 2010, which is renamed and takes on the regulation of this Law, and the Gambling (Jersey) Law 2012, which has minor amendments.

Article 70 and *Schedule 3* provide for consequential amendments to other legislation.

Article 71 provides for the citation of this Law and for it to come into force as specified by the Minister by Order.

Re-issue Note

1. This proposition has been re-issued to correct a typographical error in Article 17(1)(b) and to delete text erroneously inserted in Article 34(8).
2. This proposition has been re-issued to consistently replace the term “ship” with the term “vessel” in Articles 64(5) and 65(d), the latter having its numbering corrected from (e) to (d).



Jersey

DRAFT ALCOHOL LICENSING (JERSEY) LAW 202-

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Jersey

DRAFT ALCOHOL LICENSING (JERSEY) LAW 202-

A LAW to make new provisions regulating the sale and consumption of alcohol, to amend and rename the [Gambling Commission \(Jersey\) Law 2010](#), to make minor amendments to the [Gambling \(Jersey\) Law 2012](#) and for connected purposes.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

PART 1

INTRODUCTORY PROVISIONS

1 Interpretation

(1) In this Law –

“alcohol” means wine, beer, cider, spirits and any other liquor with an alcoholic content of 1.2% volume or more but does not mean liqueur confectionery;

“applicant” means a person who applies for a licence under this Law;

“application” means an application for a licence under this Law;

“bar” means the place in licensed premises where drinks are ordered by customers who usually congregate there to consume them;

“Chief Fire Officer” is construed in accordance with Article 4 of the [Fire and Rescue Service \(Jersey\) Law 2011](#);

“Chief Police Officer” means the Chief Officer of the States of Jersey Police Force;

“chose publique permit” means a permit granted under the [Customary Law \(Choses Publiques\) \(Jersey\) Law 1993](#);

“Commission” means the Jersey Alcohol and Gambling Commission established under the Commission Law;

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

“employee” has the meaning given by Article 1A of the [Employment \(Jersey\) Law 2003](#);

“exclusion order” means an order under Article 35;

“general condition” has the meaning assigned by Article 22;

“licence” means an alcohol licence granted under this Law;

“licensed premises” means premises in respect of which a licence issued under this Law is in force, but if there is a *chose publique* permit for any part of the premises, includes that part only while the permit holder –

(a) exercises an exclusive right under the permit to occupy the part; and

(b) uses the part for the purposes of the licence;

“licensee”, in relation to any licensed premises, means the holder of the licence granted in respect of those premises;

“Licensing Appeals Court” means the Inferior Number of the Royal Court sitting for the purposes of hearing an appeal under Article 63;

“manager” means a manager registered under Article 15;

“Medical Officer of Health” means the Inspecteur Médical appointed under Article 10 of the [Loi \(1934\) sur la Santé Publique](#);

“Minister” means the Minister for Sustainable Economic Development;

“parish concerned” means, as regards a licence or an application, the parish in which the premises to which the licence or application relates are situated and, in the case of an application in respect of premises consisting of a mobile unit all parishes in which the unit is proposed to operate;

“permitted hours” means, as regards a licence, the hours the premises may be open for the sale of alcohol as specified in the conditions attached to the licence;

“person accommodated for reward”, on licensed premises, excludes the licensee and a person employed in the conduct of the business on the premises;

“premises” includes any place;

“public bar” means a bar designated as a public bar by the Commission;

“registered tourist premises” means premises registered under the [Tourism \(Jersey\) Law 1948](#);

“relevant decision” means a decision of the Commission –

(a) to grant a licence under Article 6;

(b) to refuse to grant a licence under Article 6;

(c) to impose or vary a condition on a licence under Article 12(3);

(d) to give a direction under Article 42(1);

(e) to register a manager or deputy manager under Article 15;

(f) to refuse to register a manager or deputy manager, or revoke their registration under Article 15;

(g) to suspend or revoke a licence under Article 43; or

(h) to serve a final notice under Article 57(4) imposing a civil financial penalty;

“repealed Law” means the [Licensing \(Jersey\) Law 1974](#);

“sell” includes offer or agree to sell or expose for sale;

“unlawful gambling” means any type of gambling the conduct of which constitutes an offence under the [Gambling \(Jersey\) Law 2012](#) or a breach of a condition imposed on a licence under that Law;

“vessel” includes any ship or boat, or any other description of vessel used in navigation.

- (2) Except in Article 65(a), words and phrases relating to alcoholic drinks have the same meaning as in the [Customs and Excise \(Jersey\) Law 1999](#).

2 Categories of alcohol licence

The categories of alcohol licence provided for by this Law are –

- (a) the On-Licence;
- (b) the Off-Licence; and
- (c) the Special Events Alcohol Licence.

PART 2

GRANT OF ALCOHOL LICENCES AND ASSOCIATED PROVISIONS

3 Applications for licences

- (1) A person who wishes to sell alcohol must apply to the Commission for a licence under this Part.
- (2) The application must –
- (a) be in the form that the Commission requires;
 - (b) contain or be accompanied by the information and documents that the Commission requires;
 - (c) be accompanied by any fee required under Article 9.
- (3) The Commission may require the applicant to provide additional information that it considers necessary to decide the application.
- (4) The Commission must send a copy of the application (including any accompanying or additional information provided) to –
- (a) the Connétable of the parish concerned in accordance with Article 5;
 - (b) the Chief Police Officer;
 - (c) the Chief Fire Officer;
 - (d) the Medical Officer of Health;
 - (e) an officer appointed to head the administration of the States responsible for regulation in areas that include planning, environmental health and consumer protection.

4 Inspection of premises

- (1) If an application is made for the grant of an On-Licence or a Special Events Alcohol Licence, the Commission may request the Chief Fire Officer, the Medical Officer of Health and any other competent person that the Commission wishes, to inspect the

premises to which the application relates and report to the Commission in writing on the suitability of the premises.

- (2) A report under paragraph (1) must mention the condition of toilets and washing facilities and the adequacy of precautions against fire and provisions for the safety of people in the case of fire.
- (3) The report must also state whether, in the view of the competent person writing the report, any part of the premises used or to be used for entertainment are sufficiently insulated to ensure that the level of noise coming from the entertainment is not or will not be at an unreasonable level and detrimental to the people in the surrounding area.
- (4) The expenses reasonably incurred by the Commission under this Article must be reimbursed by the applicant as a condition of the grant of the licence up to the level of the licence fee payable.

5 Consideration of applications by Parish Assembly

- (1) The Commission must refer every application to the Connétable of the parish concerned for a Parish Assembly to decide whether or not to recommend to the Commission that the licence should be granted.
- (2) If a report was supplied under Article 4(1) the Commission must supply it to the Connétable.
- (3) On receipt of an application under this Article the Connétable must convene a Parish Assembly within 5 weeks.
- (4) The convening notice must contain the name of the applicant (which, in the case of an application made by a body corporate, means the name of that body), the name of the club (if any) on behalf of which the application is made, the address of the premises to which the application relates and the type of licence applied for.
- (5) At the Parish Assembly –
 - (a) an applicant may be present and may be represented by an authorised representative of the applicant's choice, and if the applicant is not an individual, it may be represented by its director or other representative of the applicant's choice;
 - (b) a person chosen by the Commission may be present and may address the Assembly;
 - (c) a member of the Assembly may, without affecting their rights as a member, object by an advocate or a solicitor to the grant of a licence.
- (6) The Connétable must submit to the Assembly any report supplied to the Connétable under paragraph (2).
- (7) The Connétable must, not later than 1 week after the Parish Assembly is held, send to the Commission a report containing the recommendation of the Parish Assembly on the consideration of the application.

6 Grant or refusal of licences by Commission

- (1) The Commission must, after considering an application and the reports supplied under Articles 4(1) and 5(7) –
 - (a) grant a licence to the applicant (whether or not of the category applied for); or

- (b) refuse to grant them a licence.
- (2) In considering the application, or whether a licence of a different category to that applied for should be granted, the Commission must have regard to, but not be bound by, the recommendation of the Parish Assembly.
- (3) The Commission may grant a licence only if satisfied that the applicant is a fit and proper person to hold the licence and that the licence should be granted having regard to –
 - (a) the application, and the reports it has considered;
 - (b) the interests of the public in general;
 - (c) the nature of the business conducted or to be conducted on the premises sought to be licensed and the suitability of those premises for the conduct of that business;
 - (d) any guidance or general directions given by the Minister under Article 5 of the Commission Law;
 - (e) whether at any time –
 - (i) a direction has been given to the applicant under Article 42;
 - (ii) a licence held by the applicant has been suspended or revoked under Article 43 or under the repealed Law; or
 - (iii) the applicant has been served with a final notice of a civil financial penalty under Article 57; and
 - (f) judgments of the Licensing Assembly under the repealed Law.
- (4) The Commission must attach to a licence the conditions that it considers desirable having regard to all the circumstances of the case, including the permitted hours and any designation of a bar as a public bar.
- (5) In the case of premises consisting of a mobile unit, the Commission must specify the locations to which the licence applies and the premises may operate only from a single location at any one time.
- (6) But a condition imposed must not include any provision –
 - (a) that is inconsistent with this Law, the Commission Law, or any enactment under either of those Laws; or
 - (b) that limits a power of the Commission or a duty of a licensee under a general condition.
- (7) A licence takes effect from the date specified in the licence, which must be no earlier than the date on which it is granted, and continues in force until suspended or revoked by the Commission or surrendered by the applicant by giving notice in writing to the Commission.

7 Provisional grant of licences

- (1) A person intending to apply for the grant of a licence in respect of premises about to be constructed or adapted, or in the course of construction or adaptation, may apply for the provisional grant of a licence in respect of those premises.
- (2) The application must be accompanied by plans of the premises and evidence that consent for the construction or adaptation of the premises required under the [Planning and Building \(Jersey\) Law 2002](#) has been obtained.

- (3) The Commission must send copies of the plans and evidence to the Chief Fire Officer and the Medical Officer of Health, who must prepare reports to be sent to the Commission.
- (4) If an application relates to registered tourist premises or premises proposed to be registered with the Minister as tourist premises, the Commission must also send copies of the relevant plans to the Minister.
- (5) An application for the grant of a provisional licence is subject to the procedure for an application for the grant of a licence under Articles 3, 5 and 6.

8 Completion of works and confirmation of provisional licences

- (1) Once the work of construction or adaptation has been completed, the holder of the provisional licence must submit to the Commission the certificate of an architect stating that the work has been completed in accordance with the plans submitted (or, if the plans have been modified, indicating the nature of the modifications and stating that the work has been completed in accordance with those modified plans).
- (2) The Commission may request the Chief Fire Officer, the Medical Officer of Health or other competent person to undertake an inspection following completion of the work.
- (3) On receiving the certificate and on payment of the required fee, the Commission must –
 - (a) confirm the licence if the plans have not been modified; or
 - (b) confirm or refuse to confirm the licence as it sees fit if –
 - (i) the plans have been modified; or
 - (ii) there has been an inspection under paragraph (2).
- (4) A licence confirmed under this Article takes effect on the date on which it is confirmed and is valid for an indefinite period.
- (5) But a licence confirmed under this Article will expire if, while it is still in force –
 - (a) the licensee applies for and is granted a licence under Article 6;
 - (b) the licensee surrenders the licence; or
 - (c) it is revoked by the Commission.
- (6) In this Article, “architect” means an architect registered under the [Architects \(Registration\) \(Jersey\) Law 1954](#).

9 Fees

- (1) The fees payable under this Law are –
 - (a) an application fee payable before a licence is issued and on confirmation of a provisional licence; and
 - (b) an annual fee payable on the anniversary of the date the licence takes effect under Article 6(7).
- (2) The Minister may by Order set the level fees payable under this Law.
- (3) Unless the Order specifies otherwise, the fees levied under this Article are to be paid to the Commission.

10 Multiple licences and premises

- (1) A person may hold more than 1 licence each of which relates to different premises.
- (2) A separate manager must be registered for each licensed premises other than those to which an Off-Licence relates.
- (3) But a manager may be registered for more than 1 licensed premises if the Commission is satisfied that the premises for which the manager is responsible are sufficiently near each other for the manager to be able to carry out their duties satisfactorily at each premises.

11 Provision of copies to Attorney General

The Commission must, at the request of the Attorney General, provide the Attorney General with –

- (a) a list of applications for licences;
- (b) an application for a licence;
- (c) a report provided in respect of a licence;
- (d) a copy of a licence;
- (e) written communications between a holder of a licence and the Commission;
- (f) an application for the registration of a manager;
- (g) a copy of the report on the suitability of the premises under Article 4(1); and
- (h) a copy the Connétable's report mentioned in Article 5(7).

12 Review of licences by Commission

- (1) The Commission may review a licence of its own volition, at the request of the licensee or following a reference to it under paragraph (2).
- (2) If the Attorney General, the Chief Police Officer, the Chief Fire Officer or the Connétable of the parish concerned consider it appropriate to do so, they may refer a matter relating to a licence to the Commission.
- (3) If, having regard to all the circumstances of the case, it considers it appropriate to do so, the Commission may –
 - (a) exercise its powers to suspend or revoke the licence under Article 43; or
 - (b) impose or vary any conditions applicable to it that the Commission considers desirable.
- (4) Before making a decision under paragraph (3)(b), the Commission must give the licensee an opportunity to respond to the matters raised.

13 Duty of licensee to co-operate

A licensee must co-operate with the States of Jersey Police Force, the States of Jersey Fire and Rescue Service and the Commission as required in the exercise of the functions of those bodies and must on request provide the information to those bodies that they may reasonably require in the exercise of those functions.

14 Commission to publish particulars

The Commission must publish on its website a list of all licensed premises and their licence conditions, including the permitted hours, attached to each licence.

PART 3**CONDUCT OF LICENSED PREMISES****15 Appointment, registration and duties of managers**

- (1) A licensee may, and if they are a person other than a natural person must, appoint an individual as manager to run the licenced premises on their behalf.
- (2) A licensee may also appoint an individual as deputy manager to carry out the functions of the manager in the manager's absence.
- (3) An appointment under this Article does not take effect unless and until it is registered under this Article.
- (4) The Commission must not register a person as a manager or deputy manager unless it is satisfied that the person is a fit and proper person to have charge of the licensed premises.
- (5) If the Commission considers that a person registered as a manager or deputy manager is not a fit and proper person, it must revoke the registration.
- (6) If the Commission registers or revokes the registration of a person as a manager or deputy manager, the Commission must notify the Connétable of the parish concerned, the States of Jersey Police Force, the States of Jersey Fire and Rescue Service and the person mentioned in Article 3(4)(e) of the registration or revocation.
- (7) The provisions of this Law relating to licensees apply to any manager or deputy manager appointed under this Article.

16 Closing of licensed premises

Nothing in this Law prevents the licensee from closing the licensed premises at any time and for any period.

17 Right to exclude persons from licensed premises

- (1) The licensee, or their employee or agent, may refuse to admit a person to, or expel a person from, the licensed premises if they reasonably believe –
 - (a) the person is drunk, under the influence of drugs, violent or disorderly and their presence on the licensed premises may constitute a breach of the general conditions; or
 - (b) the person's presence on the licensed premises could result in the licensee being liable to a penalty under this Law.
- (2) No reason need be given to the person for refusing to admit or expelling them under paragraph (1) nor does paragraph (1) limit any other right to refuse to admit to, or expel a person from, licensed premises.

- (3) A police officer must, at the request of the licensee, or their employee or agent, help to expel from the licensed premises a person liable to be expelled under this Article and may use the force required for the purpose.
- (4) A person who enters licensed premises having been refused admission, or refuses or fails to leave licensed premises on being requested by a person mentioned in paragraph (1) or (3), commits an offence and is liable to a fine of level 2 on the standard scale.

18 Circumstances in which licence has no effect unless manager appointed

A licence is of no effect after a period of 28 days unless a manager has been appointed and registered with the Commission if the licensee –

- (a) is a person other than a natural person;
- (b) dies or appoints an attorney without whom the licensee must not transact matters relating to movable or immovable property;
- (c) has a delegate appointed under Part 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#);
- (d) becomes incapable, by reason of physical or mental illness or disability or from any other cause, of having charge of the licensed premises; or
- (e) if the Viscount becomes the holder of the licence by virtue of an Act of the Royal Court declaring the property of the licensee to be *en désastre*.

19 Absence from Jersey of licensee or manager

- (1) If the licensee or the manager of a business in respect of which an On-Licence or Special Events Alcohol Licence is held will be absent from Jersey, they must no later than 1 week in advance of the absence –
 - (a) in the case of an On-Licence, if the period of absence does not exceed 30 days during a consecutive period of 6 months, notify the Commission of the absence and the person who will deputise for them during that absence; and
 - (b) in all other cases ensure a deputy manager is appointed under Article 15.
- (2) On receiving a notification or request for approval under paragraph (1), the Commission must notify the Connétable of the parish concerned, the States of Jersey Police Force and the States of Jersey Fire and Rescue Service.
- (3) A person who without reasonable excuse contravenes paragraph (1) commits an offence.

PART 4

ON-LICENCES

20 Application of this Part

This Part applies only to On-Licences and to premises in respect of which an On-Licence is held.

21 Scope of On-Licence

Subject to this Law an On-Licence authorises the sale by retail of alcohol –

- (a) for consumption on the licensed premises, to –
 - (i) persons living on the premises, or accommodated for reward on the premises, at any time;
 - (ii) any other persons, during the permitted hours; and
- (b) in closed containers for consumption off the licensed premises, to any persons during the permitted hours.

22 General conditions of On-Licences

- (1) An On-Licence is granted subject to the following conditions –
 - (a) every public bar on the licensed premises must be closed at all times outside the permitted hours;
 - (b) a minor must not be allowed to enter or remain in a room in which there is a public bar during permitted hours unless it is before 9 p.m. and –
 - (i) they are accompanied by and in the charge of an adult; and
 - (ii) the room provides a suitable environment for minors;
 - (c) a minor must not be employed by the licensee to sell or deliver alcohol on the licensed premises;
 - (d) no unlawful gambling is permitted on the licensed premises;
 - (e) no indecent behaviour or drunkenness is permitted on the licensed premises;
 - (f) alcohol must not be supplied to –
 - (i) people already appearing to be under the influence of alcohol or drugs;
or
 - (ii) a police officer in uniform;
 - (g) no excessive noise may come from the licensed premises;
 - (h) no structural alterations or alterations to the layout of the licensed premises that affect a room in which alcohol is sold, nor to a public area in those premises, may be made without the prior approval of the Commission;
 - (i) in the case of licensed premises that are also registered tourist premises, no alteration may be made without the prior approval of the Commission if it would increase the capacity of the premises by 5% or more above the maximum number of guests specified in the conditions attached to the registration of the premises as tourist premises; and
 - (j) adequate arrangements must be maintained by way of precautions against fire and the safety of people in the case of fire.
- (2) For the purposes of paragraph (1)(b) and (c) –
 - (a) a room in which there is a public bar is taken to provide a suitable environment for minors unless the Commission, having considered representations to that effect, has decided otherwise;
 - (b) a minor over the age of 16 may nevertheless be employed to work in a bar on licensed premises if supervised by a fit and proper person and in accordance with all relevant licence conditions.

- (3) The Commission may, as a condition of the licence, waive the restriction on minors over the age of 16 working in licensed premises if it is satisfied that the premises provide a suitable environment for people of that age engaged in training.

23 Consumption of alcohol outside permitted hours on licensed premises

- (1) A person must not consume alcohol on licensed premises outside the permitted hours.
- (2) But paragraph (1) does not prohibit the consumption of alcohol –
 - (a) during the first 20 minutes after the permitted hours; or
 - (b) at any time by persons accommodated for reward or otherwise living on the premises or in an annex of the premises;
 - (c) at any time by the licensee, their family or their guests in that part of the licensed premises set aside exclusively for the ordinary residential use of the licensee and their family.
- (3) A person who contravenes this Article and the licensee each commit an offence.
- (4) But it is a defence for the licensee to prove that they took all reasonable precautions to prevent the commission of the offence.

24 Closure of licensed premises

Licensed premises may remain open for a further period of 10 minutes after the period of 20 minutes referred to in Article 23(2)(a) to allow members of the public to leave the premises.

25 Pricing of alcohol

- (1) The licensee must take reasonable steps to –
 - (a) make the prices of alcohol served at the premises readily available or displayed to be viewed by customers; and
 - (b) ensure that no higher price than is made available or displayed under subparagraph (a) is either demanded or received.
- (2) A licensee who contravenes this Article commits an offence and is liable to a fine of level 2 on the standard scale and as regards the offence in paragraph (1)(a), to a further fine of level 1 on the standard scale for each day during which the offence continues.

26 Extension of permitted hours by Order

The Minister may by Order, after having consulted the Commission and the Bailiff, extend the permitted hours of licensed premises on a specific day or days to mark a special occasion to be celebrated in Jersey.

27 Registration of door security staff

- (1) If a licensee wishes to employ or otherwise engage door security staff, they must ensure that the staff are on a register maintained by the Minister.

- (2) The Minister must –
 - (a) share the register of door security staff with the Commission, the States of Jersey Police Force and the parish concerned; and
 - (b) issue a registration card to each person on the register as proof of registration.
- (3) If a licensee employs or engages door security staff in contravention of paragraph (1), the licensee and the staff both commit an offence and are liable to a fine of level 2 on the standard scale.
- (4) In this Article, “Minister” means the Minister for Justice and Home Affairs.

PART 5

OFF-LICENCES

28 Application of this Part

This Part applies only to Off-Licences and to premises in respect of which an Off-Licence is held.

29 Scope of Off-Licence

- (1) An Off-Licence authorises the sale to any person, during the permitted hours, of alcohol in closed containers, for consumption off the licensed premises.
- (2) The Commission must impose conditions under Article 6(4) about sale during permitted hours and the permitted hours may vary between in-person sales and online sales and alcohol supplied on delivery.
- (3) The Commission may also impose a condition that alcohol must not be consumed on the premises.

PART 6

SPECIAL EVENTS ALCOHOL LICENCES

30 Application of this Part

This Part applies only to Special Events Alcohol Licences and to premises in respect of which a Special Events Alcohol Licence is held.

31 Application for and scope of licence

- (1) A Special Events Alcohol Licence authorises the sale by retail of alcohol on the dates and times specified in relation to a special event or events.
- (2) The application for a licence under this Part must include details of the vendors who will be operating under the licence and the Commission must not grant the application unless it is satisfied that each vendor is a fit and proper person.
- (3) In specifying the premises to which the licence relates the application must include any other premises where ancillary activities occur (such as camp sites, car parks or toilets) and where alcohol may be carried.

- (4) The grant of a licence does not affect the terms of another licence granted under this Law in respect of the same premises.
- (5) The maximum number of people to be allowed on the premises for the event may be set by the States of Jersey Fire and Rescue Service and become a condition of the licence.
- (6) In this Article, “sale by retail” means a sale other than a sale to a person buying for the purposes of re-sale and includes a sale for the purposes of a business.

PART 7

ENFORCEMENT

32 Duty of Connétables to keep register

The Connétable of each parish must –

- (a) keep a register and enter in it particulars of every conviction relating to licensed premises situated within the parish;
- (b) produce the register to the Commission when required; and
- (c) notify the Commission when a new entry is made in the register.

33 Power to enter premises

- (1) A police officer may, at any time, enter licensed premises within the territorial limits of the police officer’s jurisdiction and make the enquiries and take the steps that the police officer thinks necessary to ensure compliance with this Law.
- (2) An officer of the Commission may at any time enter any licensed premises and make the enquiries and take the steps that the officer thinks necessary to ensure compliance with this Law.
- (3) A member of the States of Jersey Fire and Rescue Service may, at any reasonable time, enter and inspect licensed premises, and make the enquiries and take the steps that they think necessary, to ensure compliance with this Law relating to precautions against fire and the safety of people in the case of fire.
- (4) A police officer may –
 - (a) enter any place within the territorial limits of the police officer’s jurisdiction, not being licensed premises, in which the police officer has reason to believe that an offence under this Law is being or has been committed; and
 - (b) may inspect and make the enquiries and take the steps that the police officer thinks necessary to ensure compliance with this Law.

34 Temporary closure orders

- (1) A police officer of the rank of inspector or above or the Chef de Police of the parish concerned (or the Chef’s designate) may issue a temporary closure order if they reasonably believe that on licensed premises –
 - (a) the risk of disorder is significant; or
 - (b) a disturbance is causing a significant public nuisance.

- (2) But before an order may be issued –
 - (a) by the honorary police, the Chef de Police of the parish concerned or their designate must notify a police officer of the rank of inspector or above;
 - (b) by the States police, a police officer of the rank of inspector or above must notify the Chef de Police of the parish concerned or their designate.
- (3) The temporary closure order must be served on the licensee or manager of the licensed premises or, if not available at those premises, the most senior person working there at the time of service.
- (4) A temporary closure order has the effect of closing the premises for up to 72 hours, or up to 96 hours if the period of closure covers a general holiday or a public holiday under the [Public Holidays and Bank Holidays \(Jersey\) Act 2010](#), as specified in the order.
- (5) The person issuing the order –
 - (a) must notify the Commission of the order; and
 - (b) may apply to the Magistrate’s Court for the order to be extended.
- (6) The licensee and the Commission may make representations at the hearing at the Magistrate’s Court.
- (7) The Court may extend the order for a specified period or until certain conditions specified in the extended order are met or dismiss the application.
- (8) If the Court extends the order, the Commission must review the licence applicable to the premises concerned.
- (9) A licensee, their employee or agent or a person on the premises for the purpose of consuming alcohol who knowingly contravenes a temporary closure order commits an offence.

35 Exclusion orders

- (1) A court sentencing an offender may make an exclusion order if satisfied that –
 - (a) the offender used violence or threatened to use violence in committing an offence; and
 - (b) their consumption of alcohol was a contributory factor in the commission of the offence.
- (2) The court may also make an exclusion order if a person is convicted of an offence under Article 5 or 8 of the [Misuse of Drugs \(Jersey\) Law 1978](#) that was committed on licensed premises.
- (3) An exclusion order prohibits the offender from entering the licensed premises or part of those premises as specified in the order and may include the conditions that the court considers appropriate.
- (4) An exclusion order may also provide that the offender may enter named licensed premises but not consume alcohol on those premises.
- (5) An exclusion order may be made only –
 - (a) in addition to a sentence that is imposed in respect of the offence of which the person is convicted; or
 - (b) in addition to a probation order, an order that the person be bound over or an order discharging the person absolutely or conditionally.

- (6) An exclusion order has effect for a minimum of 3 months and a maximum of 2 years, as specified in the order.
- (7) If the offender is sentenced to a term of imprisonment, the court sentencing them may specify that the exclusion order takes effect from the day on which the person is released from prison.

36 Variation of exclusion orders

The court may, if there is a change of circumstances –

- (a) terminate the exclusion order;
- (b) vary its terms; or
- (c) reduce or extend the period for which the order has effect (subject to Article 35(6)).

37 Offences in connection with exclusion orders

- (1) A person who enters licensed premises in breach of an exclusion order commits an offence.
- (2) A licensee who, either personally or by an employee or agent, knowingly or recklessly permits a person to enter or remain on licensed premises in breach of an exclusion order commits an offence.
- (3) It is a defence to proceedings under paragraph (2) for the licensee to prove that they took all reasonable precautions to prevent the commission of the offence by them or their employee or agent.
- (4) A licensee's employee or agent who knowingly or recklessly permits a person to enter or remain on licensed premises in breach of an exclusion order commits an offence.

38 Notice of exclusion orders

- (1) When an exclusion order or an order varying or terminating an exclusion order is made, a copy of the order must be sent to the Commission and the Chief Police Officer and, if they have one, the probation officer of the subject of the order by –
 - (a) if the order is made by the Royal Court, the Judicial Greffier; or
 - (b) if the order is made by the Magistrate's Court, the Magistrate's Court Greffier.
- (2) On receiving a copy of an order under paragraph (1), the Chief Police Officer must notify the licensee of the premises named in the order and those operating a public bar in respect of which the order has been made.

39 Power to refuse admittance to or expel person from licensed premises

- (1) Without limiting any other right to refuse to admit a person to, or expel a person from, licensed premises, the licensee or the licensee's employee or agent may refuse to admit to, or expel from, those premises a person who –
 - (a) has entered, or whom the licensee reasonably suspects of having entered, the premises in breach of an exclusion order; or
 - (b) would be in breach of an exclusion order if they were to enter the premises.

- (2) A police officer must, at the request of the licensee or the licensee's employee or agent, help to expel from licensed premises a person whom the officer reasonably suspects of having entered in breach of an exclusion order, and may use the force required for that purpose.

40 Proof of sale or consumption of alcohol

In proceedings under this Law –

- (a) evidence that a transaction in the nature of a sale of alcohol took place is evidence of the sale of the alcohol without proof that money passed;
- (b) evidence that consumption of alcohol was about to take place is evidence of the consumption of alcohol without proof of actual consumption; and
- (c) evidence that a person, other than the licensee or their employee or agent, consumed or intended to consume alcohol on the premises is evidence that the alcohol was sold by or on behalf of the licensee to that person.

41 Proof of residence

In any proceedings under this Law the burden of proving that a person is resident on licensed premises is on that person.

42 Directions

- (1) The Commission may, whenever it considers it necessary, give written directions to a licensee that it considers appropriate in the circumstances if it considers that –
 - (a) a condition of the licence is no longer satisfied;
 - (b) the licensee has failed to comply with a requirement of or under this Law or the Commission Law; or
 - (c) it is in the best interests of –
 - (i) creditors of the licensee;
 - (ii) people who are or may become their customers; or
 - (iii) the licensee.
- (2) A direction under this Article may in particular –
 - (a) require anything to be done or not done, or impose any prohibition, restriction or limitation or any other requirement, with respect to any transaction or other act, or to any equipment or assets, or to any other thing whatever;
 - (b) require that a manager or other person having functions in relation to a licensee be removed or removed and replaced by another person acceptable to the Commission.
- (3) A direction under this Article may be of unlimited duration or of a duration specified in the notice of the direction.
- (4) The power to give directions under this Article includes the power by direction to vary or withdraw any direction, as well as the power to issue further directions.
- (5) A notice of a direction under this Article must, in addition to the matters set out in Article 61(1) (notification of decisions), give particulars of –
 - (a) the date on which the direction is to have effect;

- (b) if Article 62(2) (postponement of effect of decisions) applies, the effect of that Article; and
 - (c) the right under paragraph (6).
- (6) A licensee to whom a direction is given under paragraph (1) may apply to the Commission to have it withdrawn or varied, and the Commission must withdraw or vary the direction in whole or in part if it considers that there are no longer any grounds that justify the direction or part of the direction concerned.

43 Suspension or revocation of licence

- (1) The Commission may, at any time, including on a review under Article 12, but subject to Articles 61 to 63, suspend or revoke a licence.
- (2) A licence may be suspended for a maximum period of 6 months but the Commission may extend the period of suspension by a further period of up to 6 months.
- (3) A suspension may be imposed in conjunction with a time limited direction under Article 42 which, if it is not complied with in the required time, may lead to a revocation of the licence.
- (4) The Commission may suspend or revoke a licence only –
- (a) at the request of the licensee or their delegate appointed under Article 24(2) of the [Capacity and Self-Determination \(Jersey\) Law 2016](#);
 - (b) if the licensee –
 - (i) has not operated the licensed premises to which the licence applied during the preceding year; or
 - (ii) ceases to operate those premises;
 - (c) if the licensee fails to pay an annual fee due in relation to the licence;
 - (d) if the licensee has contravened Article 13 (duty of licensee to co-operate); or
 - (e) if the Commission is satisfied that –
 - (i) 1 or more of the grounds set out in paragraph (5) are met;
 - (ii) a person provided false or misleading information in the application for the licence; or
 - (iii) the licence was granted in error.
- (5) The grounds are that –
- (a) a condition of the licence has been contravened;
 - (b) the licensee has ceased to be a fit and proper person to hold the licence;
 - (c) the licensee, or manager, has committed an offence under this Law or the repealed Law;
 - (d) a person mentioned in sub-paragraph (c) has failed to comply with a requirement imposed under –
 - (i) a direction under Article 42; or
 - (ii) a final notice of a civil financial penalty under Article 57.
- (6) Before making a decision under this Article, the Commission must give the licensee an opportunity to respond to the matters raised.

PART 8

OFFENCES AND PENALTIES

44 Serving or delivering alcohol to or for consumption by minors

- (1) The licensee must not sell alcohol to minors or allow a minor to consume alcohol on the licensed premises.
- (2) A minor must not buy or attempt to buy alcohol on licensed premises nor consume alcohol there.
- (3) A person must not buy or attempt to buy alcohol on licensed premises on behalf of a minor unless the person who buys or attempts to buy it –
 - (a) is a parent or guardian of the minor; or
 - (b) has attained the age of 18 years and has the consent of the parent or guardian of the minor to purchase the alcohol on behalf of the minor.
- (4) Paragraphs (1) and (2) do not prohibit a minor accompanied by an adult being served wine, cider or beer for consumption at a meal in a part of the licensed premises usually set apart for the service of meals.
- (5) The licensee must not deliver, nor allow any person to deliver, to a minor alcohol sold on licensed premises for consumption off the premises unless the delivery is made at the residence or working place of the purchaser.
- (6) A person must not send a minor to obtain alcohol sold or to be sold in licensed premises for consumption off the premises, whether the alcohol is to be obtained from the licensed premises or other premises from which it is delivered.
- (7) But paragraphs (5) and (6) do not apply if the minor is a member of the family, or an employee or agent of the licensee delivering alcohol.
- (8) A person who contravenes this Article commits an offence.
- (9) In any proceedings for an offence under this Article (other than the offence under paragraph (2)), it is a defence for the defendant to prove that the defendant did not know, and could not with reasonable enquiry have ascertained, that the person was a minor.

45 Procuring alcohol for drunk person

A person who, on licensed premises, procures or attempts to procure alcohol for consumption by a drunk person, or aids a drunk person in obtaining or consuming alcohol on the premises, commits an offence.

46 Selling alcohol without licence

- (1) Subject to this Law, a person who, not being the licensee or their employee or agent, sells alcohol commits an offence and is liable to imprisonment for 12 months and to a fine.
- (2) If alcohol is sold in contravention of this Article on any premises, every occupier of the premises who is proved to have consented to the sale commits an offence and is liable to the penalties provided by paragraph (1).

- (3) On the conviction of a person for an offence under this Article, the court sentencing the offender may declare all alcohol found in the possession of the person convicted, and the containers containing the alcohol, to be forfeited.
- (4) For the purposes of this Article, a person who, by way of business, stores alcohol for subsequent delivery within Jersey following the placing of an order with that person or with the consignor of the alcohol or the person's agent, is taken to sell alcohol.

47 Non-compliance with terms of licence

A licensee who, either themselves or by an employee or agent, contravenes a condition or restriction on or subject to which the licence was granted, or sells alcohol otherwise than as authorised by the licence, commits an offence.

48 Purchase of alcohol outside hours

A person who purchases alcohol on licensed premises outside the permitted hours commits an offence.

49 Removal of alcohol sold for consumption on licensed premises

A person who takes from licensed premises alcohol sold for consumption on the premises commits an offence and is liable to a fine of level 1 on the standard scale.

50 Significant public nuisance on licensed premises

A person found to be causing a significant public nuisance on licensed premises commits an offence and is liable to imprisonment for 3 months and to a fine of level 3 on the standard scale.

51 Obstruction of officers

A person who wilfully obstructs or interferes with a police officer, an officer of the Commission or a member of the States of Jersey Fire and Rescue Service in the exercise of any of their powers under Article 33 commits an offence.

52 Providing false information to the Commission

- (1) A person commits an offence if –
 - (a) the person provides information to the Commission, or to any other person entitled to information under this Law –
 - (i) in connection with an application for a licence;
 - (ii) in purported compliance with a requirement imposed by or under this Law; or
 - (iii) otherwise than as mentioned in clauses (i) and (ii) but in circumstances in which the person providing the information intends, or could reasonably be expected to know, that the information would be used by the Commission or any other person entitled to that information for the purpose of exercising its functions under this Law;

- (b) that information is false or misleading in a material particular; and
 - (c) the person knows, or is reckless as to whether, the information is false or misleading.
- (2) A person convicted of an offence under this Article is liable to imprisonment for 12 months and to a fine.

53 General penalty

A person convicted of an offence under this Law for which no other penalty is provided is liable to imprisonment for 6 months and to a fine.

54 Offences by employees and agents

If an offence for which the licensee is liable under this Law has, in fact, been committed by their employee or agent, the employee or agent, as well as the licensee, is treated as having committed the offence and is liable to be prosecuted and punished accordingly.

55 False or misleading statements made to licence holders

- (1) If proceedings for an offence under this Law are taken against the licensee, they are not liable to conviction if they prove that the offence was committed as a result of a false or misleading statement having been made to them, or to their employee or agent, by some other person, and that there was no good reason to suspect that the statement was false.
- (2) A person who, by making a false statement, renders the licensee liable to proceedings for an offence under this Law, commits an offence and is liable to a fine of level 2 on the standard scale whether or not the licensee is convicted of the offence.

56 Criminal liability of partners, directors and other officers

- (1) In this Article –
- “relevant offence” means an offence under this Law that is committed by a limited liability partnership, a separate limited partnership, an incorporated limited partnership or another body corporate;
- “relevant person” means –
- (a) if the relevant offence is committed by a limited liability partnership, a partner of the partnership;
 - (b) if the relevant offence is committed by a separate limited partnership or an incorporated limited partnership –
 - (i) a general partner; or
 - (ii) a limited partner who is participating in the management of the partnership;
 - (c) if the relevant offence is committed by a body corporate other than an incorporated limited partnership –
 - (i) a director, manager, secretary or other similar officer of the body corporate; and

- (ii) if the affairs of the body corporate are managed by its members, a member who is acting in connection with the member's functions of management; and
 - (d) a person purporting to act in any capacity described in sub-paragraphs (a) to (c) in relation to the partnership or body that commits the relevant offence.
- (2) If a relevant offence is proved to have been committed with the consent or connivance of a relevant person, that relevant person also commits the offence and is liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (3) Paragraph (4) applies if a relevant offence –
 - (a) is an offence that may be committed by neglect; and
 - (b) is proved to be attributable to any neglect on the part of a relevant person.
- (4) The relevant person also commits the offence and is liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

57 Civil financial penalties

- (1) If the Commission has reason to believe that a licensee has contravened a relevant provision, the Commission may serve on that licensee a notice (a “notice of intent”) informing them –
 - (a) that the Commission proposes to require them to pay a penalty;
 - (b) of the amount of the proposed penalty;
 - (c) of the Commission's reasons for believing that they have contravened the relevant provision and that a penalty should be imposed; and
 - (d) of a period of not less than 28 days from the day on which the notice of intent is received, within which the licensee may make written representations to the Commission.
- (2) A relevant provision is 1 or more of the following –
 - (a) a condition of the licence;
 - (b) a requirement imposed on the licensee by or under this Law;
 - (c) a requirement imposed on the licensee by a direction under Article 42.
- (3) The Commission must not serve a notice of intent in respect of a contravention of a relevant provision after the end of the period of 2 years beginning with –
 - (a) the day on which the contravention occurred or began to occur; or
 - (b) if later, the day on which the contravention came to the knowledge of the Commission.
- (4) After considering any representations made within the period specified under paragraph (1)(d), the Commission may serve on the licensee a notice (a “final notice”) requiring the licensee to pay a penalty, as proposed in the notice of intent or as modified in light of any representations, if the Commission is satisfied –
 - (a) that the licensee contravened the relevant provision; and
 - (b) that the contravention justifies the imposition of the penalty on the licensee, taking into account any other power the Commission could exercise under this Law in relation to the contravention.
- (5) A final notice must include information as to –

- (a) the reasons for imposing the penalty;
 - (b) the licensee's right of appeal against the imposition or amount of the penalty under Article 63;
 - (c) how payment must be made, including the period within which it must be made; and
 - (d) the power of the Commission to enforce the penalty under paragraph (7)(b).
- (6) The Commission, when considering the imposition of or the amount of a penalty, must have regard in particular to –
- (a) the seriousness of the contravention of the relevant provision;
 - (b) whether the contravention has been remedied and whether it is likely to be repeated;
 - (c) whether the licensee knew or ought to have known of the contravention;
 - (d) whether the licensee voluntarily reported the contravention;
 - (e) the nature of the licensee, including in particular the financial resources of the licensee; and
 - (f) the aim of ensuring that licensees generally cannot expect to profit from contraventions.
- (7) A penalty imposed by a final notice –
- (a) is payable by the licensee to the Commission; and
 - (b) may be enforced as if it were a debt owed by the licensee to the Commission.

58 Financial penalties: supplementary

- (1) The Commission must –
- (a) prepare a statement setting out the principles to be applied by the Commission in exercising its powers under Article 57;
 - (b) review the statement from time to time;
 - (c) revise the statement when the Commission thinks it necessary;
 - (d) as soon as is reasonably practicable –
 - (i) send the statement, as prepared or revised, to the Minister; and
 - (ii) publish that statement; and
 - (e) have regard to the published statement when exercising a power under Article 57.
- (2) Before preparing or revising a statement under paragraph (1) the Commission must consult the Minister, licensees and the other persons that the Commission thinks appropriate.
- (3) The amount of a penalty imposed by the Commission may not exceed the sum specified by the Minister by Order.
- (4) Unless an Order provides otherwise, a financial penalty imposed under this Article is to be retained by the Commission.
- (5) The Minister may by Order provide that a prescribed amount –
- (a) may be used only to fund a reduction in, or a refund of, fees otherwise payable to the Commission in a particular year, whether in respect of all those fees or only fees such as fees paid by licensees achieving in that year standards

- determined by the Commission or complying throughout that year with all relevant requirements of and under this Law and the Commission Law;
- (b) is to be calculated by reference to the costs of investigation and enforcement action in relation to the particular penalty or in general, and is to be retained by the Commission; or
 - (c) is to be paid into a fund, to be established and held by the Commission, from which payments may be made only for specified purposes or in specified circumstances.

PART 9

MISCELLANEOUS

59 Restricted information

- (1) A person commits an offence if they disclose information they have received relating to the business or other affairs of another person without that other person's consent –
 - (a) obtained under or for the purposes of this Law; or
 - (b) directly or indirectly from a person who also received it without that person's consent.
- (2) This Article does not apply to –
 - (a) information that, at the time of the disclosure, is or has already been made available to the public from other sources; or
 - (b) information in the form of a summary or collection of information that would not enable information relating to any particular person to be ascertained from it.

60 Permitted disclosures

- (1) Article 59 does not preclude the disclosure of information –
 - (a) by the Commission –
 - (i) to the Viscount;
 - (ii) to the Comptroller and Auditor General for the purpose of enabling or assisting the carrying out of any of the Comptroller and Auditor General's functions in relation to the Commission;
 - (iii) to the States of Jersey Police Force, the States of Jersey Fire and Rescue Service, the Medical Officer of Health or to a parish; or
 - (iv) to a person for the purpose of enabling or assisting them to exercise their statutory functions in relation to a person or class of person in respect of whom the Commission has statutory functions;
 - (b) by or to a person mentioned in paragraph (2) in any case in which disclosure is necessary for the purpose of enabling or assisting them to discharge the Commission's or their functions under this Law or under any other enactment;
 - (c) to a person by the Commission showing whether or not a person is licensed under this Law, including the conditions that are attached to the licence;

- (d) by the Commission to the public of the name of –
 - (i) a director of a body corporate that is a licensee;
 - (ii) a partner or a director of a body corporate that is a partner in any form of partnership that is a licensee;
 - (iii) a manager;
 - (e) with a view to the investigation of a suspected offence, or institution of, or otherwise for the purposes of, criminal proceedings, under any enactment;
 - (f) in connection with any other proceedings arising out of this Law;
 - (g) by the Commission to the Attorney General or to a police officer being information obtained under Article 13, but any information so disclosed may be disclosed only by the Attorney General or a police officer for the purposes of an investigation into a suspected offence;
 - (h) by any of the persons mentioned in paragraph (2) to a person or body responsible for setting standards of conduct for a profession if that person or body has powers to discipline persons who fail to meet those standards if it appears to the Commission or the appointed person that disclosing the information would enable or assist the person or body responsible for setting standards to discharge its functions in relation to a person who fails, or is alleged to have failed, to meet those standards.
- (2) The persons are –
- (a) the Commission or any person acting on its behalf;
 - (b) a person appointed under an enactment by any of the following –
 - (i) the Commission;
 - (ii) the Court, on the application of the Commission;
 - (iii) a Minister, if that Minister and the Commission are each specified in that enactment as having power to appoint that person;
 - (c) the States of Jersey Police Force;
 - (d) the States of Jersey Fire and Rescue Service;
 - (e) the officer mentioned in Article 3(4)(e); and
 - (f) a person who is requested to inspect premises under Article 4(1).
- (3) Information must not be disclosed under paragraphs (1)(a)(ii), (1)(a)(iii), (1)(b) or (1)(h) unless the Commission or person, as the case requires, making the disclosure (“the disclosing party”) is satisfied that the person or body to whom or which disclosure is made complies with or will comply with any conditions to which the disclosing party may, in its discretion, subject the disclosure.

61 Notification of decisions

- (1) Within a reasonable time after making a relevant decision, the Commission must inform the applicant or licensee in writing of –
- (a) the decision, unless it is a decision to give a direction under Article 42 or notice of a final decision to impose a civil penalty;
 - (b) if the decision is to grant a licence, the full text of all the conditions to which the licence is subject;

- (c) the reasons for that decision, unless it is a decision to grant a licence or to register a manager or deputy manager;
 - (d) if the decision is to take an action described in Article 62(1), the date on which the decision takes effect; and
 - (e) if there is a right to appeal under Article 63, that right.
- (2) In relation to a general condition, the Commission may comply with paragraph (1)(b) by giving written information as to where the licensee may read, on paper or on the internet, the text of the condition.
 - (3) Paragraph (1)(c) does not require the Commission to specify any reason that would in the Commission's opinion involve the disclosure of confidential information the disclosure of which would be prejudicial to a third party.
 - (4) The Commission must notify the Connétable of the parish concerned, the States of Jersey Police Force and the States of Jersey Fire and Rescue service that a relevant decision has been made and the category of decision.

62 Postponement of effect of decisions

- (1) Paragraph (2) applies if the Commission –
 - (a) varies a condition imposed on a licence under Article 12; or
 - (b) suspends or revokes a licence under Article 43.
- (2) Unless the licensee agrees with the Commission that it should take effect at an earlier date, the variation, suspension or revocation does not take effect before whichever is latest of –
 - (a) 1 month after the date on which notice in writing was given to the licensee under Article 61 of the suspension or revocation;
 - (b) the date specified in the notice of the suspension or revocation; and
 - (c) the date on which an appeal under Article 63 against the suspension or revocation is determined by the Licensing Appeals Court or withdrawn.
- (3) The Licensing Appeals Court may order that paragraph (2) should not have effect, or should cease to have effect in a particular case, or that the period specified in paragraph (2)(a) should be reduced if, on the application of the Commission, the Licensing Appeals Court is satisfied that making the order is in the best interests of the licensee's customers or the public.
- (4) An order under paragraph (3) may be made without prior notice to and without hearing the licensee.
- (5) An order under paragraph (3) has immediate effect, but a person aggrieved by the order may apply to the Licensing Appeals Court to vary or set aside the order.
- (6) In respect of an application under paragraph (5), the Licensing Appeals Court may make an order in respect of the relevant order under paragraph (3) as it thinks fit.
- (7) An appeal made under Article 63 in relation to a decision postpones the effect of the decision unless the Court orders otherwise under paragraph (3).

63 Appeals

- (1) A person aggrieved by a relevant decision, other than a decision to grant a licence under Article 6 or register a manager or deputy under Article 15, may appeal to the

Licensing Appeals Court on the ground that the decision of the Commission was unreasonable having regard to all the circumstances of the case.

- (2) An appeal cannot be made later than 28 days from the date on which –
 - (a) notice in writing was given to the person under Article 61(1)(a); or
 - (b) there was given to or served on the person the direction under Article 42(1) or the final notice under Article 57(4).
- (3) On hearing an appeal the Licensing Appeals Court –
 - (a) may confirm, reverse or vary the decision of the Commission, or remit the decision to the Commission; and
 - (b) may make an order as to the costs of the appeal as it thinks fit.
- (4) The decision of the Licensing Appeals Court is final.

64 Sales of alcohol on board vessels while in port

- (1) The owner of a vessel used to carry passengers between Jersey and a place outside Jersey may apply to the Commission for a permit authorising the sale of alcohol on board that vessel while it is in harbour and delayed beyond its normal sailing time due to adverse weather or mechanical breakdown.
- (2) A permit under this Article authorises the sale by retail of alcohol on board the vessel without a licence –
 - (a) to passengers for consumption on board the vessel;
 - (b) in a bar or in a place in which meals are normally served; and
 - (c) after the time at which the vessel was due to sail.
- (3) The Commission may grant a permit under this Article for the period and subject to the conditions or restrictions that it thinks fit to impose.
- (4) A person to whom a permit has been granted under this Article commits an offence if they contravene –
 - (a) paragraph (2); or
 - (b) a condition or restriction subject to which the permit was granted.
- (5) In this Article, “owner” in relation to a vessel includes a charterer.

65 Exemptions

Nothing in this Law makes unlawful –

- (a) the sale by a person, for consumption off the person’s premises and in quantities of not less than 2 litres, of cider (of any strength) manufactured by the person from apples or pears grown in Jersey;
- (b) the sale of medicines containing alcohol, by medical practitioners, or persons lawfully carrying on retail pharmacy businesses within the meaning of Article 68(3) of the [Medicines \(Jersey\) Law 1995](#);
- (c) the sale by auction of alcohol, by an auctioneer established in Jersey, if the alcohol is not the property of the auctioneer and has not been imported into Jersey for the purpose of being sold by auction;

- (d) the sale of alcohol without a licence in an aircraft or vessel for consumption on board the aircraft or vessel if the aircraft or vessel is employed to carry passengers and has a port of origin or destination outside Jersey.

66 Power of States to amend enactments

The States may by Regulations, if they consider it expedient to do so, make provision, whether or not by amending this Law or any other enactment, in relation to regulating the consumption of alcohol or the licensing of premises to supply alcohol, as circumstances may require.

PART 10

CLOSING PROVISIONS

67 Transitional provisions

Schedule 1 contains transitional provisions.

68 Repeals and abolition of Licensing Assembly

- (1) The following are repealed –
- (a) Loi (1833) sur la Conduite des Taverniers;
 - (b) [Loi \(1921\) sur l'Assemblée des Gouverneur, Bailli et Jurés \(Transfert de Pouvoirs, etc.\)](#);
 - (c) [Licensing \(Jersey\) Law 1974](#);
 - (d) [Licensed Premises \(Exclusion of Certain Persons\) \(Jersey\) Law 1998](#);
 - (e) [Licensing \(Licence Fees\) \(Jersey\) Regulations 2007](#);
 - (f) [Licensing \(Prescribed Renewal Form\) \(Jersey\) Order 2020](#).
- (2) The Licensing Assembly as defined in Article 1(1) of the repealed Law is abolished.

69 Gambling Laws amended

- (1) Part 1 of Schedule 2 amends the [Gambling Commission \(Jersey\) Law 2010](#).
- (2) Part 2 of Schedule 2 amends the [Gambling \(Jersey\) Law 2012](#).

70 Consequential amendments

The enactments specified in the first column of the table in Schedule 3 are amended as specified in the second column of that table.

71 Citation and commencement

This Law may be cited as the Alcohol Licensing (Jersey) Law 202- and comes into force on a day to be specified by the Minister by Order.

SCHEDULE 1

(Article 67)

TRANSITIONAL PROVISIONS

1 Applications for licences not yet determined

- (1) An application for the grant of a licence made under the repealed Law that has yet to be determined on the commencement of this Law –
 - (a) if it was for an Off-Licence, is treated as being an application for an Off-Licence under this Law;
 - (b) if it was an application for any other category of licence, is treated as being an application for an On-Licence under this Law;
 - (c) if it was for a provisional licence under Article 8 of the repealed Law, is treated as being an application under Article 7 of this Law.
- (2) Articles 3 and 4 do not apply in respect of an application for a licence by a person who holds a valid licence under the repealed Law, but the Commission must still comply with Articles 3(3), 3(4) and 11 in relation to that application.

2 Licences granted

- (1) A licence granted under the repealed Law that has not expired on the commencement of this Law remains valid until the date on which it expires.
- (2) But if a licence other than a Special Events Alcohol Licence is granted under this Law in respect of premises for which a licence is valid under the repealed Law, the earlier licence ceases to be valid.
- (3) A special permit granted under Article 89 of the repealed Law continues to have effect for the purposes of the special occasion for which it was granted despite the repeal of that Law.

3 Referral by Attorney General

The power of the Attorney General to refer a matter relating to a licence to the Commission under Article 12(2) is not affected by a similar referral to the Licensing Assembly in respect of the same premises under Article 9(1) of the repealed Law.

4 Publication of particulars

The requirement for the Commission to publish particulars under Article 14 does not apply to licences granted under the repealed Law.

5 Licensees and managers

A person who was the holder of a licence or registered as a manager under the repealed Law at the time of commencement of this Law is treated as a fit and proper person for the purposes of Articles 6(3) and 15(4) unless their registration is revoked under Article 15(5) or they have been convicted of an offence under this Law or the repealed Law.

6 Public bars

- (1) Premises or part of premises designated as a public bar under the repealed Law are treated as if designated as a public bar under this Law unless the Commission decides otherwise.
- (2) A room in which there is a public bar that the Licensing Assembly decided was not a suitable environment for persons under the age of 18 years under Article 12(2) of the repealed Law is treated as not a suitable environment for minors under Article 22(2) unless the Commission decides otherwise.

7 Exclusion orders

- (1) An exclusion order made under the [Licensed Premises \(Exclusion of Certain Persons\) \(Jersey\) Law 1998](#) that is in force on the commencement of this Law has effect as if made under this Law.
- (2) If the exclusion order applied to a category or categories of on-licensed premises under the repealed Law it is taken to apply to all public bars unless the Royal Court specifies otherwise.

SCHEDULE 2

(Article 69)

GAMBLING LAWS AMENDED**PART 1****GAMBLING COMMISSION (JERSEY) LAW 2010 AMENDED****1 Gambling Commission (Jersey) Law 2010 amended**

This Part amends the [Gambling Commission \(Jersey\) Law 2010](#).

2 Long title substituted

For the long title there is substituted –

A LAW to establish a Commission to supervise and regulate the supply of alcohol and the conduct of gambling, and for related matters.

3 Article 1 (interpretation) amended

In Article 1(1) –

- (a) in the definition “Chairman”, for “Chairman” there is substituted “chair”;
- (b) for the definition “Commission”, there is substituted –
“Commission” means the Alcohol and Gambling Commission established by Article 2 and renamed by the Alcohol Licensing (Jersey) Law 202-;
- (c) in the definition “Commissioner”, for “Chairman” there is substituted “chair”.

4 Article 2 (establishment of Gambling Commission) amended

In Article 2 –

- (a) in the heading, “Gambling” is deleted;
- (b) for paragraph (1) there is substituted –
(1) There is a body corporate known as the Jersey Alcohol and Gambling Commission.
- (c) in paragraph 2, for “Chairman” there is substituted “chair”.

5 Article 3 (general functions and powers of Commission) amended

After Article 3(1)(a) there is inserted –

- (aa) the grant and supervision of licences under the Alcohol Licensing (Jersey) Law 202-; and

6 Article 4 (guiding principles) deleted

Article 4 is deleted.

7 Article 5 (guidance and direction by the Minister) amended

In Article 5 –

- (a) in paragraph (1)(a), after “regulation of” there is inserted “alcohol licensing or”;
- (b) after paragraph (1) there is inserted –
 - (1A) The Minister may give guidance to the Commission with regard to any of its functions under the Alcohol Licensing (Jersey) Law 202-, including the imposing of conditions in respect of the grant of alcohol licences, drinks promotions, advertising, capacity and minimum pricing in relation to alcohol, as well as standards for periodic review of licences.
 - (1B) Before giving guidance under paragraph (1A) the Minister must consult the Minister for Justice and Home Affairs, the Minister for Health and Social Services and the Comité des Connétables and obtain the approval of the States Assembly.

8 Article 5A (information and advice) inserted

After Article 5 there is inserted –

5A Information and advice

- (1) The Commission must arrange to give to the public, or to other people, information and advice that the Commission considers expedient, in the form and manner that it considers appropriate, about –
 - (a) the operation of enactments relating to the supply of alcohol or the regulation or licensing of alcohol or gambling;
 - (b) good practice as promoted under Article 6; and
 - (c) other matters within the scope of the Commission’s functions.
- (2) The Commission must give advice to the Minister about –
 - (a) the incidence of gambling;
 - (b) the manner in which gambling is carried on;
 - (c) the effects of gambling;
 - (d) the regulation of alcohol licensing or gambling; and
 - (e) the need for the introduction, amendment or replacement of any enactment that relates to alcohol licensing or gambling, including any amendment to this Law.
- (3) Advice under paragraph (2) must be given –
 - (a) in response to a request from the Minister; and
 - (b) on other occasions as the Commission thinks appropriate.
- (4) The Minister must request the advice of the Commission when preparing a draft enactment relating to gambling or the licensing of alcohol, including an amendment to this Law.
- (5) In carrying out its functions under this Article in relation to gambling, the Commission must, in particular, aim to secure –
 - (a) the education of persons who may be involved in gambling as to –

- (i) the rights of consumers of gambling services;
 - (ii) the duties of providers of gambling services; and
 - (iii) the steps to be taken to enforce those rights or comply with those duties;
- (b) the reduction of the risk to the public of financial loss due to dishonesty, incompetence or malpractice by, or the financial unsoundness of, providers of gambling services; and
 - (c) the protection and enhancement of the reputation and integrity of Jersey in commercial and financial matters, as those are affected by gambling.

9 Part 3 (good practice, advice and co-operation) amended

- (1) For the heading to Part 3 there is substituted –

PART 3

GAMBLING: GUIDING PRINCIPLES, GOOD PRACTICE, CODES OF PRACTICE AND COOPERATION WITH OVERSEAS AUTHORITIES

- (2) After the heading there is inserted –

5B Guiding principles

The Commission must, in the performance of its functions under Article 3(1)(a), have regard to the principles that gambling services provided –

- (a) should be conducted responsibly and with safeguards necessary to protect children and vulnerable people;
- (b) 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
- (c) should be verifiably fair to consumers of those services.

- (3) For Articles 6 and 7 there is substituted –

6 Good practice and codes of practice

- (1) The Commission must promote –
- (a) the good practice to be followed by providers of gambling services, being practice that appears to the Commission to be desirable having regard to the guiding principles set out in Article 5B; and
 - (b) in particular, the observance of the requirements of enactments relating to gambling.
- (2) The Commission may approve 1 or more codes of practice to further any aspect of its duty under paragraph (1) (an “approved code”).
- (3) A code may be approved whether it has been prepared by or on behalf of the Commission or issued by another person (whether in relation to Jersey or not), and may take the form of a code issued by another person with deletions, amendments or additions made by the Commission.

- (4) The Commission –
 - (a) must, subject to an Order under paragraph (6)(b), ensure that an approved code is published in a manner that the Commission thinks likely to bring it to the attention of those whose activities it concerns; and
 - (b) may in addition cause copies of an approved code to be put on sale to the public at a price that the Commission considers to be reasonable.
- (5) An approved code –
 - (a) may refer to technical standards issued by another person (whether in relation to Jersey or not), and may apply those standards subject to deletions, amendments and additions made by the Commission;
 - (b) may make different provision for different cases or circumstances;
 - (c) must state when it comes into force; and
 - (d) may be revised or revoked by the Commission.
- (6) The Minister –
 - (a) must by Order require the Commission to consult in a specified manner before it approves a code; and
 - (b) may by Order –
 - (i) prescribe any aspect of the manner in which an approved code must be published; and
 - (ii) impose any other requirement on the Commission in relation to approval of codes.
- (7) The Commission must take account of an approved code in performing any of its functions to which the code is relevant, and particularly when considering an application for, or the revocation of, a licence, permit, approval, certificate, registration or other permission.
- (8) The Commission must –
 - (a) in exercising its powers under this Article and performing its duty under Article 3(5) in relation to those powers, particularly take account of any burden that may be caused by unnecessary inconsistency between a provision of an approved code and any similar provision in another jurisdiction in which providers of gambling services operate;
 - (b) keep under review its exercise of its powers under this Article, and in particular keep under review the provisions of any approved code or of any technical standards referred to in such a code; and
 - (c) specify, in its report on its operations prepared under Article 18(1)(b), the results of action taken under sub-paragraphs (a) and (b).

7 Failure to comply with code and evidential matters

- (1) A person's failure to follow a provision in an approved code does not of itself make a person liable to proceedings of any kind or invalidate any transaction unless an enactment relating to gambling makes an exception to an offence dependent on compliance with an approved code.
- (2) But an approved code is admissible in evidence in proceedings if it appears to the court or tribunal conducting the proceedings to be relevant to a question

arising in the proceedings and the code is to be taken into account in determining that question.

- (3) In proceedings where it is alleged that a person has contravened a requirement of an enactment relating to gambling –
 - (a) proof of a failure to comply with a provision of an approved code purporting to promote the observance of that requirement may be relied on as tending to establish contravention of the requirement; and
 - (b) proof of compliance with that provision may be relied on as tending to establish that the requirement has not been contravened.
- (4) A copy, certified in writing on behalf of the Commission to be an accurate copy of all or part of an approved code, is admissible in evidence in all legal proceedings as of equal validity with the original and as evidence of any fact stated in it of which direct oral evidence would be admissible.
- (5) If a document purports on its face to be a copy of all or part of an approved code, certified in accordance with paragraph (4), it is not necessary for the purposes of paragraph (4) to prove the official position or handwriting of the person signing on behalf of the Commission.
- (4) In Article 8(1), for sub-paragraph (a) there is substituted –
 - (a) is the same as or similar to the function of the Commission under Article 3(1)(a) in relation to Jersey; or

10 Article 13A (power to extend Part 4 to alcohol licensing) inserted

After Article 13 there is inserted –

13A Power to extend Part 4 to alcohol licensing

The States may by Regulations amend this Law to apply this Part to matters relating to alcohol licensing.

11 Article 22 (citation) amended

In Article 22, for “Gambling Commission (Jersey) Law” there is substituted “Alcohol and Gambling Commission (Jersey) Law”.

12 Schedule 1 (constitution and operation of Commission) amended

- (1) In Schedule 1, paragraph 1 –
 - (a) in sub-paragraphs (1), (2) and (3), for “Chairman” there is substituted “chair”;
 - (b) in sub-paragraph (3)(a), for “regulation of gambling services” there is substituted “regulation of alcohol licensing or gambling services”;
 - (c) after sub-paragraph (3) there is inserted –
 - (3A) In nominating a person, the chair must take account the views and recommendations of the Jersey Appointments Commission.
 - (d) for sub-paragraph (4) there is substituted –
 - (4) An application for the role of Commissioner must contain the information required by the Commission.

- (e) in sub-paragraph (5), “not less than 3 years (subject to paragraph 4) and” is deleted.
- (2) In the following provisions, for “Chairman” there is substituted “chair” –
 - (a) in paragraph 2, in both places in the heading, in sub-paragraph (2)(b), sub-paragraphs (3), (4), (5) and wherever occurring in sub-paragraph (6);
 - (b) in paragraph 3(2), in both places;
 - (c) in paragraph 4(2) and (2)(a) and (3)(d);
 - (d) in paragraph 5, in the heading, wherever occurring in sub-paragraph (1) and in sub-paragraphs (2), (3), (4) (wherever occurring) and (5);
 - (e) in paragraph 6(3)(a);
 - (f) in paragraph (9)(2)(a).
- (3) Paragraph 4(3)(e) is deleted.
- (4) In paragraph 6(3)(a), for “chairman” there is substituted “chair”.

PART 2

GAMBLING (JERSEY) LAW 2012 AMENDED

13 Gambling (Jersey) Law 2012 amended

This Part amends the Gambling (Jersey) Law 2012.

14 Article 1 (interpretation) amended

In Article 1, in the definition “Commission” and the definition “Commission Law”, for “Gambling” there is substituted “Alcohol and Gambling”.

15 Article 4 (associate and principal person defined) amended

After Article 4(8) there is inserted –

- (8A) A person falls within this paragraph in relation to an applicant or licensee who is a compliance officer or a money laundering reporting officer (both terms within the meaning of the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008) if the person fulfils any of the functions of a compliance officer or money laundering reporting officer.

16 Article 35 (directions) amended

After Article 35(5) there is inserted –

- (5A) The Commission may publish a direction if it considers it to be in the public interest to do so.

17 Article 39 (civil financial penalties) amended

In Article 39 –

- (a) after paragraph (2)(c) there is inserted –

- (d) a code of practice.
- (b) in paragraph (7)(c), after “consolidated fund” there is inserted “unless the Minister, by Order, specifies otherwise”;
- (c) in paragraph 11, for “higher” there is substituted “highest”;
- (d) paragraphs (15)(a), (16) and (17) are deleted.

18 Article 42 (permitted disclosures) amended

After Article 42(1)(a)(ii) there is inserted –

- (iia) to the States of Jersey Police Force, the Minister or to a Scrutiny Panel established under standing orders that is assigned scrutiny of economic development; or

19 Article 44 (postponement of effect of decisions) amended

For Article 44(7) there is substituted –

- (7) An appeal made under Article 45 in relation to a decision postpones the effect of the decision unless the Court orders otherwise under paragraph (3).

SCHEDULE 3

(Article 70)

CONSEQUENTIAL AMENDMENTS

Name of enactment	Amendment
Children (Jersey) Law 2002	In Article 50(2)(b) (restrictions on children taking part in performances), for “ Licensing (Jersey) Law 1974 ” there is substituted “Alcohol Licensing (Jersey) Law 202-”.
Control of Housing and Work (Jersey) Law 2012	<ol style="list-style-type: none"> 1. In Article 22 (interpretation), in paragraph (1), the definition “intoxicating liquor” is deleted. 2. In Article 28 (specific provisions relating to a hawker’s licence and a non-resident trading licence), for paragraph (2)(b) there is substituted – <ul style="list-style-type: none"> (b) alcohol (as defined in Article 1(1) of the Alcohol Licensing (Jersey) Law 202-);
Corruption (Jersey) Law 2006	In Article 3(1)(fa) (meaning of public body), in both places, for “Gambling” there is substituted “Alcohol and Gambling”.
Data Protection (Jersey) Law 2018	In Schedule 1, paragraph 1, for “Gambling” there is substituted “Alcohol and Gambling”.
Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations 2012	In Regulation 3(2)(a)(iii) (ancillary permits required), for “Gambling” there is substituted “Alcohol and Gambling”.
Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations 2012	In Regulation 4(2) and 3(b)(ii) (types of charitable gambling service requiring registration or permit), for “Gambling” there is substituted “Alcohol and Gambling”.
Gambling Commission (Consultation on Codes of Practice) (Jersey) Order 2011	In Article 1 (interpretation), in the definition “Law”, and in Article 10 (citation), for “Gambling” there is substituted “Alcohol and Gambling”.
Liquor (Restrictions on Consumption) (Jersey) Law 2005	<p>In Article 1(1) (interpretation) –</p> <ol style="list-style-type: none"> (a) for the definition “liquor” there is substituted – <ul style="list-style-type: none"> “liquor” means alcohol as defined in Article 1(1) of the Alcohol Licensing (Jersey) Law 202-; (b) in the definition “public place”, for “Licensing (Jersey) Law 1974” there is substituted “Alcohol Licensing (Jersey) Law 202-”.
Non-Profit Organizations (Jersey) Law 2008	In Article 19(2)(bb) (supply of information by the Commission), in both places, for “Gambling” there is substituted “Alcohol and Gambling”.
Places of Refreshment (Jersey) Law 1967	In Article 3(a) (exemptions), for “ Licensing (Jersey) Law 1974 ” there is substituted “Alcohol Licensing

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	(Jersey) Law 202-”.
Price Indicators (Jersey) Regulations 2008	In Regulation 2(3)(a) (requirement to indicate price of goods), for “premises licensed under the Licensing (Jersey) Law 1974 ” there is substituted “licensed premises within the meaning of Article 1(1) of the Alcohol Licensing (Jersey) Law 202-”.
Prison (Jersey) Law 1957	<ol style="list-style-type: none"> 1. In Article 1(1) (interpretation), the definition “intoxicating liquor” is deleted. 2. For Article 25(1)(a) (conveyance of Grade 2 item into or out of prison) there is substituted – <ul style="list-style-type: none"> (a) alcohol (within the meaning of Article 1(1) of the Alcohol Licensing (Jersey) Law 202-);
Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002	<ol style="list-style-type: none"> 1. In Regulation 11(1), (2)(a) and (b), (3) and (4)(a) (gambling), for “Gambling Commission” there is substituted “Alcohol and Gambling Commission”. 2. In Regulation 13 (liquor licensing) – <ul style="list-style-type: none"> (a) in the heading, for “Liquor” there is substituted “Alcohol”; (b) wherever occurring, for “1974 Law” there is substituted “202- Law”; (c) in paragraphs (1)(c) and (2)(c), for “pursuant to Article 19” there is substituted “under Article 17”; (d) in paragraph (4), for “Licensing (Jersey) Law 1974” there is substituted “Alcohol Licensing (Jersey) Law 202-”.
Restriction on Smoking (Jersey) Law 1973	<p>In Article A1 (interpretation) –</p> <ol style="list-style-type: none"> (a) the definition “1974 Law” is deleted; (b) after the definition “2005 Law” there is inserted – <ul style="list-style-type: none"> “202- Law” means the Alcohol Licensing (Jersey) Law 202-; (c) in the definitions “licence” and “licensed premises”, for “1974” there is substituted “202-”; (d) in Article 1A(3)(c)(ii) (Regulations for public eating premises), for “1974” there is substituted “202-”.
Royal Court (Jersey) Law 1948	<ol style="list-style-type: none"> 1. Article 3(1) (disqualifications for the office of Jurat) is deleted. 2. Article 21 (saving of assembly of Governor, Bailiff and Jurats) is deleted.
Stamp Duties and Fees (Jersey) Law 1998	In Schedule 1 (tables of judicial fees), item 28 is deleted.
States of Jersey Police Force (General Provisions) (Jersey) Order 2016	<ol style="list-style-type: none"> 1. In Article 4 (business interest precluding appointment to the Force) – <ul style="list-style-type: none"> (a) in paragraphs (1) and (2), for “Licensing

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	<p>(Jersey) Law 1974” there is substituted “Alcohol Licensing (Jersey) Law 202-”;</p> <p>(b) in paragraph (2), “residential licence or” is deleted.</p> <p>2. In Article 12 (business interests of police officers and relatives), in paragraph (1)(b), for “Licensing (Jersey) Law 1974” there is substituted “Alcohol Licensing (Jersey) Law 202-”.</p>
<p>Weights and Measures (Jersey) Law 1967</p>	<p>1. In Article 1(1) –</p> <p>(a) before the definition “approved pattern” there is inserted –</p> <p style="padding-left: 20px;">“alcohol” has the same meaning as in the Alcohol Licensing (Jersey) Law 202-;</p> <p>(b) the definition “intoxicating liquor” is deleted.</p> <p>2. In Article 20(5)(b), 22(4)(f) and paragraph 3(1) and 3(1)(d) of Part 6 of Schedule 3, for “intoxicating liquor” there is substituted “alcohol”.</p> <p>3. For the heading to Schedule 3, Part 6 there is substituted –</p> <p style="text-align: center;">ALCOHOL</p> <p>4. In Schedule 3, Part 6 –</p> <p>(a) in paragraph 3(1)(c), for “intoxicating liquors” there is substituted “alcohol”;</p> <p>(b) in paragraph 3(1)(e), for “those intoxicating liquors are” there is substituted “that alcohol is”;</p> <p>(c) in paragraph 3(3), for “those intoxicating liquors” there is substituted “that alcohol”;</p> <p>(d) in paragraph 5, for “of the fifth category is held under the Licensing (Jersey) Law 1974” there is substituted “under the Alcohol Licensing (Jersey) Law 202- is held”;</p> <p>(e) in paragraph 6, for “Intoxicating liquor” there is substituted “Alcohol”.</p>
<p>Weights and Measures (Measuring Instruments) (Intoxicating Liquor) (Jersey) Order 1975</p>	<p>In Article 1(1), for the definition “licensed premises” there is substituted –</p> <p style="padding-left: 20px;">“licensed premises” has the meaning given by Article 1(1) of the Alcohol Licensing (Jersey) Law 202-;</p>