

STATES OF JERSEY



Jersey

DRAFT ALCOHOL LICENSING (JERSEY) LAW 202- (P.112/2025): THIRD AMENDMENT

**Lodged au Greffe on 10th February 2026
by Deputy Sir P.M. Bailhache of St. Clement
Earliest date for debate: 24th February 2026**

STATES GREFFE

DRAFT ALCOHOL LICENSING (JERSEY) LAW 202- (P.112/2025): THIRD
AMENDMENT

1 PAGE 26, LONG TITLE –

In the long title, delete “, to amend and rename the [Gambling Commission \(Jersey\) Law 2010](#), to make minor amendments to the [Gambling \(Jersey\) Law 2012](#)”.

2 PAGE 26, ARTICLE 1 –

In Article 1(1) –

- (a) delete the definition “Commission”;
- (b) delete the definition “Commission Law”;
- (c) for the definition “Licensing Appeals Court” substitute –
“Licensing Assembly” means the Assembly of the Governor, Bailiff and Jurats and may be constituted by the Bailiff and at least 2 Jurats;
- (d) in the definition “public bar”, for “Commission” substitute “Licensing Assembly”;
- (e) in the definition “relevant decision” –
 - (i) for “Commission” substitute “Licensing Assembly”;
 - (ii) delete sub-paragraph (h).

3 PAGE 28, ARTICLE 2 –

(1) After Article 2 insert –

3 Licensing Assembly – delegation of functions

The Licensing Assembly may, with the consent of the Minister, delegate any of its functions (other than the determination of licensing applications and the suspension or revocation of licences) to the Connétable of a parish.

(2) Renumber the subsequent Articles and cross-references accordingly.

4 PAGE 28, ARTICLE 3 –

(1) In Article 3 (renumbered as Article 4) –

- (a) for paragraph (1) substitute –
 - (1) A person who wishes to sell alcohol must deliver the application for a licence under this Part to the Minister.
- (b) in paragraph (2)(a) and (b), for “Commission” substitute “Licensing Assembly”;
- (c) in paragraphs (3) and (4), for “Commission” substitute “Minister”;
- (d) in paragraph (3), for “it” substitute “the Minister”;
- (e) after paragraph (3) insert –

- (4) The Minister may, after consultation with the Licensing Assembly, give policy guidance to the Licensing Assembly in relation to its functions.
- (2) Renumber the subsequent paragraphs and cross-references accordingly.
- (3) In Article 3(4) (renumbered as Article 4(5)), for sub-paragraph (a) substitute –
 - (a) the Licensing Assembly;
 - (b) the Connétable of the parish concerned;
- (4) Renumber the subsequent sub-paragraphs and cross-references accordingly.
- (5) After Article 3(4)(e) (renumbered as Article 4(5)(f)) insert –
 - (f) in the case of an application for a Special Events Alcohol Licence, to the Connétable of any other parish in which the event is to be held;
 - (g) in the case of an application in respect of premises consisting of a mobile unit, to the Connétable of any other parish in which the premises are intended to operate.

5 PAGE 28, ARTICLE 4 –

- (1) In Article 4 (renumbered as Article 5) –
 - (a) in paragraph (1) (wherever occurring) and (4), for “Commission” substitute “Licensing Assembly”
 - (b) after paragraph (3) insert –
 - (4) If the Licensing Assembly receives a report under this Article, it must supply a copy to the Connétable of the parish concerned.
- (2) Renumber the subsequent paragraphs and cross-references accordingly.

6 PAGE 29, ARTICLE 5 –

- In Article 5 (renumbered as Article 6) –
- (a) for paragraph (1) substitute –
 - (1) Every application must be referred by the Connétable of the parish concerned to a Parish Assembly within 5 weeks to decide whether or not to recommend to the Licensing Assembly that the licence should be granted.
 - (b) delete paragraphs (2) and (3) and renumber subsequent paragraphs and cross-references accordingly;
 - (c) in paragraph (4) (renumbered as paragraph (2)), after “convening notice” insert “for the Parish Assembly”;
 - (d) delete paragraph (5)(b) (renumbered as paragraph (3)(b));
 - (e) for paragraph (6) (renumbered as paragraph (4)) substitute –
 - (4) The Connétable must submit to the Parish Assembly any report supplied to the Connétable under Article 5(4).
 - (f) in paragraph (7) (renumbered as paragraph (5)), for “Commission” substitute “Licensing Assembly”;

7 PAGE 29, ARTICLE 6 –

- (1) For Article 6 (renumbered as Article 7) substitute –

7 Proceedings before Licensing Assembly

- (1) Licences are granted by the Licensing Assembly sitting in public.
- (2) The Licensing Assembly must sit at least once a month, if it has business to conduct, and may also sit at any other time.
- (3) When applications for licences are considered by the Licensing Assembly –
 - (a) any applicant may appear in person or be represented by an advocate or a solicitor;
 - (b) a person entitled to appear before the Parish Assembly who has addressed the Parish Assembly in relation to an application, either personally or by an advocate or a solicitor, may address the Licensing Assembly, either personally or by an advocate or a solicitor in relation to that application;
 - (c) a person who has given at least 7 days' written notification to the Judicial Greffier may apply to be heard either in person or by an advocate or a solicitor and the Licensing Assembly may, at its absolute discretion, hear the person or the person's representative.
- (4) The Judicial Greffier must place before the Licensing Assembly the decisions of the Parish Assembly
- (5) The Attorney General may attend the Licensing Assembly and, if requested to do so by that Assembly, must attend it on the consideration of any application, and is entitled to be heard.
- (6) The Connétable of the parish concerned must attend the Licensing Assembly on the consideration of the application and is entitled to be heard.
- (7) The chief executive officer of the administration of the States responsible for tourism or the chief executive officer's deputy –
 - (a) must attend the Licensing Assembly whenever applications for the grant of licences are being considered;
 - (b) must supply the Assembly with all the information required in relation to each application; and
 - (c) is entitled to be heard in respect of any application that relates to premises registered or to be registered by the Minister under any enactment.
- (8) The Licensing Assembly may regulate its own procedure in relation to any matter concerning an application.

8 Decision of Licensing Assembly

- (1) The Licensing Assembly must, after considering an application and the reports supplied under Articles 5(1) and 6(6) –
 - (a) grant a licence to the applicant (whether or not of the category applied for); or
 - (b) refuse to grant a licence.

- (2) In considering the application, or whether a licence of a different category to that applied for should be granted, the Licensing Assembly is not bound by the recommendation of the Parish Assembly.
- (3) The Licensing Assembly 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 given by the Minister under Article 4(4);
 - (e) whether at any time –
 - (i) a direction has been given to the applicant under Article 44; or
 - (ii) a licence held by the applicant has been suspended or revoked under Article 45 or under the repealed Law; and
 - (f) any judgments of the Licensing Assembly.
- (4) The Licensing Assembly 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) A condition imposed must not include any provision –
 - (a) that is inconsistent with this Law or any enactment made under it; or
 - (b) that limits a power of the Licensing Assembly or a duty of a licensee under a general condition.
- (6) If a licensee wishes to raise any matter concerning a licence held by them at a sitting of the Licensing Assembly, they must, at least 15 days before that sitting, inform the Bailiff, the Connétable of the parish concerned, the Minister and the Judicial Greffier of their wish and the matter.
- (7) In the case of premises consisting of a mobile unit, the Licensing Assembly must specify in the licence conditions the locations to which the licence applies and the premises may operate only from a single location at any one time.
- (8) 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 Licensing Assembly or surrendered by the licensee by giving notice in writing to the Licensing Assembly.

(2) Renumber the subsequent Articles and cross-references accordingly.

8 PAGE 30, ARTICLE 7 –

In Article 7 (renumbered as Article 9) –

- (a) in paragraphs (3) (wherever occurring) and (4), for “Commission” substitute “Licensing Assembly”;
- (b) in paragraph (5), for “Articles 3, 5 and 6” substitute “Articles 4, 6, 7 and 9”.

9 PAGE 31, ARTICLE 8 –

In Article 8 (renumbered as Article 10), in paragraphs (1), (2), (3) and (5)(c), for “Commission” substitute “Licensing Assembly”.

10 PAGE 31, ARTICLE 9 –

For Article 9 (renumbered as Article 11), for paragraph (3) substitute –

- (3) The fees are payable to the Minister but nothing in this Article prevents the Minister from agreeing with the Comité des Connétables to pay the proportion of the fee income to a parish that the Minister considers fair and appropriate.

11 PAGE 32, ARTICLE 10 –

In Article 10 (renumbered as Article 12), in paragraph (3), for “Commission” substitute “Licensing Assembly”.

12 PAGE 32, ARTICLE 11 –

In Article 11 (renumbered as Article 13) (wherever occurring), for “Commission” substitute “Licensing Assembly”.

13 PAGE 32, ARTICLE 12 –

In Article 12 (renumbered as Article 14), in the heading and in paragraphs (1), (2), (3) (wherever occurring) and (4), for “Commission” substitute “Licensing Assembly”.

14 PAGE 32, ARTICLE 13 –

In Article 13 (renumbered as Article 15), for “Commission” substitute “Licensing Assembly”.

15 PAGE 33, ARTICLE 14 –

For Article 14 (renumbered as Article 16) substitute –

16 Minister to publish particulars

The Licensing Assembly must ensure that the Minister has an up to date list of all licensed premises and the conditions attached to their licences, including the permitted hours, and the Minister must publish that information on an appropriate website.

16 PAGE 33, ARTICLE 15 –

In Article 15 (renumbered as Article 17), in paragraphs (4), (5) and (6) (wherever occurring), for “Commission” substitute “Licensing Assembly”.

17 PAGE 34, ARTICLE 18 –

In Article 18 (renumbered as Article 20), for “Commission” substitute “Licensing Assembly”.

18 PAGE 34, ARTICLE 19 –

In Article 19 (renumbered as Article 21) –

- (a) in paragraph (1)(a), for “Commission” substitute “Connétable of the parish concerned”;
- (b) in paragraph (2), for “the Commission must notify the Connétable of the parish concerned,” substitute “the Connétable of the parish concerned must notify”.

19 PAGE 35, ARTICLE 21 –

For Article 21 (renumbered as Article 23) substitute –

23 Scope of On-Licence

- (1) Subject to this Law, an On-Licence authorises the sale by retail of alcohol for consumption on the licensed premises to –
 - (a) persons living on the premises, or accommodated for reward on the premises, at any time;
 - (b) any other persons, during the permitted hours.
- (2) An On-Licence may authorise the sale by retail of alcohol in closed containers for consumption off the licensed premises to any persons during the permitted hours.

20 PAGE 35, ARTICLE 22 –

In Article 22 (renumbered as Article 24), in paragraphs (1)(h) and (i), (2)(a) and (3), for “Commission” substitute “Licensing Assembly”.

21 PAGE 36, ARTICLE 26 –

In Article 26 (renumbered as Article 28), delete “the Commission and”.

22 PAGE 36, ARTICLE 27 –

In Article 27(2)(a) (renumbered as Article 29(2)(a)), for “Commission” substitute “Licensing Assembly”.

23 PAGE 37, ARTICLE 29 –

In Article 29 (renumbered as Article 31) –

- (a) in paragraphs (2) and (3), for “Commission” substitute “Licensing Assembly”;

- (b) in paragraph (2), for “Article 6(4)” substitute “Article 8(4)”.

24 PAGE 37, ARTICLE 31 –

- (1) In Article 31 (renumbered as Article 33) –
 - (a) in paragraph (2), for “Commission” substitute “Licensing Assembly”;
 - (b) after paragraph (2) insert –
 - (3) The Licensing Assembly may delegate its functions in relation to Special Events Alcohol Licences to the Minister.
- (2) Renumber subsequent paragraphs and cross-references accordingly.

25 PAGE 38, ARTICLE 32 –

In Article 32 (renumbered as Article 34), in sub-paragraphs (b) and (c), for “Commission” substitute “Licensing Assembly”.

26 PAGE 38, ARTICLE 33 –

Delete Article 33(2) (renumbered as Article 35(2)) and renumber the subsequent paragraphs and cross-references accordingly.

27 PAGE 38, ARTICLE 34 –

- In Article 34 (renumbered as Article 36) –
- (a) in paragraphs (5)(a) and (8), for “Commission” substitute “Licensing Assembly”;
 - (b) in paragraph (6), delete “and the Commission”.

28 PAGE 40, ARTICLE 38 –

In Article 38 (renumbered as Article 40), in paragraph (1), delete “the Commission and”.

29 PAGE 41, ARTICLE 42 –

- In Article 42 (renumbered as Article 44) –
- (a) in paragraphs (1) (where first occurring), (2)(b) and (6) (wherever occurring), for “Commission” substitute “Licensing Assembly”;
 - (b) in paragraph (1)(b), delete “or the Commission Law”.

30 PAGE 42, ARTICLE 43 –

- (1) In Article 43 (renumbered as Article 45), in paragraphs (1), (2), (4) (wherever occurring) and (6), for “Commission” substitute “Licensing Assembly”.
- (2) In Article 43 (renumbered as Article 45), for paragraph (5)(d) substitute –
 - (d) a person mentioned in sub-paragraph (c) has failed to comply with a requirement imposed under a direction under Article 44.

31 PAGE 44, ARTICLE 51 –

In Article 51 (renumbered as Article 53), delete “, an officer of the Commission”.

32 PAGE 44, ARTICLE 52 –

In Article 52 (renumbered as Article 54) –

- (a) in the heading for “the Commission” substitute “Minister, Licensing Assembly, etc.”;
- (b) in paragraph (1) (wherever occurring), for “Commission” substitute “Licensing Assembly”.

33 PAGE 46, ARTICLES 57 AND 58 –

Delete Articles 57 and 58 (renumbered as Articles 59 and 60) and renumber the subsequent Articles and cross-references accordingly.

34 PAGE 48, ARTICLE 60 –

(1) In Article 60 –

- (a) in paragraph (1)(a), for “Commission” substitute “Minister or Licensing Assembly”;
- (b) in paragraphs (1)(c), (d), (g) and (h), (2)(a), (b)(iii) and (3), for “Commission” substitute “Licensing Assembly”;
- (c) delete paragraph (1)(a)(ii);
- (d) in paragraph (1)(a)(iv), for “the Commission has statutory functions” substitute “the Licensing Assembly has functions under this Law”;
- (e) in paragraph (1)(b), for “Commission’s” substitute “Licensing Assembly’s”;
- (f) in paragraph (2)(b)(i), for “Commission” substitute “Licensing Assembly in respect of this Law”
- (g) in paragraph (2)(b)(ii), delete “, on the application of the Commission”;
- (h) in paragraph (3), delete “(1)(a)(ii),”.

35 PAGE 49, ARTICLE 61 –

In Article 61 –

- (a) in paragraphs (1), (2), (3) and (4), for “Commission” substitute “Licensing Assembly”;
- (b) in paragraph (1)(a), delete “or notice of a final decision to impose a civil penalty”;
- (c) in paragraph (3), for “Commission’s” substitute “Licensing Assembly’s”.

36 PAGE 50, ARTICLE 62 –

In Article 62 –

- (a) in paragraphs (1), (2) and (3), for “Commission” substitute “Licensing Assembly”;

- (b) in paragraphs (2)(c), (3) (wherever occurring), (5) and (6), for “Licensing Appeals Court” substitute “Royal Court”.

37 PAGE 50, ARTICLE 63 –

In Article 63 –

- (a) in paragraphs (1) and (3)(a) (wherever occurring), for “Commission” substitute “Licensing Assembly”;
- (b) in paragraphs (1), (3) and (4), for “Licensing Appeals Court” substitute “Royal Court”;
- (c) for paragraph (2)(b) substitute –
 - (b) the person was given the direction under Article 44(1).

38 PAGE 51, ARTICLE 64 –

In Article 64, in paragraphs (1) and (3), for “Commission” substitute “Licensing Assembly”.

39 PAGE 52, ARTICLE 68 –

In Article 68 –

- (a) in the heading, delete “and abolition of Licensing Assembly”;
- (b) delete paragraph (2) and renumber the remaining paragraph as an unnumbered paragraph.

40 PAGE 52, ARTICLE 69 –

Delete Article 69 and renumbered the subsequent Articles and cross-references accordingly.

41 PAGE 53, SCHEDULE 1, PARAGRAPH 1 –

In Schedule 1, paragraph 1(2), for “Commission” substitute “Licensing Assembly”.

42 PAGE 53, SCHEDULE 1, PARAGRAPH 3 –

In Schedule 1, paragraph 3, for “Commission” substitute “Licensing Assembly”.

43 PAGE 53, SCHEDULE 1, PARAGRAPH 4 –

Delete paragraph 4 and renumber subsequent paragraphs accordingly.

44 PAGE 54, SCHEDULE 1, PARAGRAPH 6 –

In Schedule 1, paragraph 6(1) and (2), for “Commission” substitute “Licensing Assembly”.

45 PAGE 55, SCHEDULE 2 –

- (1) Delete Schedule 2.
- (2) Renumber Schedule 3 and cross-references to it accordingly.

46 PAGE 62, SCHEDULE 3 –

- (1) In the table in Schedule 3 (renumbered as Schedule 2), delete the following entries –
 - (a) [Corruption \(Jersey\) Law 2006](#);
 - (b) [Data Protection \(Jersey\) Law 2018](#);
 - (c) [Gambling \(Ancillary Services and Miscellaneous Provisions\) \(Jersey\) Regulations 2012](#);
 - (d) [Gambling \(Charitable and Membership Gambling Services\) \(Jersey\) Regulations 2012](#);
 - (e) [Gambling Commission \(Consultation on Codes of Practice\) \(Jersey\) Order 2011](#);
 - (f) [Non-Profit Organizations \(Jersey\) Law 2008](#).
- (2) In the table in Schedule 3 (renumbered as Schedule 2), in the entry relating to the [Rehabilitation of Offenders \(Exceptions\) \(Jersey\) Regulations 2002](#), delete paragraph 1 and renumber the subsequent paragraph as an unnumbered paragraph.
- (3) In the table in Schedule 3 (renumbered as Schedule 2), delete the entry relating to the [Royal Court \(Jersey\) Law 1948](#).

DEPUTY SIR P.M. BAILHACHE OF ST. CLEMENT

REPORT

Introduction

1. This amendment is lodged in consequence of views expressed during the debate on the principles of the [draft Alcohol Licensing \(Jersey\) Law 202-](#) which were adopted on [22nd January 2026](#). Several members, Deputy S.M Ahier of St Helier in particular, expressed the view that the Gambling Commission was not the appropriate body to assume the functions of the Licensing Assembly, and many other members said that the system whereby the Licensing Assembly adjudicated upon applications worked very well.
2. The purpose of this amendment is, therefore, broadly to restore the functions of the Licensing Assembly as the body which adjudicates upon applications for liquor licences. In other respects, the amendment does not generally change the updating of the [Licensing \(Jersey\) Law 1974](#) (“the 1974 Law”) which the Minister seeks to achieve. In particular, the number of licence categories reduces from seven to three. The right to give alcohol policy guidance to the Licensing Assembly in relation to the exercise of its functions is firmly placed in political hands.

Licensing Assembly/Gambling Commission

3. There seem to me to be three principal reasons why the Licensing Assembly is to be preferred to the Gambling Commission as the body to adjudicate upon liquor licensing applications. The first is that the Assembly is composed of judges, both lay and professional, who are experienced in reaching difficult decisions, balancing competing interests and reaching fair judgements on controversial issues. That is not to say that members of the Gambling Commission cannot reach fair judgements, but they would be on a steep learning curve to achieve the experience of the Jurats.
4. The second reason is that the Licensing Assembly sits in public. Its processes are entirely transparent. Applicants make their case openly and objectors also have the right to be heard. In a contested application, the Assembly gives reasons for the decision at which it has arrived. It is not clear whether or not the Gambling Commission would sit in public. The assumption is that it would not, and that applications would be dealt with on the papers even if individual applicants were given the right to be heard in support of their applications. Most applications are of course uncontroversial and can be dealt with quickly. But some applications, for example where the interests of nightclub owners conflict with those of neighbours, are strongly contested. It is very desirable that such disputes should be heard in the open. Justice should be seen to be done.
5. The third reason is more mundane and is that the Licensing Assembly comes at no additional cost to the public. Jurats sit in an honorary capacity. Furthermore, the extra administrative cost of supporting the Gambling Commission in its proposed new functions is unknown but is unlikely to be insignificant.
6. The Minister stated in the debate on the principles of the draft Law that he had been advised that the Licensing Assembly could not be retained if it was obliged to accept policy guidance from the Minister. That advice seems incorrect. The Licensing Assembly is not a court and must certainly accept policy guidance if the law requires it to do so. The amendment retains the obligation for the Licensing Assembly to have regard to any policy guidance from the Minister when determining an application.

Comité des Connétables amendment

7. This amendment might have been framed as an amendment to the amendment lodged by the *Comité des Connétables* but for drafting reasons it was decided not to do so. As indicated during the debate on the principles, I have reservations as to whether it is appropriate for the *Connétable* to act as the determining authority for licensing applications when he/she is also the President of the Parish Assembly in which conflicting views may have been expressed on an application. The point made by the Minister during the debate as to possible inconsistencies which might arise from the existence of 12 different licensing authorities also seems to be valid.

Summary of the amendment

8. In broad terms the amendment adopts the principal changes to the 1974 Law sought by the Minister. The Minister, with input from other Ministers and the Assembly will be able to shape the policy upon which the Licensing Assembly will operate. The number of categories of licence will reduce to three. The Licensing Assembly will be constituted by a president and two Jurats and be obliged to sit at least once a month if there is business to conduct and may sit on other occasions as may be appropriate. A much greater flexibility has been built in, which should meet the criticism that the Assembly does not sit with sufficient frequency. The problems in relation to inequities in the working of licence fees can be addressed by the Minister who has the power to set fees by Order.
9. Application will continue to be addressed online, as at present, to the Minister, whose officials accept them and send on copies to the Licensing Assembly, the parishes, and other appropriate departments. The Minister's officials will keep a record of licensed premises and conditions attached to licences. Nothing will change in that respect. The Minister will continue to set and receive fees, but provision has been made for a sharing of fee income with the parishes by agreement between the Minister and the *Comité des Connétables*.
10. The provisions relating to civil penalties have been omitted because it was not thought appropriate to confer these powers on the Licensing Assembly. Serious breaches of the Law can be dealt with, as now, through the criminal process. The powers to suspend or revoke a licence, or to attach conditions, are also available.

Financial and staffing implications

11. It is not considered that there are any substantial differences from those set out in the Minister's report.

Children's Rights Impact Assessment

12. I consider that this amendment has no direct or indirect impact upon children and that the duty to have due regard to the UN Convention of the Rights of the Child does not arise. Accordingly, a Children's Rights Impact Assessment is not required under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).