

STATES OF JERSEY



Jersey

DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 202- (P.24/2024): AMENDMENT

**Lodged au Greffe on 28th May 2024
by the Economic and International Affairs Scrutiny Panel
Earliest date for debate: 11th June 2024**

STATES GREFFE

DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 202-
(P.24/2024): AMENDMENT

PAGE 8, REGULATION 6 –

In paragraph (2), for “20th July 2027” substitute –
| “30th April 2026”.

ECONOMIC AND INTERNATIONAL AFFAIRS SCRUTINY PANEL

REPORT

Introduction

The Draft Unlawful Public Entertainments (Jersey) Regulations 202-. [\[P.24/2024\]](#) (the draft Regulations) were lodged by the Minister for Sustainable Economic Development (the Minister) on 26th April 2024 and is due for debate on 11th June 2024. The draft Regulations propose to make the same provision as the current [Unlawful Public Entertainments \(Jersey\) Regulations 2022](#) (the current Regulations), however, will extend their expiration of 20th July 2024 for a further 3 years until 20th July 2027.

Upon consideration, the Panel believes that the extension of the current Regulations should be reduced to require the Minister to return to the Assembly prior to the end of this political term with a new framework to replace the current Regulations. The purpose of this amendment is therefore very simple: to amend the expiry date for the proposed Draft Unlawful Public Entertainments (Jersey) Regulations 202- [\[P.24/2024\]](#) from 20th July 2027 to 30th April 2026.

The Panel understands that work is being undertaken by the Minister, who has indicated that it is hoped relevant legislation can be progressed in a timely manner. This Panel considers that this can be enacted within the newly proposed timeframe, ensuring compliance with legislative requirements and supporting the strategic goals of Government of Jersey.

Background

The Unlawful Public Entertainment (Jersey) Regulations 2022 are triennial Regulations due to expire in July 2024. These Regulations make it an offence to hold public entertainment without the permission of the Bailiff and provide for the Bailiff to grant permission for public entertainment subject to conditions deemed fit by the Bailiff. The granting of permissions is organised via the Public Entertainment Panel. These Regulations were initially introduced in July 1992 to reflect the Bailiff's control of public entertainment, a customary power under the Code of 1771.

Historical Context

In 2000, it was proposed by Senator C.G.P. Lakeman, in the adopted proposition Control of Public Entertainment [\[P.168/2000\]](#), that replacement of the Regulations be investigated and considered by the Legislation Committee, with that Committee concluding in 2010 that it was no longer appropriate for the Bailiff to control public entertainment. The [Carswell review](#) of Crown Officers in 2010 recommended that “the Bailiff should cease to be responsible for giving permission for public entertainments” and that there should be “an appropriate replacement.”

Concerns about the right to hold demonstrations in 2010 highlighted that while demonstrations did not fall under the Regulations, the Bailiff's permission was still required for events in the Royal Square. Later, in 2015, the States Assembly adopted an [amendment](#) to delegate authority to the Parish of St. Helier for licensing small-scale events within the parish.

Recent Developments

In 2020, draft Regulations [\[P.22/2020\]](#) were introduced to amend the Unlawful Entertainments (Jersey) Regulations 2019 in response to the Covid-19 pandemic, allowing the Bailiff to withdraw or add conditions to events that have already been granted consent in order to protect public health. The Education and Home Affairs Scrutiny Panel (the CEHA Panel) presented Comments [\[P.22/2020 Com. \(re-issue\)\]](#) on 23rd March 2020 that expressed concerns about the lack of consultation with key stakeholders due to the emergency situation (the COVID pandemic) and emphasised the need for the amendments to comply with strict governance and transparency rules.

Additionally, the CEHA Panel found the proposed duration of these powers, extending until 2022, to be disproportionate, especially since other emergency powers had a cut-off date of 30th September 2020.

After discussions, the Minister for Home Affairs agreed to amend the Regulations within six months to remove the additional powers, which addressed concerns about their prolonged use. The CEHA Panel highlighted that the triennial Regulations, including these emergency powers, would require a thorough review and consultation when they were due for renewal.

The CEHA Panel lodged an Amendment [[P.103/2020](#)], which sought to time-limit the amendments in alignment with other Covid-19 emergency legislation. Although the Minister for Home Affairs initially agreed to this, it was later decided to maintain the changes without the time limit, prompting the CEHA Panel to insist on the original time limit to ensure transparency and appropriateness. The CEHA Panel's amendment was ultimately accepted.¹

Follow-up Comments by the CEHA Panel on 19th April 2022, presented on the current Regulations when originally proposed [[P.55/2022 Com.](#)], reiterated these concerns and noted that no substantial updates had been made to the triennial Regulations since their last review. It was noted that the pandemic had caused delays in legislative processes, with the CEHA Panel welcomed the Minister for Home Affairs' acknowledgement of the length of time it has taken for the matter to be addressed, noting that it was the Government's intention to bring forward an update to the legislation by July 2024.

Rationale for Amendment

The Minister for Sustainable Economic Development (the Minister) wrote to the Panel on [18th September 2023](#), indicating an intent to extend the Regulations for three more years to allow time for drafting and lodging new events licensing legislation. It was shared that a programme of work was set to begin in earnest during 2024 and likely take the remainder of the political term to complete. The Minister emphasised the need for close engagement with stakeholders, including the Bailiff's Chambers, Scrutiny, the Parishes, Legislative Drafting Office, event organisers, and the States of Jersey Police.

The previous Economic and International Affairs Panel Chair requested information of any engagement with stakeholders/informal consultation that had taken place on extension. It was confirmed that the Bailiff's Chambers had been engaged with and were content with the extension to the existing Regulations. It was further highlighted that no edits to the existing Regulations were proposed and therefore there would not be any changes to the current events arrangements. It was also indicated that the process for drafting the new events licencing regime would involve extensive stakeholder engagement and that work would begin in 2024.

Panel's Insights

In a briefing from Departmental Officers, received on the 28th March 2024, the Panel was informed of criticisms regarding the advance planning needed by small businesses and highlighted the potential for more coordinated efforts if plans were made earlier. Further, the Panel confirmed that the decision to move responsibility from the Bailiff to another authority had been suggested since 2000 and that preliminary consultation with the Bailiff's office and other stakeholders had been undertaken. The Panel also learnt that, currently, one-off events require several different permissions and is a lengthy process. It was also further confirmed that there is a need for extensive stakeholder engagement and the strategic approach to developing the cultural and heritage aspects of the island.

¹ <https://statesassembly.gov.je/Pages/Votes.aspx?VotingId=5918>

In a [public hearing](#) with Minister for Sustainable Economic Development on 11th April 2024, the Minister informed the Panel that responsibility for the Unlawful Public Entertainments Regulations was moved into his remit from the Minister for Home Affairs “for us to be able to take control of that and be able to bring amendments and changes ourselves.” It was advised that the department was focusing on “creating a new events licensing law, which will look at the whole structure of events licensing.” This was because feedback from stakeholders suggested the current system is a “disjointed and difficult-to-navigate system.”

In addition, the Minister’s [correspondence](#) on 23rd April 2024 outlined the transfer of responsibility for the Regulations to the Sustainable Economic Development portfolio, aiming to integrate the new law within a broader events framework to support community enrichment and the hospitality sector.

Implementation

The Panel understands that the replacement of the Regulations will require a primary law to be lodged and debated, and would expect this to be forthcoming by the end of 2025 to allow for debate prior to the end of the political term. As such the Panel is proposing that the Regulations be set to expire on the 30th April 2026, prior to the election period of that year.

The Minister’s [2023 Delivery Plan](#) identified that in September of that year the Economy Department would review the events licencing process and the Unlawful Public Entertainments (Jersey) Regulations 2007 and establish a plan for legislative update and approval process. The 2023 delivery plan update [report](#) highlighted collaboration with the Markets Review Group, the establishment of the events working group – which first met in June – and the strategic review was underway, with consultation workshops planned for Q4.

The Panel agrees that further wider consultation with the Public and stakeholders should indeed be carried out in order to inform the production of the relevant legislation. Although methodology will be a decision for the Minister, the Panel would anticipate that this would be able to be undertaken within the normal for 8 weeks identified by the Government of Jersey’s [consultation code of practice](#). Production and issuance of law drafting instructions will then need to take place in a timely manner, and the Panel would expect that if sufficiently prioritised would be finalised by the beginning of 2025.

The Panel has taken into consideration that there will be a need for clear law drafting instructions to be issued and the need for Royal Assent, as well as potential consequential changes requiring secondary legislation which may be required for implementation of a Public Events Framework. With all this in mind the Panel believes the deadline of 30th April 2026 is deliverable.

The Panel would also highlight that, should further extension of the Regulations be required, the Regulations could be returned to the Assembly, either in the regrettable case that a replacement has not been produced, or if additional time for agreement of enabling legislation and implementation practicalities is required following debate of primary legislation.

Adoption of this Amendment would ensure clear priority setting for introduction of the overdue Public Entertainments Law. This will aid in reducing red tape and barriers to business, which, as previously discussed, is currently an issue experienced by stakeholders. This clearly falls within the agreed [Common Strategic Policy 2024-2026](#) priority to “reduce red tape, enhance opportunities for business and strengthen Jersey’s international reputation.”

Conclusion

The Panel is confident that the necessary changes can be made within the current term of Government. By adopting this Amendment, the States Assembly will emphasise the importance of prioritising the drafting of the new Public Entertainments Law, ensuring that government interactions are simplified and efficient for businesses and event organisers.

The proposed Amendment aligns with the Common Strategic Policy 2024-2026, aiming to reduce red tape, enhance business opportunities, and strengthen Jersey's international reputation. The extension of the Regulations provides the sufficient timeframe for thorough development and consultation, ensuring the appropriateness and effectiveness of the new legislation.

This Amendment will require a return to the Assembly prior to the 30th April 2026 with either a replacement to the Unlawful Public Entertainment Regulations or for an extension of these should that replacement not be forthcoming or additional secondary and implementing actions be required.

Financial and staffing implications

Although a reduction in timeframe may require slight reallocation of staffing resource, the Panel believes that this will be met through existing budgets within the Economy Department, noting that it has been identified that production of legislation relating to public entertainments is already included within delivery plans.

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.