

STATES OF JERSEY



DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 202- (P.55/2022): COMMENTS

**Presented to the States on 19th April 2022
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

The Draft Unlawful Public Entertainments (Jersey) Regulations 202- (hereafter the ‘triennial Regulations) have been lodged by the Minister for Home Affairs for debate at the final States sitting of this Assembly on 25th April. The triennial Regulations have been in place since 1992 and have been subsequently remade every three years since - the original purpose of the triennial Regulations was to curb the increase in illegal raves during the early 1990s.

The Children, Education and Home Affairs Panel (hereafter ‘the Panel’) understands that, since at least 2000, attempts have been made to update the triennial Regulations so that they do not have to be renewed every three years, however, this has not come to pass for a number of reasons. The Panel notes that, to date, the triennial Regulations have been renewed 11 times since their introduction.

The Panel previously issued comments in respect of the triennial Regulations during the debate on [P.22/2020](#) (Draft Unlawful Public Entertainments (Jersey) (Amendment) Regulations 202-) which was brought forward in response to the emerging COVID-19 pandemic in order to clarify powers granted to the Bailiff in respect of permissions for large scale events during the pandemic. The Panel made the following point in summing up its comments:

It is important to state that the triennial Regulations will need to be reviewed fully when due for renewal, either by this Panel or its successor Panel, and full consideration and consultation should be given to these additional powers at that stage.¹

This point was further reiterated in the Panel’s [amendment](#) to P.103/2020 which sought to extend the provisions put in place by P.22/2022 until 30th April 2021. Given the timing of the triennial Regulations being lodged so close to the election, and the Panel’s own work programme it has, unfortunately, not had sufficient time in which to conduct such a review.

Whilst the impact of the COVID-19 pandemic on resourcing, both in terms of policy officer and legislative drafting time has created significant delay across the legislative programme, the Panel is disappointed that no further work appears to have been undertaken to update the triennial Regulations since its previous comments, with the proposals simply renewing what is currently in place. However, the Panel welcomes the Minister for Home Affairs’ acknowledgement in the report accompanying the triennial Regulations of the length of time it has taken for this matter to be addressed. Furthermore, it is noted that the triennial Regulations are only to be renewed for two years as it is the Government’s intention to bring forward an update in that time. The Minister provided the following response on the plans:

It is understood that the Department of the Economy are planning to undertake work to develop new legislation in this area during the next term of the Assembly, and it is intended that the project will run from Q3 2022 to Q4 2023. These Regulations, if approved by the Assembly, will expire in July 2024. The priority of different workstreams will be a matter for the next Minister responsible for that Department to consider.

¹ Comments – P.22/2020

The Panel notes that any scrutiny of an updated set of Regulations will fall within the next Assembly, therefore, it will be for the next Panel to undertake a review on this matter. The Panel will ensure that this point is raised in its legacy report, suggesting that its successor Panel holds the Minister to account for ensuring that the triennial Regulations are updated within the proposed two-year window.