

**DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY)  
REGULATIONS 199**

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**Lodged au Greffe on 2nd June 1998  
by the Defence Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

## Report

In the early 1990s there were considerable problems concerning the organisation of so-called "Raves" on public land in Jersey. These "Raves" were organised and promoted by individuals who provided their own lighting and equipment. In order to offset costs, tickets were sold for these events.

The "Raves" were held at remote locations at night and this posed a serious risk of injury to persons attending and inevitably led to offences of Breach of Peace and other public order offences. These gatherings attracted large numbers of young people and were often used as a venue for the use of illegal drugs.

The events caused enormous problems for both the States and Honorary Police, particularly in respect of ensuring public safety and preventing the commission of public order offences and the use of illegal drugs.

The States in 1992 approved the Unlawful Public Entertainments (Jersey) Regulations, which came into effect on 1st July that year and remained in force for a period of three years from that date.

The Regulations were renewed on 8th July 1995 for a further period of three years. A summary of the Regulations is as follows -

**Regulation 1** contains interpretation provisions.

**Regulation 2** makes it an offence, punishable with a fine and imprisonment for up to six months, to organise or be concerned in providing an unlawful entertainment, which is defined by paragraph (2) as being a public entertainment held without the Bailiff's permission.

**Regulation 3** gives the Court which convicts a person of an offence against Regulation 2 the power to order the forfeiture of anything used in connection with the offence or the proceeds of the offence.

**Regulation 4** gives the police power to seize anything which may be liable to forfeiture under Regulation 3.

**Regulation 5** makes aiders and abettors of offences against the Regulations liable to the same penalty as principal offenders.

**Regulation 6** preserves the existing customary law.

**Regulation 7** contains citation and commencement provisions. The Regulations will remain in force for three years from the date on which they are made.

The current Regulations are due to expire on 7th July 1998. The Attorney General has recommended that they should be renewed for a further three years. The Defence Committee has approved the draft Regulations and has agreed that the States be asked to approve their renewal for a further period of three years. The Defence Committee will request that the Regulations be included in the Law Drafting Programme so that the States can be asked to approve an Unlawful Public Entertainments (Jersey) Law to replace the triennial Regulations before they expire.

Although the concept of so-called "Raves" in public places is not as prevalent as it was in the late 1980s and early 1990s, there always remains a possibility that these events will re-commence.

These Regulations assist in the policing of events which are organised by individuals and provide useful powers to the police for the confiscation of equipment, ensuring that unlawful public events are controlled and dealt with appropriately, thereby preventing the problems of the past which were associated with such events.

### **Explanatory Note**

These Regulations prevent the holding of so-called “raves” by making it an offence, in addition to customary law offences, to organize a public entertainment which is held without the permission of the Bailiff.

The Regulations replace the Unlawful Public Entertainments (Jersey) Regulations 1995 which expire on 7th July 1998, and will remain in force for a further three years.

UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY)  
REGULATIONS 199

(Promulgated on the      day of      199 )

**STATES OF JERSEY**

The      day of      199

**THE STATES**, by virtue and in exercise of the powers conferred on them by the Order in Council of the fourteenth day of April 1884,<sup>1</sup> have made the following Regulations -

**Interpretation**

1.-(1) In these Regulations, unless the context otherwise requires -

“police officer” means a member of the honorary police force or the States of Jersey Police Force; and

“unlawful public entertainment” has the meaning given by paragraph (2) of Regulation 2.

(2) A reference in these Regulations to a Regulation by number only and without further identification is a reference to the Regulation of that number in these Regulations.

**Organizing an unlawful public entertainment an offence**

2.-(1) Any person who organizes or is otherwise concerned in providing an unlawful public entertainment is guilty of an offence and liable to a fine or to imprisonment for a term not exceeding six months or to both.

<sup>1</sup> Recueil des Lois, Tomes IV-VI, page 46.

(2) For the purposes of this Regulation, a public entertainment is unlawful if it is held without the permission of the Bailiff.

### **Forfeiture on conviction**

3.-(1) Subject to paragraph (2) of this Regulation, the court by or before which a person is convicted of an offence against Regulation 2 may, in addition to any other penalty which it imposes, order the forfeiture of anything which is shown to the satisfaction of the court -

- (a) to have been used in the course of committing the offence or in connection with its commission; or
- (b) to be the proceeds of that offence or to have been obtained by that person as a result of the offence.

(2) A court shall not order any property to be forfeited under this Regulation, where a person claiming to be the owner of or otherwise interested in it, applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

(3) Any property which is ordered to be forfeited under this Regulation may be dealt with or disposed of in such manner as the court may order, and any proceeds realized by such disposal shall be paid to the Treasurer of the States for the benefit of the annual income of the States.

### **Police powers of seizure**

4.-(1) If a police officer reasonably believes that an offence against Regulation 2 has been committed, he may seize and detain anything which appears to him to be liable to forfeiture under Regulation 3.

(2) Nothing in this Regulation shall prejudice any power to seize or detain anything which is exercisable apart from this Regulation.

(3) Any person who intentionally obstructs or resists any police officer in the exercise of his powers under this Regulation shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.

#### **Aiders and abettors, etc.**

5. Any person who knowingly or wilfully aids, abets, counsels, procures or commands the commission of an offence against these Regulations shall be liable to be dealt with, tried and punished as a principal offender.

#### **Saving of customary law**

6. Nothing in these Regulations shall be taken as abolishing, modifying or prejudicing any offence against the customary law.

#### **Citation and duration**

7.-(1) These Regulations may be cited as the Unlawful Public Entertainments (Jersey) Regulations 199 .

(2) These Regulations shall come into force on the eighth day of July 1998 and shall remain in force for three years from that date.