

STATES OF JERSEY

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LICENSING LAW: PURCHASE OF ALCOHOL FOR PERSONS UNDER 18

**Lodged au Greffe on 18th May 2004
by the Deputy of St. Martin**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to agree that the Licensing (Jersey) Law 1974 should be amended to make it an offence for any person to buy, or attempt to buy, intoxicating liquor knowing that it is intended for consumption off the licensed premises by a person under the age of eighteen, provided that it shall not be an offence to make such a purchase where the purchaser is the parent or guardian of the person under eighteen or is a person acting under the direct instruction of that parent or guardian;
- (b) to charge the Economic Development Committee to bring forward for approval the necessary legislation to give effect to the proposal.

DEPUTY OF ST. MARTIN

REPORT

The consumption of alcohol by persons under the age of 18 years is nothing new. However, what is most disturbing is the ease with which young people are able to get access to alcohol and the level of consumption. The Police are aware of an increasing number of young people who wait near licensed premises with the intention of requesting persons over the age of 18 to purchase alcohol on their behalf.

Alternatively the underage are able to get their overage friends to purchase on their behalf. At present no offence is committed because the alcohol is being consumed off the licensed premises.

Article 13(3) of the Licensing (Jersey) Law 1974 states that no person shall buy or attempt to buy intoxicating liquor for consumption on licensed premises by a person under the age of 18 years. However, the purchase of wine, cider or beer is permitted if the purchase is for consumption at a meal in a part of the licensed premises usually set apart for the service of meals.

When the Law was drafted in 1974 it was not deemed necessary to cater for what is now becoming a serious problem. The purpose of the amendment is to deter persons over the age of 18 years from purchasing alcohol for minors.

Two years ago the States approved my Proposition P.46/2002 ("Confiscation of alcohol: introduction of legislation"), which requested the Home Affairs Committee to draft legislation to permit police officers to confiscate alcohol from persons who are causing a nuisance in a public place. That Law, like my amendment, is not intended to interfere with the right of a parent or responsible adult from purchasing or supplying alcohol for the consumption at family picnics or other family activities irrespective of whether the activity is in a public place.

Although it is disappointing that the Confiscation of Alcohol legislation has not yet been presented for approval, when approved it will act as a deterrent and prevent anti-social behaviour. Similarly, if approved, the above amendment will be another measure to restrict the irresponsible purchase of alcohol for the consumption by underage persons.

Since lodging the original version of this proposition (P.77/2004) it has been brought to my attention that the proposition as originally worded could have made it an offence for any parent or guardian to purchase alcohol for consumption by their family at home or at a picnic. This revised version makes it clear that no offence would be committed in these circumstances.

There are no financial or manpower implications for the States arising from this proposition.