

**DRAFT LICENSED PREMISES (EXCLUSION OF CERTAIN  
PERSONS) (JERSEY) LAW 199 (P.17/98): SECOND  
AMENDMENTS**

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**Lodged au Greffe on 24th February 1998  
by Deputy J.L. Dorey of St. Helier**

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**STATES OF JERSEY**

**STATES GREFFE**

## Report

The effect of the Law, as drafted, would be to allow the Court to exclude violent offenders from specified licensed premises, *provided* that the violent offence had been committed *on* licensed premises.

My amendment would allow the Court to consider whether alcohol was a contributory factor in *any* crime of violence, *wherever committed*, and to exclude the offender from licensed premises if considered appropriate.

The Defence Committee's draft Law makes an unnatural distinction between offences committed inside licensed premises, and those committed outside - such as unprovoked attacks on an innocent third party in the street, or incidents of alcohol-fuelled domestic violence.

My amendment is more straightforward: It recognises that many crimes of violence are alcohol-related, and seeks to protect the public from the risk of contact, on licensed premises, with people who have shown that they are inclined to be violent when they have been drinking.

No mention is made in the draft Law of the link between alcohol consumption and violent behaviour. Indeed, the accompanying report shows that the Tourism Committee brought this issue to the Defence Committee's attention, but that the Defence Committee were reluctant to widen the scope of the Law, on the grounds that it "could lead to the making of a large number of exclusion orders", and "problems could arise if the court had to decide whether the violence was due to excessive drinking". These objections must be countered, if my amendment is to be successful.

Firstly, I am not in a position to say whether the amendment would lead to an undesirably large number of exclusion orders, although it might reasonably be said that society would benefit if violent drinkers - however many there were of them - were excluded from licensed premises.

But of course the Defence Committee themselves are not in a position to make such a suggestion, since statistics are not maintained of the number of crimes of violence where consumption of alcohol is a

contributory factor. A simple reading of the evening paper, however, would tend to suggest that this is very often the case. If we accept that drinking and violent behaviour are closely linked, it would seem sensible to attempt to target the problem, rather than saying (as the Defence Committee's Report does) that it is probably too big a problem to deal with.

Secondly, I agree that problems might well arise if the Court was required to decide whether an offence was "due to excessive drinking", which is why my amendment only refers to the consumption of alcohol as "a contributory factor". The Court regularly makes such judgements, and, as a consequence, frequently requires that an offender should attend courses in alcohol awareness or anger management.

It should also be noted that the Court does not suggest that offences are "due to excessive drinking", since this would imply that drinkers are not responsible for their actions.

My amendment would impose no extra workload on the Court, which is already assessing offenders in the way described. If it resulted in the exclusion of significant numbers of violent offenders from licensed premises, this would surely be of benefit to society as a whole, and to the offenders themselves.

SECOND AMENDMENTS OF DRAFT LICENSED PREMISES  
(EXCLUSION OF CERTAIN PERSONS) (JERSEY) LAW 199  
(P.17 of 1998)

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PAGES 8 AND 9. ARTICLE 2 -

(a) *for paragraph (1) substitute the following paragraphs -*

“(1) Where the court by or before which a person is convicted of an offence is satisfied that, in committing the offence, he resorted to violence or offered or threatened to resort to violence, and that his consumption of alcohol was a contributory factor in the commission of the offence, the court may, subject to paragraph (3), make an exclusion order prohibiting him from entering any specified premises.

(2) Where a person is convicted of an offence against Article 5 or 6 of the Misuse of Drugs (Jersey) Law 1978 committed on licensed premises, the court by or before which the person is convicted may, subject to paragraph (3), make an exclusion order prohibiting him from entering those and any other specified premises.”;

(b) *renumber paragraphs (2), (3) and (4) respectively as paragraphs (3), (4) and (5);*

(c) *in paragraph (5) after the words “paragraph (1)” insert the words “or (2)”.*

DEPUTY J.L. DOREY OF ST. HELIER