

# **STATES OF JERSEY**



## **DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 200-**

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**Lodged au Greffe on 6th July 2004  
by the Home Affairs Committee**

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**STATES GREFFE**





Jersey

## **DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 200-**

### **REPORT**

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These Regulations replace expiring triennial Regulations controlling the holding of public entertainments. The first triennial Regulations on this subject were made in 1992, following concern about the holding of so-called 'raves' in Jersey. These Regulations would merely re-enact the existing controls without change.

These draft Regulations have no implications for the financial or manpower resources of the States.

## **Explanatory Note**

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*Regulation 1* re-enacts the offence of organizing or being concerned with a public entertainment which is held without the permission of the Bailiff. The penalty for the offence is imprisonment for up to 6 months and/or an unlimited fine.

*Regulation 2* re-enacts the power of the court to order the forfeiture of property used in connection with the commission of an offence under Regulation 1.

*Regulation 3* re-enacts the power for a member of the States of Jersey Police Force or the Honorary Police to seize and detain anything that may be liable to forfeiture under Regulation 2. Obstructing an officer in the exercise of this power remains an offence liable to a fine up to level 2 on the standard scale (£500).

*Regulation 4* re-enacts the provision for an aider or abettor to be guilty of an offence under the Regulations and liable as if he or she were a principal offender.

*Regulation 5* re-enacts the provision that makes it clear that nothing in the Regulations alters the customary law.

*Regulation 6* is the citation, commencement and duration provision.





Jersey

# DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 200-

## Arrangement

### Regulation

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- 1      Organizing an unlawful public entertainment an offence
- 2      Forfeiture on conviction
- 3      Police powers of seizure
- 4      Aiders and abettors, etc.
- 5      Saving of customary law
- 6      Citation, commencement and duration





Jersey

## **DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 200-**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of the Order in Council dated 28th March 1771, [\[1\]](#) have made the following Regulations –

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### **1 Organizing an unlawful public entertainment an offence**

- (1) A person who organizes or is otherwise concerned in providing an unlawful public entertainment shall be guilty of an offence and liable to imprisonment for a term of 6 months and to a fine.
- (2) For the purposes of paragraph (1), a public entertainment is unlawful if it is held without the permission of the Bailiff.

### **2 Forfeiture on conviction**

- (1) Subject to paragraph (2), the court by or before which a person is convicted of an offence against Regulation 1 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 commission of the offence.
- (2) A court shall not order 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 that person to show cause why the order should not be made.
- (3) 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.

### **3 Police powers of seizure**

- (1) If a police officer reasonably believes that an offence against Regulation 1 has been committed, the officer may seize and detain anything which appears to the officer to be liable to forfeiture under Regulation 2.
- (2) Nothing in this Regulation shall prejudice any power to seize or detain anything which is exercisable apart from this Regulation.
- (3) A person who intentionally obstructs or resists a police officer in the exercise of that officer's powers



under this Regulation shall be guilty of an offence and liable to a fine of level 2 on the standard scale.<sup>[2]</sup>

**4 Aiders and abettors, etc.**

A person who aids, abets, counsels, or procures the commission of an offence under these Regulations shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

**5 Saving of customary law**

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

**6 Citation, commencement and duration**

- (1) These Regulations may be cited as the Unlawful Public Entertainments (Jersey) Regulations 200-.
- (2) These Regulations shall come into force on the day after the day on which they are passed by the States and shall remain in force for 3 years from that date.

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[1] *Recueil des Lois, Tomes I-III, page 1.*

[2] *Recueil des Lois, Volume 1992-1993, page 437.*