

STATES OF JERSEY



DRAFT LICENSING (No. 16)(JERSEY) REGULATIONS 200-

**Lodged au Greffe on 3rd May 2005
by the Economic Development Committee**

STATES GREFFE



Jersey

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REPORT

It has been noted that there has been an increase in the consumption of alcohol in public places by persons under the age of 18 years. It is also apparent that young persons have no difficulty in obtaining alcohol. This is evident by police reports 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 young persons are able to arrange for their over-18 friends to purchase alcohol on their behalf.

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 that young person's consumption at a meal in a part of the licensed premises usually set apart for the service of meals.

It is anomalous that with the exception stated above, it is unlawful for someone to purchase alcohol for persons under the age of 18 for consumption **on** licensed premises yet it is lawful for that same person to purchase alcohol for the young person to drink **off** licensed premises.

In an attempt to rectify the anomaly and address the issue of underage drinking, Deputy F.J. (Bob) Hill, BEM of St. Martin lodged a Proposition, P.95/2004, which sought States approval to amend the Licensing Law and to charge the Economic Development Committee to bring forward for approval the necessary legislation to give effect to his proposal.

The Economic Development Committee had confirmed that it supported Deputy Hill's proposition and was willing to bring forward the necessary legislation if the States approved his proposition.

When the Proposition was debated it was referred back on the grounds that the Economic Development Committee's report in support of Deputy Hill's Proposition was too short, there was no report from the Comité des Connétables, and although the President of Home Affairs had stated that her Committee supported the proposition, it had not presented a written Report.

Subsequent to the debate, the Home Affairs Committee presented its comments (P.95/2004. Com.(3)) which confirm support in the manner now being undertaken.

The Comité des Connétables are also supporting the principle (see P.95/2004. Com.(2)).

The Economic Development Committee believes that an amendment to the Licensing (Jersey) Law 1974 is long overdue and has arranged for the amendment, as proposed by Deputy Hill, to be drafted.

There are no financial or manpower implications for the States arising from these draft Regulations

Explanatory Note

Article 13(3) of the Licensing (Jersey) Law 1974 makes it an offence to buy, or to attempt to buy, intoxicating liquor on behalf of a person under the age of 18 years “for consumption on licensed premises”.

These Regulations amend Article 13 of that Law to include a new paragraph (2A) that creates an offence that will be committed whenever liquor is purchased “on behalf of a child” (whether or not the liquor is purchased for consumption by the child on licensed premises).

There are 3 exceptional circumstances in which the offence will not be committed.

The first, which is already provided in Article 13(4) of the Law in relation to (amongst other provisions) Article 13(3), is where the child is accompanied by an adult and the purchased wine, cider or beer is sold for consumption at a meal in a part of licensed premises set aside for meals.

The second, set out in the proposed paragraph (2A), is where the liquor is purchased by a parent or guardian.

The third, also set out in the proposed paragraph (2A), is where the person who buys the liquor for the child is an adult and purchases the liquor for the child with the consent of one of the child’s parents or guardians.



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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 92 of the Licensing (Jersey) Law 1974,^[1] have made the following Regulations –

1 Interpretation

In these Regulations, “principal Law” means the Licensing (Jersey) Law 1974.^[2]

2 Article 13 amended

In Article 13 of the principal Law,^[3] after paragraph (2), there shall be inserted the following paragraph–

“(2A) Subject to paragraph (4), a person shall not in licensed premises buy or attempt to buy intoxicating liquor on behalf of a person under the age of 18 years unless the person who buys or attempts to buy the intoxicating liquor –

- (a) is a parent or guardian of the person under the age of 18 years; or
- (b) has attained the age of 18 years and has the consent of the parent or guardian of the person under the age of 18 years to purchase the liquor on behalf of the person under the age of 18 years.”.

3 Citation and commencement

These Regulations may be cited as the Licensing (No. 16) (Jersey) Regulations 200 and shall come into force 7 days after they are made.

[1] *Recueil des Lois, Volume 1973-1974, page 317.*

[2] *Recueil des Lois, Volume 1973-1974, page 277, Volume 1979-1981, page 395, Volume 1999, page 627 and Nos. 6072, 7097, 7373, 7442, 8358, 8501, 8560, 8699, 8770, 8945, 8984, 9051, 9418, 9440 and 105/2003.*

[3] *Recueil des Lois, Volume 1973-1974, page 288 and No. 8358.*