

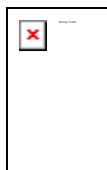
STATES OF JERSEY

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DRAFT LICENSING (No. 15) (JERSEY) REGULATIONS 200

**Lodged au Greffe on 9th September 2003
by the Economic Development Committee**

STATES GREFFE



DRAFT LICENSING (No. 15) (JERSEY) REGULATIONS 200

REPORT

The Licensing (Jersey) Law 1974, in its current form, places a large number of what are effectively administrative responsibilities upon the Attorney General. It provides that every application for the grant of a licence shall, before being submitted to the Licensing Assembly, be considered by the Parish Assembly. For the purposes of the Parish Assembly the Connétable must obtain reports on the premises for all categories of licence save the Residential Licences and Off-Licences. The Connétable must also obtain reports on any individual applicant who has not resided in Jersey for the three years immediately preceding the date of the application.

The Connétable must then transmit to the Bailiff, the Attorney General, Judicial Greffier, Economic Development Committee, Chief Architect of the States, Chief Fire Officer and Chief Public Health Officer copies of the decisions of the Parish Assembly, and to the Attorney General alone the reports obtained on individual applicants who have not resided in Jersey for the three years immediately preceding the date of the application.

The Attorney General is then required to submit to the Licensing Assembly the decisions of the Parish Assembly and the reports (mentioned above) transmitted to him.

An application for a provisional licence must be accompanied by plans of the premises and evidence that all necessary consents have been obtained. Copies of these are sent to the Chief Architect of the States, the Chief Fire Officer and the Chief Public Health Officer who then report upon them to the Attorney General. These reports are likewise presented by the Attorney General to the Licensing Assembly when the application for the provisional licence is made.

This work is essentially administrative but very time consuming. There are four ordinary sittings of the Licensing Assembly every year, and extraordinary sittings throughout the year on a regular basis. Much time in the Law Officers' Department is taken up in the purely mechanical task of checking whether all the reports are present and in preparing brief summaries of each application for the Licensing Assembly. Every Licensing Assembly has to be attended by a Law Officer whose only role is to present to the Assembly reports relating to applications made on behalf of private individuals or companies.

Because these proceedings take place in the Licensing Assembly and not in a Court, the Attorney General is unable to delegate the function to a Crown Advocate. It is therefore necessary for either the Attorney General or the Solicitor General to attend personally at every sitting.

This represents a considerable drain upon the time of the Law Officers, and yet has little or nothing to do with their core functions and is to a considerable degree duplicated by administrative work within the Judicial Greffe, which provides the services of a Greffier for the Licensing Assembly and maintains the records of the Assembly.

The proposed amendment would leave the administrative responsibilities in the hands of the Judicial Greffier, while retaining the right of the Attorney General to attend and be heard by the Assembly and an obligation for the Attorney General to attend when requested to do so by the Assembly. Thus there would be no loss of the power of the Attorney General to ensure that any matters in relation to a licence, or licensing generally, that affect the public interest be properly argued.

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

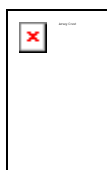
Explanatory Note

These Regulations amend the Licensing (Jersey) Law 1974 so as to remove the requirement for the Attorney General to be sent a copy of licensing application lists, decisions of a Parish Assembly on consideration of applications and lists of licences renewed and for the Attorney General to be informed by a licence holder who wishes to raise a matter concerning his or her licence.

Documents previously sent to the Attorney General alone, being documents accompanying certain licence applications, reports obtained by Constables, reports prepared by the Chief Architect, the Chief Fire Officer and the Chief Public Health Inspector and certificates of completion of work are, in future, to be sent to the Judicial Greffier. The Judicial Greffier will be required to forward reports and decisions to the Licensing Assembly and certificates of completion of work to the Attorney General.

The Attorney General retains the right to attend and be heard by the Licensing Assembly and must attend when requested to do so by the Assembly. The Attorney General also continues to present certificates of completion of work to the Court.

The Attorney General is given a right to request a copy of any document that, hitherto, would have been sent to the Attorney General.

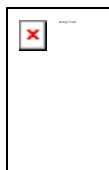


DRAFT LICENSING (No. 15) (JERSEY) REGULATIONS 200

Arrangement

Regulation

- 1 [Interpretation](#)
- 2 [Article 3 amended](#)
- 3 [Article 5 amended](#)
- 4 [Article 6 amended](#)
- 5 [Article 8 amended](#)
- 6 [Article 8A inserted](#)
- 7 [Article 10 amended](#)
- 8 [Citation and commencement](#)



DRAFT LICENSING (No. 15) (JERSEY) REGULATIONS 200

Made

[date to be inserted]

Coming into force

5th November 2003

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

1 Interpretation

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

2 Article 3 amended

In Article 3 of the Law^[3] –

- (a) in paragraph (2)(b) the words “the Attorney General,” shall be deleted;
- (b) in paragraph (2)(c) for the words “Attorney General” there shall be substituted the words “Judicial Greffier”.

3 Article 5 amended

In Article 5 of the Law^[4] –

- (a) in paragraph (5)(a) the words “the Attorney General,” shall be deleted;
- (b) in paragraph (5)(b), for the words “Attorney General” there shall be substituted the words “Judicial Greffier”.

4 Article 6 amended

In Article 6 of the Law^[5] –

- (a) in paragraph (5) for the words “Attorney General shall submit to” there shall be substituted the words “Judicial Greffier shall place before”;
- (b) after paragraph (5) there shall be inserted the following paragraph –
 - “(5A) The Attorney General may attend before the Licensing Assembly and, if requested to do so by the Assembly, shall attend before it on the consideration of any application, and shall be entitled to be heard.”;
- (c) in paragraph (11) the words “, the Attorney General” shall be deleted.

5 Article 8 amended

In Article 8 of the Law ^[6] –

- (a) in paragraph (2) for the words “Attorney General” there shall be substituted the words “Judicial Greffier”;
- (b) in paragraph (5) –
 - (i) for the words “Attorney General”, in the first place they appear, there shall be substituted the words “Judicial Greffier”,
 - (ii) for the words “Attorney General”, in the second place they appear, there shall be substituted the words “Judicial Greffier shall forward the same to the Attorney General who”.

6 Article 8A inserted

After Article 8 of the Law ^[7] there shall be inserted the following Article–

“8A Transmission of copies to Attorney General

- (1) The Treasurer of the States shall, at the request of the Attorney General, transmit to the Attorney General a copy of any copy of a list or document required to be transmitted under Article 3(2)(b) or (c).
- (2) A Constable shall, at the request of the Attorney General, transmit to the Attorney General a copy of any report or copy of a decision required to be transmitted by the Constable under Article 5(4) or (5).
- (3) The Judicial Greffier shall, at the request of the Attorney General, transmit to the Attorney General a copy of –
 - (a) any copy of a decision or any report transmitted to the Judicial Greffier under Article 5(5);
 - (b) any licence granted pursuant to Article 6(8);
 - (c) any written information given by a holder of a licence under Article 6(11);
 - (d) any report sent to the Judicial Greffier under Article 8(2);
 - (e) any copy of a list transmitted to the Judicial Greffier under Article 10(3).

7 Article 10 amended

In Article 10(3)(b) of the Law, ^[8] the words “the Attorney General,” shall be deleted.

8 Citation and commencement

These Regulations may be cited as the Licensing (No. 15) (Jersey) Regulations 2009 and shall come into force on 5th November 2003.

[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, 7373, 7442, 8358, 8501, 8560, 8699, 8770, 8945, 8984, 9051 and 9418.*

[3] *Recueil des Lois, Volume 1973-1974, page 280.*

[4] *Recueil des Lois, Volume 1973-1974, page 281 and No. 8358.*

[5] *Recueil des Lois, Volume 1973-1974, page 282 and No. 8560.*

[6] *Recueil des Lois, Volume 1973-1974, page 284.*

[7] *Recueil des Lois, Volume 1973-1974, page 285.*

[8] *Recueil des Lois, Volume 1973-1974, page 286.*