

DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 200-

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Report

In the early 1990s there were considerable problems concerning the organisation of so-called "Raves" on public land in Jersey. These "Raves" were organised and promoted by individuals who provided their own lighting and equipment. In order to offset costs, tickets were sold for these events.

The "Raves" were held at remote locations at night and this posed a serious risk of injury to persons attending, and inevitably led to offences of Breach of the Peace and other public order offences. These gatherings attracted large numbers of young people and were often used as a venue for the use of illegal drugs.

The events caused enormous problems for both the States and Honorary Police, particularly in respect of ensuring public safety and preventing the commission of offences.

The States in 1992 approved the Unlawful Public Entertainments (Jersey) Regulations 1992, which came into effect on 1st July that year and remained in force for a period of three years from that date.

The Regulations were renewed on 8th July 1995 and again on 8th July 1998, for a further period of three years.

A place had been reserved in the Legislation Programme for 2000 in order that the current triennial Regulations could be drafted into a Law. However, due to the ongoing debate in relation to the Bailiff's powers to regulate public entertainment, the Attorney General has advised that the appropriate course of action would be to renew the existing Regulations, pending the outcome of the Legislation Committee reporting back to the States on the extent of licensing control, what needs to be regulated and who should do it.

A summary of the Regulations is as follows -

Regulation 1 contains interpretation provisions.

Regulation 2 makes it an offence, punishable with a fine and imprisonment for up to six months, to organise or be concerned in providing an unlawful public entertainment, which is defined by paragraph (2) as being a public entertainment held without the Bailiff's permission.

Regulation 3 gives the Court which convicts a person of an offence against Regulation 2 the power to order the forfeiture of anything used in connection with the offence or the proceeds of the offence.

Regulation 4 gives the police power to seize anything which may be liable to forfeiture under Regulation 3.

Regulation 5 makes aiders and abettors of offences against the Regulations liable to the same penalty as principal offenders.

Regulation 6 preserves the existing customary law.

Regulation 7 contains citation and commencement provisions. The Regulations will remain in force for three years from the date on which they are made.

These Regulations assist in the policing of events which are organised by individuals and provide useful powers to the police for the confiscation of equipment, ensuring that unlawful public events are controlled and dealt with appropriately, thereby preventing the problems of the past which were associated with such events.

There are no manpower or resource implications in relation to the renewal of these Regulations.

Explanatory Note

These Regulations prevent the holding of so-called “raves” by making it an offence, in addition to customary law offences, to organize a public entertainment which is held without the permission of the Bailiff.

The Regulations replace the Unlawful Public Entertainments (Jersey) Regulations 1998 which expire on 7th July 2001, and will remain in force for a further three years, or until replaced by permanent legislation based on the recommendations to be brought to the States by the Legislation Committee in accordance with P.168 of 2000.

UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 200-

(Promulgated on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, by virtue and in exercise of the powers conferred on them by the Order in Council of the fourteenth day of April 1884, [\[1\]](#) have made the following Regulations -

Interpretation

1.-(1) In these Regulations, unless the context otherwise requires-

“police officer” means a member of the honorary police force or the States of Jersey Police Force; and

“unlawful public entertainment” has the meaning given by Regulation 2(2).

(2) A reference in these Regulations to a Regulation by number only and without further identification is a reference to the Regulation of that number in these Regulations.

Organizing an unlawful public entertainment an offence

2.-(1) Any 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 not exceeding six months or to a fine, or both.

(2) For the purposes of this Regulation, a public entertainment is unlawful if it is held without the permission of the Bailiff.

Forfeiture on conviction

3.-(1) Subject to paragraph (2) of this Regulation, the court by or before which a person is convicted of an offence against Regulation 2 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 offence.

(2) A court shall not order any 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 him to show cause why the order should not be made.

(3) Any 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.

Police powers of seizure

4.-(1) If a police officer reasonably believes that an offence against Regulation 2 has been committed, he may seize and detain anything which appears to him to be liable to forfeiture under Regulation 3.

(2) Nothing in this Regulation shall prejudice any power to seize or detain anything which is exercisable apart from this Regulation.

(3) Any person who intentionally obstructs or resists any police officer in the exercise of his powers under this Regulation shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.^[2]

Aiders and abettors, etc.

5. Any 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.

Saving of customary law

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

Citation and duration

7.-(1) These Regulations may be cited as the Unlawful Public Entertainments (Jersey) Regulations 2000.

(2) These Regulations shall come into force on the eighth day of July 2001 and shall remain in force for three years from that date.

^[1] Recueil des Lois, Tomes IV-VI, page 46.

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