

STATES OF JERSEY



LICENSING LAW: PURCHASE OF ALCOHOL FOR PERSONS UNDER 18 (P.95/2004) – COMMENTS

**Presented to the States on 7th September 2004
by the Home Affairs Committee**

STATES GREFFE

COMMENTS

In response to Deputy Hill's proposition to introduce legislation to prohibit the purchase of alcohol for persons under 18, the Home Affairs Committee notes that it is entirely consistent with the recommendation contained in Appendix D of the Alcohol Strategy recently endorsed by the States of Jersey (7th July 2004) which states–

“Introduction of New Legislation: This is legislation concerned with the purchasing of alcohol for consumption by under 18s. The taskforce noted that the majority of 13-16 year olds do not buy alcohol for themselves. They stated that *‘one problem with this age group is clearly that they can persuade or coerce older friends (or strangers) into buying alcohol on their behalf...’* The recommendation from the taskforce is that legislation along the lines of that already introduced into Scotland regarding purchasing of alcohol for under 18s is introduced.”

It is also entirely consistent with licensing legislation in England and Wales.

Section 149 of Part 7 of the Licensing Act 2003 deals with the Purchase of Alcohol by or on Behalf of Children. Sub-section 3 states –

- “(3) A person commits an offence if –
- (a) he buys or attempts to buy alcohol on behalf of an individual aged under 18, or
 - (b) where he is a member of a club, on behalf of an individual aged under 18 he –
 - (i) makes arrangements whereby alcohol is supplied to him or to his order by or on behalf of the club, or
 - (ii) attempts to make such arrangements.”

The Committee therefore supports the principle, rather than the letter, of what sub-paragraph (a) of the proposition is seeking to achieve, and the proposal at sub-paragraph (b). In bringing forward proposals if the proposition is adopted, the Economic Development Committee may wish to have regard to the framing of the Licensing Act 2003 which refers to buying alcohol “on behalf of an individual aged under 18”. Moreover, the preferred course of action would be for the Economic Development Committee to draft and bring forward an amendment to the Licensing (Jersey) Law 1974, so that the States could debate the amendment itself.